



DeWitt Township Zoning Ordinance

Effective May 29, 2018

Amended through September, 29, 2019

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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

The screenshot displays the R-1 Single-Family Residential (40,000 sq. ft.) ordinance page. On the left, a vertical sidebar contains Article Tabs numbered 1 through 7, with Tab 3 highlighted in red. The main content area includes:

- Section 3.3:** R-1 Single-Family Residential (40,000 sq. ft.)
- A. INTENT:** A paragraph explaining the district's purpose.
- B. PERMITTED BY RIGHT USES:** A list of 13 permitted uses, including single-family dwellings, accessory uses, and recreational facilities.
- C. SPECIAL USE PERMIT USES:** A list of 13 special use permit uses, such as institutions for human care, religious buildings, and educational facilities.
- D. DEVELOPMENT STANDARDS:** A table listing requirements for lot size, lot coverage, setbacks, building height, and floor area.
- Minimum Floor Area Table:**

Stories	Floor Area in (in ² Square Feet)
1-story	960
1 1/2-story first floor	810
2-story first floor	670
Tri-level (outside measurement of living areas)	960
- Graphics:** A site plan diagram showing setbacks (30 ft, 20 ft, 10 ft) and a house diagram showing a 35 ft or 2.8 stories height limit.
- User Note:** A blue highlighted note stating: "For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards."
- Selected References:** A list of related sections and standards, including Zoning Districts, Site Standards, and Development Procedures.

 At the bottom, navigation icons and page numbers (3-8 and 3-9) are visible.

Link to *How to Use This Ordinance*.

Link to *Zoning Map*.

Notes provide relevant district information recommended for review.

Link to *Table of Contents*.

Selected References list other sections or Ordinances that may pertain to a development in the district.








Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

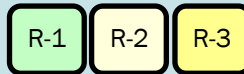
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



Article tabs located on the side of each page are linked to the Contents page of each Article.



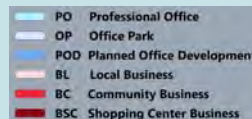
Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.

How do I calculate height?

‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in Article 2.



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1	R-2	R-3	R-4	R-5	R-6	M-1	M-2	M-3	M-4	MHP
Accessory buildings												P
Accessory uses	P	P	P	P	P	P	P					
Agricultural enterprises such as field crop and fruit farming, truck gardening, horticulture	P											
Airports	S											
Amusement centers such as sports centers and similar outdoor recreation areas	S											
Animal hospitals and clinics, kennels, and dog obedience or training schools	S											
Bed and breakfast	P	S	S	S	S	S	S	S	S	S		
Boarding and lodging houses									S	S	S	
Cemeteries, public or private	P	S	S	S	S	S	S	P	P	P	P	
Child care centers								S	S	S	S	
Child care homes, family	P	P	P	P	P	P	P	P	P	P	P	
Child care homes, group	S	S	S	S	S			S	S	S	S	
Communication antennas, roof and ground mounted	P											
Composting operations, commercial	P											
Conservation areas and structures	P											
Dwelling, single duplex								P	P	P	P	
Dwellings, single-family	P	P	P	P	P	P	P					
Dwellings, two-family					P	P	P					
Dwellings, three and four unit structures							S					

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	A	R-1	R-2	R-3	R-4	R-5	R-6	M-1	M-2	M-3	M-4	MHP
Excavation of soils and minerals	S	S	S	S	S	S	S	S	S	S	S	S
Extraction of Minerals	S	S	S	S	S	S	S	S	S	S	S	S
Farm labor housing associated with agricultural enterprises	S											
Fish hatcheries/aquaculture	S											
Funeral homes and mortuaries	S											
Game hunting preserves	S											
Golf courses and country clubs	S	S	S	S	S	S	S	P	P	P	P	
Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products	S											
Greenhouses and nurseries	S											
Group homes, adult foster care large		S	S	S	S	S	S					
Group homes, adult foster care small	P	P/S	P/S	P/S	P/S	P/S	P/S					
Group housing developments								P	P	P	P	
Home occupation	P	P	P	P	P	P	P					
Home occupations, beauty and barbershops	S	S	S	S	S	S	S	S	S	S		
Institutions, educational	S	S	S	S	S	S	S					
Institutions, human care		S	S	S	S	S	S					
Institutions, human care (hospitals excluded)	S											

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	A	R-1	R-2	R-3	R-4	R-5	R-6	M-1	M-2	M-3	M-4	MHP
Institution, public building and public service	S		S	S	S	S	S					
Institutions, religious	S	S	S	S	S	S	S					
Institutions, social		S	S	S	S	S	S					
Landing strips and helicopter pads, private	S											
Landscape/nursery farm contractor yards	S											
Medical clinics		S	S	S	S	S						
Mobile home parks												P
Office, health service						S	S					
Office, professional						S	S					
Open space uses, public beaches, bath houses, private resorts, recreation camps, and other open space uses operated for profit	S											
Pets, customary household		P	P	P	P	P	P	P	P	P	P	
Playgrounds	S											
Race tracks	S											
Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings		S	S	S	S	S	S	P	P	P	P	
Raising and keeping of farm animals	P											
Raising of fur-bearing animals	S											

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How to Use This Ordinance

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	A	R-1	R-2	R-3	R-4	R-5	R-6	M-1	M-2	M-3	M-4	MHP
Recreation areas and swimming pool clubs serving an existing or proposed localized residential community, private noncommercial		S	S	S	S	S	S					
Recreation, community facilities								P	P	P	P	
Recreation, public	S	P	P									
Residential facilities, state licensed		P	P	P	P	P	P	P	P	P	P	
Retirement centers, including facilities for the care and treatment of the convalescent and aged								S	S	S	S	
Riding stables	S											
Roadside stands selling products grown on the premises	P											
Salvage yards	S											
Sawmills and firewood processing, storage and sales	S											
Signs	P											
Sport shooting ranges, outdoor and limited to archery	S											
Swimming pools	P											
Swimming pools, private		P	P	P	P	P	P	P	P	P	P	
Tack shops incidental to the raising, training, stabling and/or other facilities provided for equestrians	S											

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How to Use This Ordinance

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	A	R-1	R-2	R-3	R-4	R-5	R-6	M-1	M-2	M-3	M-4	MHP
Temporary buildings for uses incidental to		P	P	P	P	P	P	P	P	P	P	
Temporary seasonal sales of Christmas trees	P											
Wind energy conversion systems, accessory tower/structure mounted	P							P	P	P	P	P
Wind energy conversion systems, small	P	P	P	P	P	P	P	P	P	P	P	P
Wind energy monitoring station	P	P	P	P	P	P	P	P	P	P	P	P
Wireless communication towers and appurtenances	P/S	P	P	P	P	P	P	P	P	P	P	P

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	PO	OP	POD	BL	BC	BSC	IL	IH	I-P	FP
Accessory uses	P						P	S		
Accessory structures and uses, incidental for employees			P							
Adult entertainment uses							S			
Agriculture, such as crop farming and gardening - not including related buildings										P
Aircraft hangers					P					
Animal hospitals and clinics					S					
Athletic clubs and health spas					P					
Athletic clubs, health spas and other indoor and outdoor recreating facilities, not including bowling alleys, ice rinks and athletic fields		S								
Athletic clubs and health spas, incidental for employees			P							
Attendant utilities and sanitary facilities serving all new structures										S
Auditorium, assembly and indoor entertainment facilities						P				
Banks, credit unions, savings and loan institutions, including drive through facilities		S		P/S	P/S	P			P	
Banking, credit unions, and other such financial institutions, including drive-through facilities -incidental for employees			P							
Banks, credit unions, savings and loan institutions, not including drive through		P								
Bicycle and motorcycle sales and service					P					

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	PO	OP	POD	BL	BC	BSC	IL	IH	I-P	FP
Blueprinting, Photostatting , photoengraving, printing, publishing and bookbinding									P	
Building supply and equipment stores					P					
Bus passenger terminals, taxi garages, dispatch stations					S					
Business service establishments					P					
Carting and express services, light					P					
Carwashes				S	S	P	S			
Child care centers				P	P	P				
Communication antennas, accessory roof and ground mounted								P		
Communication antennas, roof and ground mounted	P	P			P		P		P	
Communication antennas, roof and ground mounted; incidental for employees			P							
Composting operations; commercial excluding storage and recycling of paper, plastics, rubber, and metals								S		
Contractors' establishments not engaged in retail activities on the site							P			
Construction contracting businesses					P					
Convenience stores, up to 2,000 sq. ft of retail floor area							P			
Donation boxes				S	S	S				
Drive-in theaters					S					
Drive-through facilities					P/S	P				
Dry cleaning establishments				P		P				

Continued on next page



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	PO	OP	POD	BL	BC	BSC	IL	IH	I-P	FP
Education and training facilities and their temporary housing, incidental for employees			P							
Excavation of soil and minerals							S			
Extraction of minerals								S		
Firewood sales or storage					S					
Freezer locker					S					
Funeral homes and mortuaries	P			S	S	P				
Gasoline service stations				S	S	P	S			
Greenhouses and nurseries					P/S					
Group homes, adult foster care large	P									
Institutions, human care	P				P					
Junkyards								P		
Laboratories, medical and dental		P								
Livestock auctions, stockyards, slaughter and dressing of animals; commercial								S		
Lumber, fuel (including firewood) and building supplies, for wholesale or retail							P			
Manufacturing and processing establishments					S					
Manufacturing and production, metallurgical								S		
Manufacturing, chemical processing								S		
Manufacturing, research, assembly, testing and repair of components, devices, equipment and systems and parts and components									P	
Medical clinics		S			P					
Medical clinics, incidental for employees			P							
Medical marijuana growing operation							P	P	P	
Miniature golf and outdoor public amusements					S					

Continued on next page



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	PO	OP	POD	BL	BC	BSC	IL	IH	I-P	FP
Mini-warehousing					P		P			
Mixed use development	P	S	S	S	S	S				
Monument sales					P					
Motel, motor-hotel, hotel and transient lodging facilities					P					
Offices, administrative				P		P				
Offices executive and administrative of a single entity			P							
Office buildings					P				P	
Offices, banks and other financial corporations						P				
Offices, health services	P	P		P		P				
Offices, professional	P	P		P		P				
Off-street parking, public rights-of-way, and private drives										P
Open air uses					S					
Parking structures, incidental for employees			P							
Personal service establishments		P			P					
Personal service establishments, incidental for employees			P							
Pet shops and pet grooming services					P					
Power plants, heating and electric							P	P		
Printing, publishing, photographic reproductions, blue-printing and related trades and arts					P					
Production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished or finished products from previously prepared or raw material							P	P		
Professional service establishment					P					

Continued on next page



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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S = Special Land Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	PO	OP	POD	BL	BC	BSC	IL	IH	I-P	FP
Publicly owned buildings, exchanges, and public utility offices, not including storage yards, maintenance facilities, substations, gas regulator stations, and material handling facilities		P								
Public buildings and public service installations				S	P	P				
Public buildings and public service installations excluding storage yards, transformer stations or substations, or telephone exchanges	P									
Public buildings, such as post offices, libraries, or similar public office buildings				P		P				
Public utility services					P					P
Radio and television stations, not including towers and antennas		P								
Recreation and open spaces - not including related buildings										P
Recreation, commercial facilities					P					
Research									P	
Research - scientific, pilot plant and testing								S		
Restaurants and taverns							P			
Restaurants with drive through facilities				P/S	P/S	P				
Retail, accessory									P	
Retail business establishments, which perform services and/or supply commodities on the premises				P		P				
Retail establishment					P		P			
Retail food establishments				P		P				
Retail services					P					
Salvage yards							S			

Continued on next page



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	PO	OP	POD	BL	BC	BSC	IL	IH	I-P	FP
Sanitary landfills								S		
Schools, colleges					P					
Schools, industrial							P			
Schools operated for profit, business or private	P									
Schools, trade					P		P			
Servicing and repair of motor vehicles, trailers and boats or equipment					P/S		P/S			
Sport shooting, indoor					S		S	S	S	
Storage facilities for building materials, sand, gravel, stone, lumber and contractors equipment							P			
Storage yards, except the storage of flammable liquids										P
Structures, residential and nonresidential										S
Studios, dance and music										
Swimming pools, incidental for employees			P							
Temporary seasonal sales					P					
Temporary structures						P				
Truck or rail freight terminal							P			
Vehicle sales, outdoor					P					
Warehousing and distribution facilities, not including mini/self-serve storage warehouses									P	
Wind energy conversion systems, accessory tower/structure mounted	P	P	P	P	P	P	P	P	P	
Wind energy conversion systems, large			S			S	S	S	S	
Wind energy conversion systems, small	P	P	P	P	P	P	P	P	P	
Wind energy monitoring station	P	P	P	P	P	P	P	P	P	
Wireless communication towers and appurtenances	P	S	S	S	S	P/S	P/S	P/S	P/S	



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

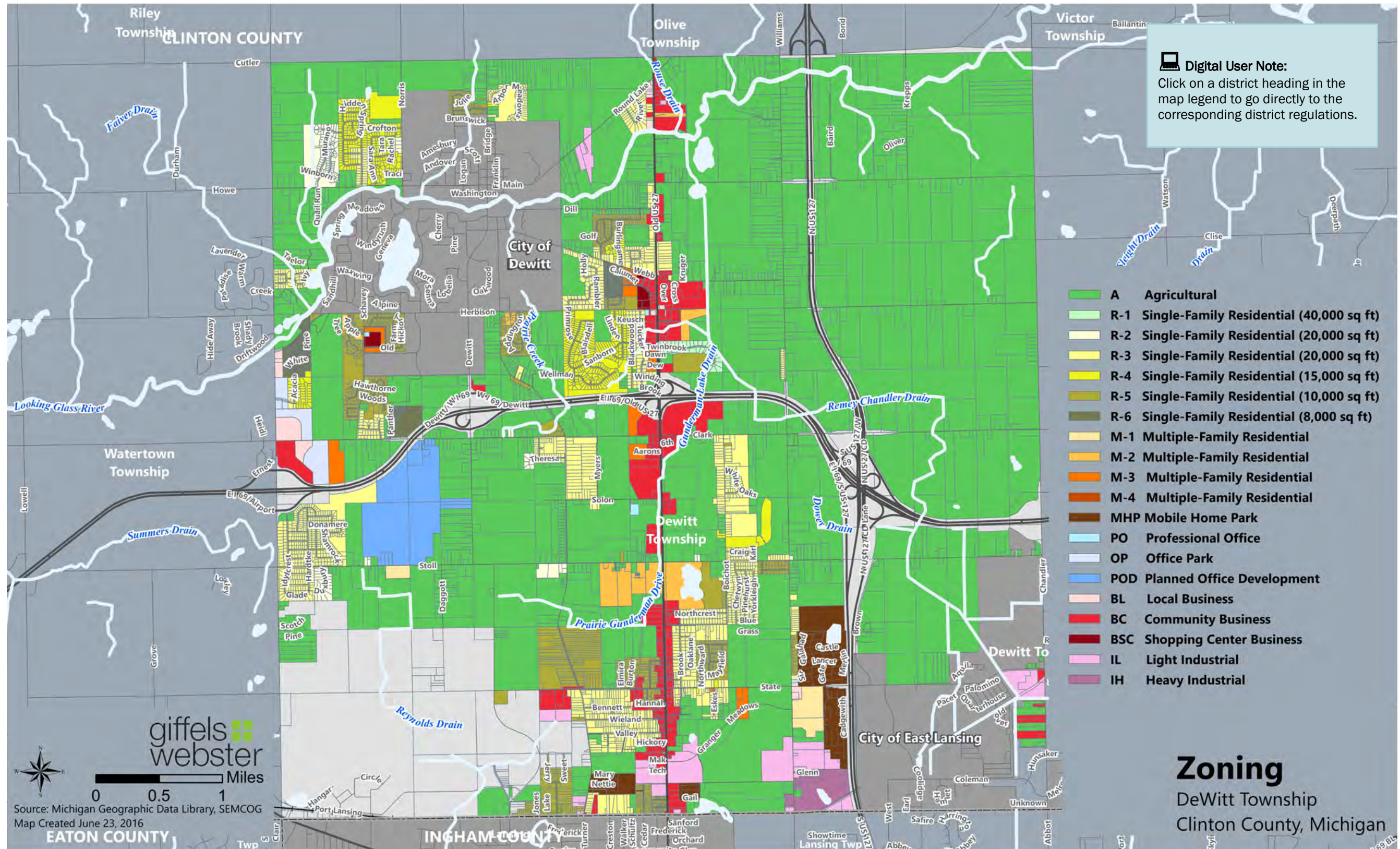
Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
A Agricultural	1 Acre	150	40	20	60
R-1 Single-Family Residential	40,000 sq. ft.	150	40	20	50
R-2 Single-Family Residential	30,000 sq. ft.	120	40	15	50
R-3 Single-Family Residential	20,000 sq. ft.	100	35	10	40
R-4 Single-Family Residential ⇒ Single-Family Dwelling ⇒ Duplex Dwellings	15,000 sq. ft. 20,000 sq. ft.	90 120	35 35	10 10	40 40
R-5 Single-Family Residential ⇒ Single-Family Dwelling ⇒ Duplex Dwellings	10,000 sq. ft. 20,000 sq. ft.	80 120	30 30	8 8	30 30
R-6 Single-Family Residential	8,000 sq. ft.	66	30	8	25
M-1 to M-4 Multiple-Family Residential	1 Acre	150	50	20	60
MHP Mobile Home Park					
PO Professional and Office Services	5,000 sq. ft.	50	40	10	40
OP Office Park	30,000 sq. ft.	200	40	10	40
POD Planned Office Development					
BL Local Business	5,000 sq. ft.	50	25	0	40
BC Community Business	3,750 sq. ft.	40	25	0	40
BSC Shopping Center Business	5 Acres		40		
IL Light Industrial	None	100	75	20	40
IH Heavy Industrial	None	100	75	20	40
I-P Industrial Park	40,000 sq. ft. per lot	200	75	20	40



How to Use This Ordinance

ZONING MAP



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Article 1.0

Purpose and Introduction



Article 1.0 Purpose and Introduction

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- 1.2 Severability _____ 1-3
- 1.3 Savings clause _____ 1-3
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1.0 Purpose and Introduction

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

1.1 PURPOSE; PROHIBITED LAND USE

- A. Purpose. It is the purpose of this chapter to promote public safety, health, morals, convenience, comfort and general welfare; to encourage the use of land and natural resources in the township in accordance with their character, adaptability, and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards to life and property due to flooding, pollution, excessive dust, fumes, smoke, noise, vibrations, or noxious odors; to establish fees; to lessen congestion on public streets and highways; to reduce hazards of fire; to prevent overburden to existing available public services and utilities; to encourage the orderly and proper development of respective districts and surrounding districts; to safeguard against excessive reduction of light by development to adjacent lands and buildings; to facilitate adequate provision of public utilities of sewer, water and drainage supply and distribution; to provide for education and recreation standards for physical development; and to provide for the enforcement of the standards and policy herein established by the creation of a township planning commission pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and other applicable statutes, as same may be amended from time to time.
- B. Prohibited land uses. No land or premises within the township shall be used for any activity not authorized by the laws of this state.

1.2 SEVERABILITY

This chapter and the various parts, sections, subsections and clauses and articles thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, clause, or article is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby. If any part, sentence, paragraph, subsection, section, clause or article is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, it is hereby provided that the application of such portion of this chapter to other property, buildings or structures shall not be affected thereby.

1.3 SAVINGS CLAUSE

This chapter shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time the ordinance from which this chapter is derived takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this chapter had not been adopted. Such proceedings, including applications for a special use permit and rezoning, may be consummated under the provisions of the ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of the ordinance from which this chapter is derived, and all prosecutions, or other proceedings instituted after the effective date of the ordinance from which this chapter is derived, or offenses or acts committed prior to the effective date of the ordinance from which this chapter is derived may be continued or instituted under and in accordance with the provisions of the ordinance in force at the time of commission of such offense.

1.4 CONFLICTING REGULATIONS

In the interpretation, application and enforcement of the provisions of this chapter, whenever any of the provisions or limitations imposed or required by the provisions of this chapter are more stringent than any other law or ordinance, then the provision of this chapter shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such other law or ordinance shall govern.



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Article 2.0 Definitions



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Article 2.0

Definitions

2.1	Construction of Language _____	2-5
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<ul style="list-style-type: none"> Abutting or adjacent property Access point Accessory building Adjacent sidewalk Administrative office Adult day care center Adult entertainment uses* Adult foster care organization* Advertising structure Airport Alley Alteration Antenna Apartment* Archery* As-built plans Attached communication antenna Auto court Basement Bed and breakfast Berm Blighted structure Board of appeals Boarding house Breezeway Buffer Buffer yard Buildable area Building Building, accessory Building area Building, height of Building inspector Building line, front 	<ul style="list-style-type: none"> Building official Building, principal (or main) Business hours Canopy Canopy tree Carwash Cellar Child care center Child care organization* Church Clear vision right-of-way or easement Clinic, animal Clinic, medical Club Co-location Common land mean Communication tower Community center Community Development Department Compassion club Comprehensive Development Plan or Master Plan Condominium* Construction season Convalescent home Corridor Corridor plan County Drain Commissioner County Health Department County Road Commissioner Court Court, closed Coverage Crosswalk 	<ul style="list-style-type: none"> Curb level Decibel Debilitating medical condition. Dedication Density Developer Dismantled motor vehicle Dispensary or medical marihuana dispensary District Donation box Dormitory Drive-through business Duplex. See Dwelling, two-family. Dwelling Dwelling, cluster house Dwelling, multiple-family Dwelling, single-family Dwelling, townhouse Dwelling, two-family Dwelling unit Erection Essential services facilities of similar magnitude. Excavation Excavation, commercial Expressway business FAA Family Farm FCC Fence Filing date Flood
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*Multiple terms are defined in this Ordinance.



Floodplain
 Floodproofing
 Floodway
 Floodway fringe
 Floor area
 Floor area, gross
 Floor area ratio (FAR)
 Floor area, usable
 Frontage
 Garage, parking
 Garage, private
 Garage, public
 Gasoline pump canopy
 Gasoline service station
 Grade, finished,
 Greenbelt
 Gross acres
 Group housing
 Guest unit
 Health service office
 Height
 Home occupation
 Hospital
 Hospital, animal
 Hotel
 House trailer
 Improvements
 Industrial development
 Industry, heavy
 Industry, light
 Institution*
 Intermediate regional flood
 Junk
 Junkyard
 Kennel
 Landfill
 Lighting, source of
 Livestock
 Loading space
 Lodging house
 Lot

Lot area
 Lot area, net
 Lot, corner
 Lot coverage
 Lot, depth of
 Lot, front of
 Lot, frontage
 Lot, interior
 Lot line
 Lot of record
 Lot, out
 Lot, through
 Lot, width of
 Major regional businesses
 Major thoroughfare
 Manufactured home
 Manufacturing, light
 Marihuana
 Market value
 Master Plan
 Medical marihuana*
 Medical use
 Mini-warehouse
 Mixed use
 Mobile home
 Mobile home pad
 Mobile home park
 Mobile home sales
 Modular housing unit
 Motel
 Motor home
 Motor vehicle
 Motor vehicle, dismantled
 Motor vehicle, inoperable
 Motor vehicle sales area
 Motor vehicle sales area, used,
 Multiple housing unit
 Net acre
 Nonconforming building
 Nonconforming use
 Nuisance

Nursing home
 Office of Economic Expansion
 Official
 Official Floodplain Zoning Map
 Off-street parking area
 Open space
 Overlay Zoning District
 Owner
 Parcel
 Parking space
 Parkway
 Partially dismantled motor
 vehicle
 Personal, professional and
 business services
 Personal service establishment
 Pet, household
 Planned Unit Development
 (PUD)
 Planning Commission
 Planning Staff Site Plan Review
 Plat
 Post-catastrophe market value
 Pre-catastrophe market value
 Preexisting towers and
 preexisting antennas
 Primary caregiver
 Professional office
 Promotional event
 Public open space
 Public park
 Public sewer system
 Public utility
 Public water system
 Qualifying patient or registered
 qualifying patient
 Quarry
 Recreation area, private
 Recreation area, public
 Recreation vehicle
 Refuse

*Multiple terms are defined in
 this Ordinance.

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1 Purpose and Introduction

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- Refuse storage areas
- Residential density
- Rest home
- Restaurant
- Restaurant, drive-in
- Restaurant, takeout
- Retail services
- Retail store
- Riding academy or stable
- Right-of-way
- Road agency
- Roadside stand
- Roadway, improved, hard-surfaced and/or paved
- Roof
- Roof, cornice
- Roofline
- Room
- Roomer
- Rooming house
- Salvage yard
- Sanitary landfill
- Screen
- Secondary thoroughfare
- Service drive
- Service station
- Setback
- Sewers
- Shadow flicker
- Shared use pathway
- Shopping center
- Sidewalk
- Sign*
- Significant snow/ice event
- Single-family
- Sport shooting
- Stable, private
- State licensed residential facility
- Stormwater
- Story
- Story, half
- Story, height of
- Story, two
- Street*
- Structural alteration
- Structure
- Subdivision
- Substantial change or departure
- Surveyor
- Swimming pool
- Swimming pool, private
- Theater, drive-in
- Topographical Map
- Topsoil
- Tower*
- Trailer
- Usable marihuana
- Use*
- Used car lot
- Variance
- Warehouse
- Watercourse
- Wild animal
- Wind energy conversion system (WECS) *
- Yard*
- Zoning Administrator or Official

*Multiple terms are defined in this Ordinance.



2.0 Definitions

2.1 CONSTRUCTION OF LANGUAGE

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

- A. All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number.
- B. The word "building" includes the word "structure".
- C. The word "dwelling" includes "residence".
- D. The word "person" includes "corporation", "copartnership", "association", as well as an "individual".
- E. The word "shall" is mandatory and the word "may" is permissive.
- F. The word "lot" includes the words "plot" or "parcel".
- G. The words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied".

2.2 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. If there is a dispute on any word or phrase not defined by this section the board of appeals shall interpret the same.

Abutting or adjacent property means any lot or parcel of land adjoining, bordering or touching a street, parcel or lot.

Access point means and includes vehicular access (e.g., driveway, private road or public road) except those serving one or two dwelling units, or serving an essential public service utility structure.

Accessory building. See Building, accessory.

Adjacent sidewalk means that portion of the sidewalk located within the road right-of-way or easement for public access of the street next to an abutting or adjacent property .

Administrative office means an office involving personnel engaged in executive, consulting, administrative, legal, writing, clerical, accounting, insurance and other administrative services enterprises.

Adult day care center means nonresidential facility in which custodial care is provided for adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis for less than twenty-four (24) hours a day. See also "Day care center".

Adult Entertainment Uses.

- A. **Adult book store** means any establishment having as a substantial or significant portion of its stock in trade, books, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to the term "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult cabaret** means a cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- C. **Adult motion picture theater** means any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to the term "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.
- D. **Cabaret** means a cafe, restaurant or bar where patrons are entertained by performers who dance or sing or play musical instruments.
- E. **Nude artist and photography studios** mean any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas, as the term "specified anatomical areas" is defined herein for artists and photographers for a fee or charge.
- F. **Specified anatomical areas** means:
 - 1. Less than completely and opaquely covered:

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- i. Human genitals, pubic region, and
 - ii. Female breast below a point immediately above the top of the areola; and
 - 2. Human male genitals in a discernible turgid state; even if completely and opaquely covered.
- G. **Specified sexual activities** means:
- 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse or sodomy;
 - 3. Fondling or other erotic touching of genitals, pubic region, buttock or female breast.

Adult foster care organization means a governmental or non-governmental facility for the care of adults over 18 years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Social Services. 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 centers, or residential center for persons released from or assigned to a correctional facility. Such care organizations are classified as follows:

- A. **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 twenty four (24) hours a day for five (5) or more days a week and for two (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.
- B. **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.

- C. **Adult foster care large group home:** a facility with 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.

Advertising structure. See Sign structure.

Airport means a transportation facility to accommodate the takeoff and landing of aircraft, and servicing and/or repair thereof, which has sod or paved runways.

Alley means any dedicated public way other than a street which provides only secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration means any modification, addition or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or increasing in height, or the moving from one location to another.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Apartment means a room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling intended or designed for use as a residence by a single family. Descriptions of several apartment types are as follows:

- A. **Apartment house.** See Dwelling, multiple-family.



- B. **Cluster apartment** means a group of buildings used or designed to contain separate living units for three or more families. Each building may have joint services or facilities or both. Buildings are so arranged to have a common wall with an adjacent building whereby only 50 percent of the wall or less is a common wall and the adjacent open spaces are for the mutual use of the occupants of each building.
- C. **Efficiency apartment** means a one-room apartment.
- D. **Garden apartment** means a group of two or more multiple dwelling buildings not over two stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

Archery means the sport or skill of shooting with a bow and arrow.

- A. **Field Archery** means an area designed for shooting at targets of varying distance, often in woodland and rough terrain to simulate a realistic outdoor setting for hunting often referred to as a walking or roving course.
- B. **Target Archery** means an area designed for shooting at stationary circular targets at varying distances from fixed locations.

As-built plans means the revised construction plans in accordance with all approved field changes.

Attached communication antenna means any wireless communication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This term does not include the support structures.

Basement means that portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

Bed and breakfast means a private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent; is the innkeeper's (owner or operator) principal residence while renting rooms to lodgers; and serves breakfasts at no extra cost to its lodgers. For the purpose of this chapter, the term "lodger" means a transient tenant who rents a room in a bed and breakfast establishment for fewer than 30 consecutive days.

Berm means a lineal earthen mound of variable height and width, used as visual relief or transitional area between different land uses.

Blighted structure means any dwelling, garage or outbuilding or any factory, shop, store, office building, warehouse or any other structure or part of a structure which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

Board of appeals. The board of appeals performs duties where this chapter provides for an administrative review, interpretation, variance, exception or special approval permit as established in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and Public Act No. 33 of 2008 (MCL 125.3801 et seq.). The board of appeals shall perform its duties and exercise its powers as provided by sections 601 through 607 of Public Act No. 110 of 2006 (MCL 125.3601 et seq.).

Boardinghouse means a dwelling, other than a hotel, where, for compensation, lodging or meals, or both, are provided for three or more persons, but not exceeding five persons.

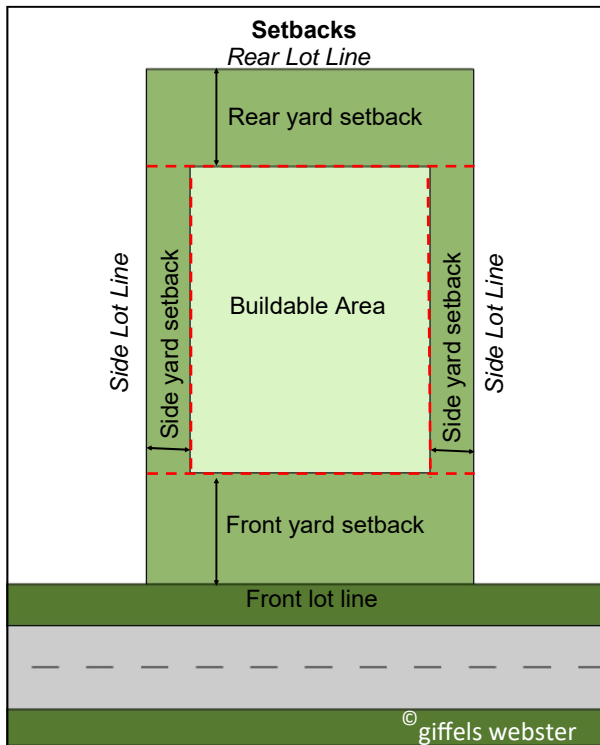
Breezeway means any structure connecting the principal dwelling unit with a freestanding accessory building.

Buffer means a strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses for the purpose of protecting and enhancing the residential environment. A buffer is also referred to as a "greenbelt."



Buffer yard means a natural or planted landscape area exclusive of street rights-of-way and easements located along the perimeter of a required front, side or rear yard area, containing a specified minimum number of trees, shrubs, bushes, grasses and other approved live vegetation and/or other approved material designed to eliminate or minimize land use conflicts between adjoining properties.

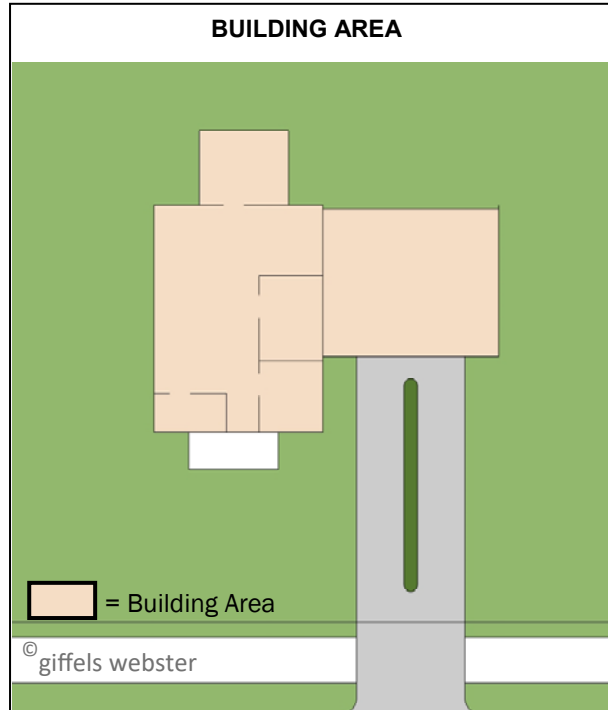
Buildable area means that area on a lot or parcel exclusive of minimum yard requirements on which structures could be placed provided maximum lot coverage requirements are not exceeded.



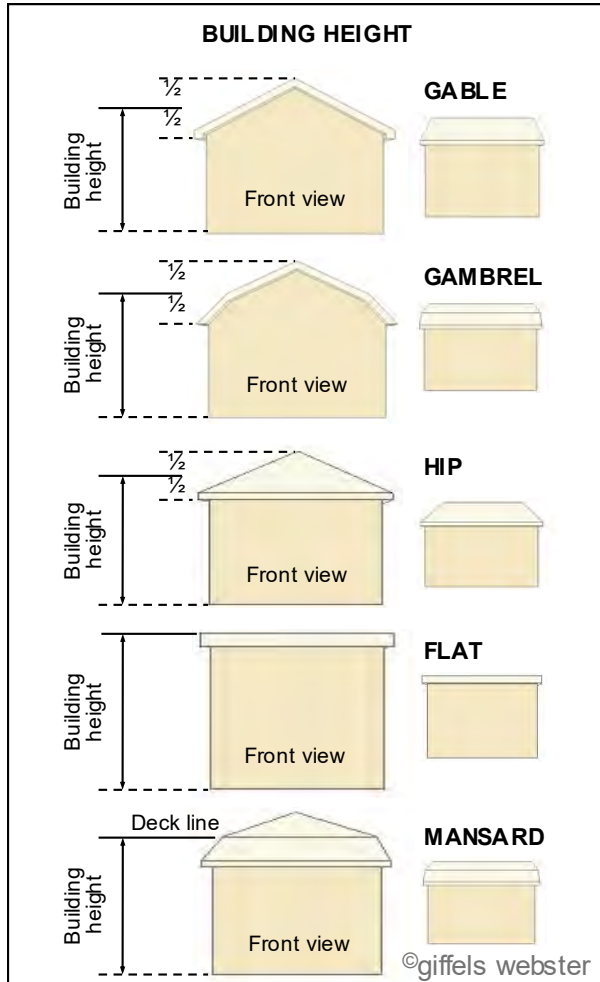
Building means an enclosed structure having a roof supported by columns, walls, arches or other devices used for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

Building, accessory, means a building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land and which may or may not be attached to the main structure.

Building area means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.



Building height of, means the vertical distance measured from the lowest finished grade around the perimeter of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and the mean height level between eaves and ridge for gable, hip, and gambrel roofs. ✍



Building inspector. See Zoning administrator or official.

Building line, front, means the line that faces the building nearest the front line of the lot, which includes enclosed porches but not steps.

Building official. See Zoning administrator or official.

Building, principal (or main), means a building in which is conducted the main principal uses of the lot or parcel on which the building is located .

Business hours means the time that a business is typically open to the general public and is between the hours of 8 am to 8 pm.

Canopy means an overhanging shelter extending outward from a building in excess of two feet. Signs may be erected on canopies provided that they do not extend above the roof line or cornice. A parapet wall is not a canopy.

Canopy tree means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree and the lower branches of which are typically a minimum of eight feet when measured from ground level and allowed to prune naturally.

Carwash means an establishment providing facilities for washing or waxing of automobiles.

Cellar means a story having more than half of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. Also a cellar shall not be used as a separate business or for habitation.

Child care center: See "Child care organization".

Child care organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations are classified below:

- A. **Family child care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.



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- B. **Group child care home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **Child 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 parents or guardians are not immediately available to the child. It includes a facility which provides care for not less that two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include 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.
- 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 24 hour basis, in a building maintained for that propose, 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.
- E. **Foster family home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision 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.

- F. **Foster family group home:** A private home in which more than four (4) but less than seven (7) 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.

The term "child care center" or "day care center" does not include any of the following:

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

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, maintained and controlled by a religious body organized to sustain public worship.

Clear Vision Right of Way or Easement means land acquired or used by the Department of Transportation or Road Commission for the purpose of maintaining unobstructed sight lines that would be present at the intersection of two streets or roads that would create a triangular piece of right of way or easement across the frontage of a piece of property.



Clinic, animal. See Hospital, animal.

Clinic, medical, means a structure where medical care is furnished to persons on an out-patient basis by physicians, dentists, or similar medical professionals.

Club means an organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending or commercial activities except as required incidentally for the membership and purpose of the club.

Co-location means the activity of placing more than one attached communication antenna on a communication tower or other structure.

Common land means a parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Communication tower means a radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures. The term "communication tower" does not include citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority. A communication tower shall not be included under the existing definition of "essential services."

Community center means a building or group of buildings designed for the joint use of tenants or residents of a group housing development, a subdivision or a planned community unit development.

Community Development Department means the Township's Planning, Zoning, and Building Department.

Compassion club. See Medical marihuana.

Comprehensive Development Plan or Master Plan means an adopted statement of policy by the township planning commission for the physical pattern of future development of the township. The plan may consist of maps, data, charts and other descriptive materials.

Condominium means a unified development of structures on a parcel of land usually involving individual ownership of all space inside the inner walls within individually occupied units, common ownership of exterior walls of the units or structures they are a part of, common use and common ownership of the land encompassing the entire unified development. The term "condominium" is not restricted to any type of structure or use, but is intended to identify a concept of ownership, the extent of which is set out as a percentage that must be specified in a master deed, bylaws and a disclosure statement which must be a matter of record on file in the registrar of deeds.

Except as otherwise provided by this section, the following words and phrases, as well as any other words or phrases used in this division which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: common elements; condominium documents; condominium unit; contractible condominium; convertible area; expandable condominium; and general common elements. The following words, terms and phrases, when used in relation to condominiums, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. **Building envelope** means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built. The term "building envelope" can also be a condominium structure.

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- B. **Building site** means, in the context of a site condominium project, the functional equivalent of a lot and is that portion of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the master deed. The term "building site" is further defined as:
 1. A **condominium unit** consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this chapter; or
 2. The **contiguous limited common element** under and surrounding a condominium unit or units that is or shall be assigned to the owner of the condominium unit for the owner's exclusive use and which, together with the condominium unit or building envelope, meets the minimum area and yard requirements for lots as required by this chapter.
- C. **Condominium Act** means the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- D. **Condominium developments** may include but are not limited to high-rise apartment dwellings, row houses or townhouses, detached single-family residences, mobile homes, manufactured homes, campgrounds, marinas, industrial or commercial parks and combinations thereof.
- E. **Condominium project or site condominium subdivision project** means a condominium project developed under Public Act No. 59 of 1978 (MCL 559.101 et seq.), consisting of more than one condominium unit which is not subject to the provisions of the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- F. **Condominium structure** means the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; i.e., in a residential development, the condominium structure would refer to the house and any attached garage. A condominium structure can also be a building envelope.
- G. **Limited common element** means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of less than all of the owners of the site condominium project.

- H. **Master deed** means the legal document prepared and recorded pursuant to Public Act No. 59 of 1978 (MCL 559.101 et seq.), to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- I. **Mobile home condominium project** means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
- J. **Setback; front, side and rear yard**, means the distance measured from the respective front, side, and rear yard boundary lines associated with the lot to the respective front, side, and rear of the condominium structure/building envelope.
- J. **Site condominium subdivision plan** means the drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal, and vertical boundaries and volume of each site condominium unit contained in the site condominium subdivision, as well as the nature, location, and size of common elements.
- K. **Site condominium unit** means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

Construction season means the time falling between the dates May 15 and November 15 of any given year.

Convalescent home includes rest and nursing homes, convalescent homes and boarding homes for the aged established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients, epileptics, alcoholics, senile psychotics or drug addicts.

Corridor means the US-27 roadway (nonexpressway) from Solon Road north to Webb Road, and a section of Clark Road east and west of US-27, including the street right-of-way and lands on both sides, as identified in the township US-27 Corridor/Subarea Access Management Plan.



Corridor plan means the US-27 Corridor/Subarea Access Management Plan adopted by the township planning commission. The corridor plan documents rationale for **Section 3.23** and illustrates existing and recommended locations of access points and service drives.

County Drain Commissioner means the Clinton County Drain Commissioner.

County Health Department means the Clinton County Health Department.

County Road Commissioner means the Clinton County Road Commissioner.

Court means an unoccupied open space, other than a yard on the same lot with a building which is bounded on two or more sides by the walls of such building.



Court, closed, means a court enclosed on all sides by exterior walls of a building or enclosed on all sides by a combination of exterior walls and freestanding walls with one side or end open to a street or yard.

Coverage means that percent of the plat or lot covered by the building area.

Crosswalk means that part of a street at an intersection that is included within the extensions of lateral lines of the sidewalks on opposite sides of the street, measured from the curb line, or in the absence of curbs from the edges of the street, or in the absence of a sidewalk on one side of the street, the part of the street included within the extension of the lateral lines of the sidewalk at right angles to the centerline. Also, any portion of a street at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb level means the level of the established curb in front of the building measured at the center of such front; where no curb has been established the county engineer shall establish such curb level or its equivalent for the purposes of this chapter.

Decibel means the unit of measurement used to express the magnitude of sound pressure and sound intensity.

Debilitating medical condition. See Medical marihuana.

Dedication means the intentional appropriation of land by the owner to public use.

Density means the number of dwelling units situated on or to be developed on a net acre of land.

Developer means a natural person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Dismantled motor vehicle. See Motor vehicle, dismantled.

Dispensary or medical marihuana dispensary. See Medical marihuana.

District means an area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.

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Donation box means an unattended container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include any unattended donation box located within a building, which is permitted by right.

Dormitory means a building or portion thereof used for housing purposes under the supervision of a college, university or other institution.

Drive-through business means business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach stacking area and service windows or facilities for vehicles

Duplex. See Dwelling, two-family.

Dwelling means a building or portion thereof designed or used exclusively for residential purposes.

Dwelling, cluster house, means a multiple dwelling unit of two-dwelling or three-dwelling or four-dwelling units, attached in such a manner that no common wall is more than 50 percent of the length of the wall and arranged so that all of the fronts do not face the same direction; each dwelling unit must have a private yard area, an attached garage, a separate entrance on the first floor, and shall have a legal vehicle designating the responsibility of maintenance of all the common yard and house areas.

Dwelling, multiple-family, means a building containing three or more dwelling units; an apartment house.

Dwelling, single-family, means a detached building containing not more than one dwelling unit.

Dwelling, townhouse, means three or more single-family dwelling units each having access on the first floor to the ground and with common walls separating the dwelling units.

Dwelling, two-family, means a building containing not more than two separate dwelling units. The term "two-family dwelling" means a duplex.

Dwelling unit means a building or portion thereof designed for residential occupancy by not more than one family and having cooking facilities.

Erection means the building, construction, alteration, reconstruction, moving upon a premises or lot.

Essential services means the erection, construction, alteration or maintenance, by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with and reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions or for the public health or safety or general welfare; but not including buildings, communication towers, electrical substations or other aboveground facilities of similar magnitude.

Excavation means any breaking of ground other than common household gardening and ground care.

Excavation, commercial means the digging of soil, sand, gravel, rock minerals, clay or other earthen material from a land surface for any of the following purposes: when primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. This term does not mean grading or filling incidental to improvement of the land.

Expressway business means a motel, hotel, service station, restaurant or major regional business that lies 2,000 feet or less from an expressway ramp.

FAA means the Federal Aviation Administration.



Family means an individual, two or more persons related by blood, marriage or adoption, or a group not to exceed six persons not related by blood, marriage or adoption, occupying premises and living as a single nonprofit housekeeping unit with culinary facilities as distinguished from a group occupying a boardinghouse, lodginghouse, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

Fam. The term "fam":

- A. Means any parcel of land, containing at least 20 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
- B. Includes necessary fam structures within prescribed property boundaries and the storage of equipment used.
- C. Excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

FCC means the Federal Communications Commission.

Fence means an accessory structure intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise and/or for decorative use.

Filing date means the date upon which any application pursuant to this chapter is submitted and the required filing fee is paid.

Flood means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Floodplain. A floodplain is composed of the floodway and the floodway fringe and is the area adjoining a river, stream, watercourse, or lake which is susceptible to being inundated by an intermediate regional flood.

Floodproofing means a combination of structural changes and/or adjustments incorporated in the design and/or construction and alteration of individual buildings, structures or properties subject to flooding primarily for the reduction or elimination of flood damages.

Floodway means the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream including, but not limited to, flood flows associated with the intermediate regional flood.

Floodway fringe means the portion of the floodplain beyond the limits of the floodway. Floodwaters in this area are usually shallow and slow moving.

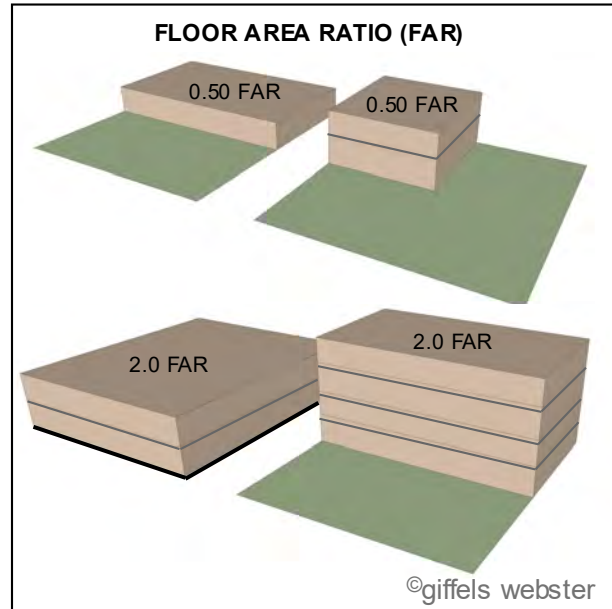
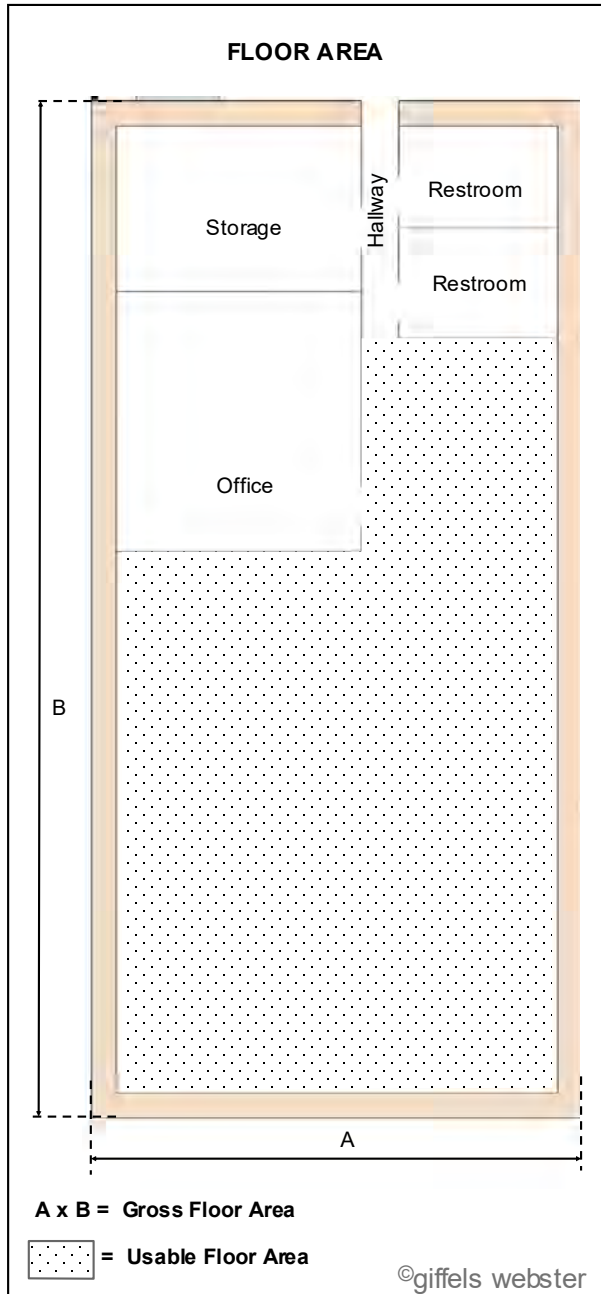
Floor area, means the following

- A. For residential purposes - the total enclosed floor area of a structure used for dwelling purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and porches.
- B. For manufacturing, business or commercial activities - the following are included - customer facilities, showcase facilities, and sales facilities.
- C. For offices, merchandising or service types of uses— the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. The floor area shall be measured from the exterior faces of exterior walls.

Floor area, gross, means the sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the foundation. Unenclosed porches, courtyards, or patios, whether covered or uncovered, shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment. ✎



Floor area ratio (FAR) means the maximum square footage of building floor area that is permitted on site for each square foot of land area. The FAR within the POD Planned Office Development zoning district shall be calculated by dividing the total floor area of buildings and structures (measured in square feet) by the total site area (measured in square feet).



Floor area, usable, for purposes of computing parking requirements, means that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise; hallways, stairways, and elevator shafts; or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior walls.

Frontage means the length of the front property line of the lot, lots or tract of land abutting a public street, road or highway.

Garage, parking, means a structure or series of structures for the temporary storage or parking of motor vehicles, having no public shop or service connected therewith.

Garage, private, means an accessory building or portion of a main building designed or used primarily for the storage of motor vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public, means any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Gasoline pump canopy means a structure erected over the gasoline pumps in a service station. Said structure may not extend over or into the public right-of-way.

Gasoline service station means any building or premises used for the dispensing, sale or offering for sale at retail of any motor fuels, oils or lubricants; also permitted are the sale and service of minor motor vehicle repairs such as tires, batteries, plugs, points, minor motor tune-ups, generators, starters, radiator and other hoses, fan belts and the replacement of small parts which are carried as stock for sale.

Grade, finished, means the completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

Greenbelt. See Buffer.

Gross acres, as used in density computations, means the total land area under the control of a developer or property owner.

Group housing means a residential development involving the ultimate construction of two or more single-family, two-family, or multiple-family dwellings or combination of multiple-family and two-family or single-family dwellings on a lot, parcel or tract of land, or on a combination of lots under one ownership. These may include those residential housing types customarily known as duplexes, garden apartments, townhouses, row housing units, and other housing structures of similar character

Guest unit means a room or group of rooms occupied, arranged or designed for occupancy by one or more guests for compensation.

Health service office means a structure where supportive and accessory medical care services are provided to include laboratory services, billing services, and follow-up patient health care services.

Height, when referring to a tower or other structure, means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Home occupation means an occupation customarily engaged in by residents in their own dwelling and incidental to the principal use, including the giving of instruction in a craft or fine arts within the residence, subject to regulations relating to noise, traffic, advertising, hours of operation, or other conditions that may relate to the use of residences.

Hospital means any institution, including, a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more nonrelated persons as patients suffering mental or physical ailments, but not including, any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or a convalescent home, as previously defined.

Hospital, animal, means a profit or nonprofit institution which maintains and operates facilities for the care and treatment of animals of any size.

Hotel means a building occupied or designed for temporary occupancy by individuals who are lodged with or without meals in which there are more than ten sleeping rooms which may be served only by a general kitchen and dining facility located within the building.

House trailer. See Mobile home.

Improvements means any infrastructure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, utilities, bridges, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

Industrial development means a planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

Industry, heavy, means intensive high volume production, with a relatively high ratio of workers to floor area, over 25 workers per gross industrial acre, wherein bulky, durable goods, requiring heavy trucking or rail movement, are fabricated.

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Industry, light, means volume production with a relatively low ratio of workers to floor area, under 25 workers per gross industrial acre, wherein durable or nondurable goods requiring only trucking are fabricated and which produces no nuisance.

Institution means an establishment created for one of the following:

- A. **Educational and social institutions**, which includes public or private elementary and secondary schools, institutions for higher education, libraries, auditoriums and other places for assembly and centers for social activities.
- B. **Institutions for human care**, which include hospitals, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions.
- C. **Public buildings and public service installations (institutions)**, which include publicly owned and operated buildings, public utility buildings and structures, telephone exchange buildings, transformer stations and substations.
- D. **Religious institutions**, which include churches, convents, parsonages and other housing for religious personnel.

Intermediate regional flood means a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year. The term "intermediate regional flood" is based on statistical analysis of rainfall and runoff characteristics in the general region of the watershed.

Junk means miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices, including, but not limited to, scrap metals, rubber and paper; abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles; rags, bottles, cans and comparable items.

Junkyard means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used clothing, used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations, but not to be used as a sanitary landfill.

Kenel means any lot or premises used for the sale, boarding or breeding of dogs, cats and/or other household pets over the age of six months. Also the keeping of five dogs, cats or other household pets of the mammal group over the age of six months.

Landfill. See Sanitary landfill.

Lighting, source of. The term "source of light" refers to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

Livestock means animals as horses, cattle, sheep, goats and swine.

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

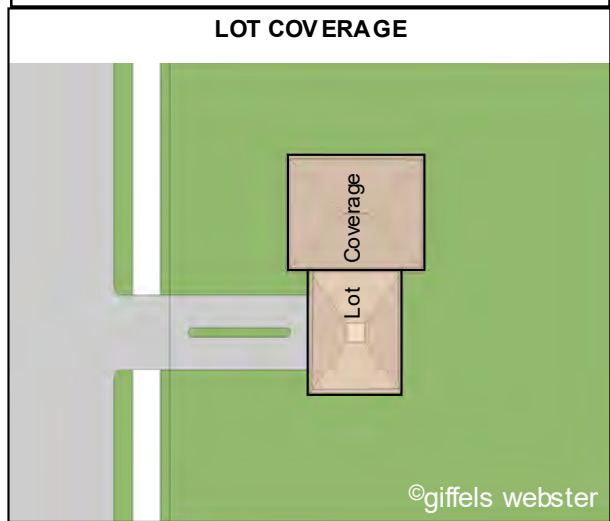
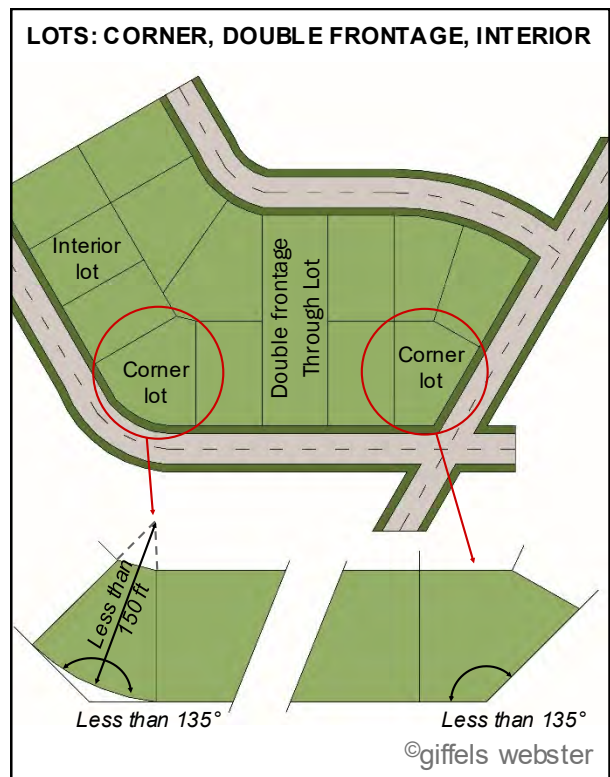
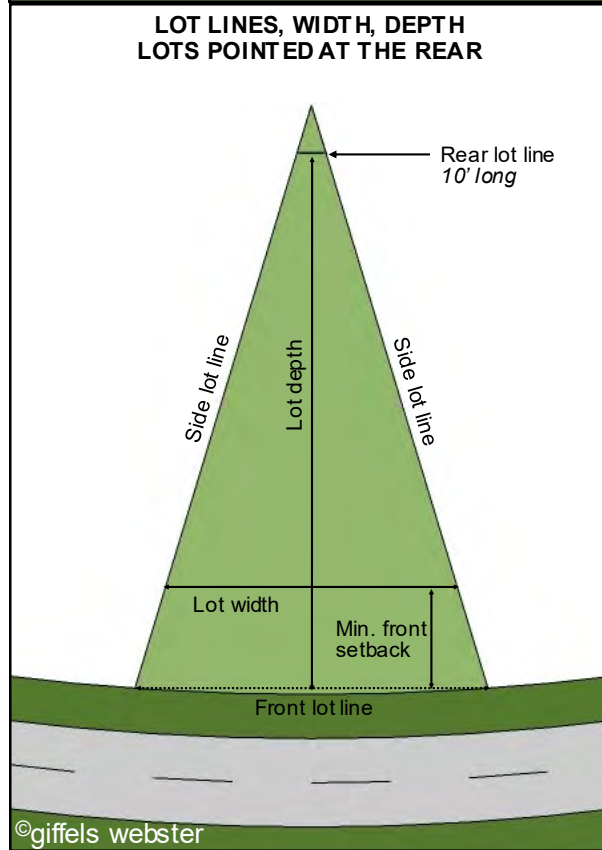
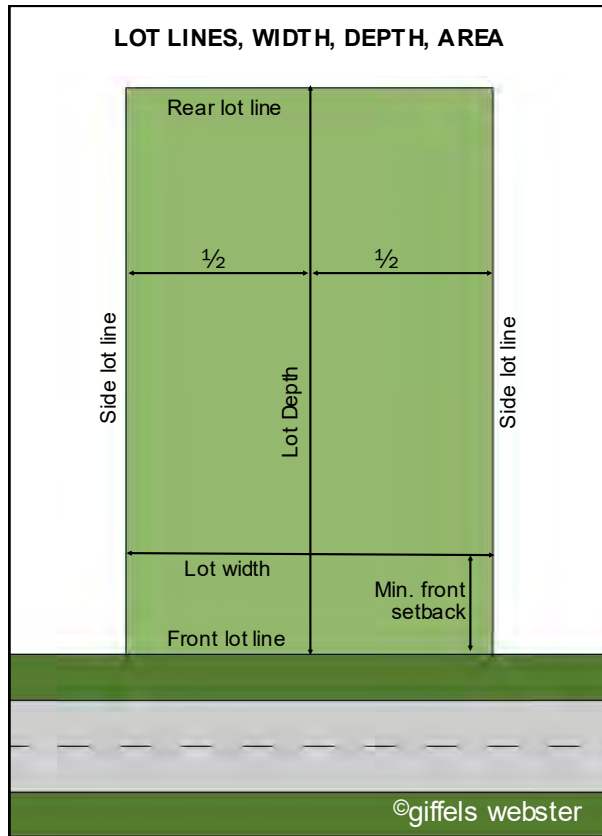
Lodging house means a building where lodging only is provided for compensation to three or more, but not exceeding five persons.

Lot means land occupied or to be occupied by a building and its accessory buildings, or by any other single activity permitted herein, together with such open spaces as are required under this chapter and having its principal frontage upon a street. The term "lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

Lot area means the total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

Lot area, net, means that area of the lot exclusive of area dedicated or proposed to be dedicated to public or private road purpose.





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Lot, corner, means a lot situated at the junction of two or more streets; or where the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines, other than street lines, forms an angle of 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. Any portion of a corner lot whose nearest frontage is more than 100 feet from the point of intersection of the two street lines or of the two tangents shall be subject to the regulations applicable to either a through lot or an interior lot.



Lot coverage means that percent of a lot covered by the building area.

Lot, depth of, means the average horizontal distance between the front lot line and the rear lot line.

Lot, front of, means the side or sides of an interior or through lot which abut a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage and setback areas. In the case of both street lines being equal, the determination shall be made by the Planning Official. Appeal from this section shall be to the township zoning board of appeals.

Lot, frontage, means all property abutting the right-of-way of a public street, measured along the right-of-way between the side lot lines of a lot. In no case shall the line along an alley be considered as acceptable for frontage.

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

Lot line means the lines bounding a lot.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the registrar of deeds in Clinton County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the registrar of deeds.

Lot, out, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Lot, through, means an interior lot having frontage on two parallel, or approximately parallel, or converging streets.

Lot, width of, means the horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

Major regional businesses means a mall or shopping center containing at least 20 individual stores/businesses on one site, or sports and civic arenas with a seating capacity of 2,000 or more people.

Major thoroughfare. See Street, major thoroughfare.

Manufactured home means a dwelling unit prefabricated in part or total and transported to the building site for assembly as a permanent or temporary dwelling.

Manufacturing, light means any of the following uses:

- A. Compounding, processing, packaging or treatment of such products, as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
- B. Compounding, assembling or treatment of articles of merchandise from the following previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large drop stamping such as automobile fenders, bumpers or bodies), shell, textiles, tobacco, wax, wire, wood and yams.

Marihuana. See Medical marihuana.



Market value means the price that the structure can be expected to bring when sold in a given market.

Master Plan. See Comprehensive Development Plan.

Medical marihuana. For purposes of this chapter the following definitions shall apply:

- A. **Compassion club** means any entity whose members are comprised of primary caregivers or qualifying patients which is not open to the public and the purpose of which includes use or consumption of marihuana in any form or the facilitation of such use or consumption.
- B. **Debilitating medical condition** means the conditions and circumstances provided in section 3(a) of the Michigan Medical Marihuana Act (MCL 333.26423(a)).
- C. **Dispensary or medical marihuana dispensary** means any location at which marihuana is transferred from one person to another, other than transfers of marihuana from a registered primary caregiver to a qualifying patient to whom said primary caregiver is connected through the department of community health registration process.
- D. **Marihuana (also known as marijuana and cannabis)** means the substance defined in section 7106 of the Public Health Code, Public Act No. 368 of 1978 (MCL 333.7106).
- E. **Medical use** means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. The term "transfer," as used herein, shall be limited to a transfer of marihuana from a primary or a registered primary caregiver to a qualifying patient or registered qualifying patient who is connected to the caregiver through the department of community health's registration process.
- F. **Primary caregiver or registered primary caregiver** means a person who has agreed to assist with a registered qualifying patient's medical use of marihuana and who has a valid registry identification card identifying said person as a primary caregiver.

G. **Qualifying patient or registered qualifying patient** means a person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by the Michigan Department of Community Health which identifies the person as registered qualifying patient.

H. **Usable marihuana** means the dried leaves and flowers of the marihuana plant and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant.

Medical use. See Medical marihuana.

Mini warehouse means a building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. The term "personal property" may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, campers which are generally stored in residential accessory structures.

Mixed Use means any combination of residential, office, and commercial land uses within a structure or structures on an individual lot or parcel.

Mobile home. means a movable or portable dwelling 35 feet, or more in length, which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year round living as a single-family dwelling unit without the necessity for a permanent foundation. Provided, however, that the term "mobile home" does not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities. A "double-wide" shall be considered as two units and all land use requirements applicable to two mobile homes shall apply. Modular houses shall not be considered mobile homes.

Mobile home pad means that part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.



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

Mobile home sales area means any space used for display, sale or rental of mobile homes in new or used condition.

Modular housing unit means a unit constructed solely within a factory in various sized modules which are then transported by truck, or other means, to the site where they are assembled on permanent foundations, to form single-family dwellings which are either attached (in rows or clusters), stacked, or detached.

Motel means a building or group of buildings, not more than two stories in height, detached or in connecting units, used as individual sleeping or dwelling units for transient occupancy. The term "motel" includes auto courts, tourist courts, motor hotels and similar appellations designed as individual rooms under common ownership.

Motor home means a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

Motor vehicle means every vehicle which is self-propelled, but not operated upon rails and as defined in Public Act No. 300 of 1949 (MCL 257.1 et seq.).

Motor vehicle, dismantled, means a motor vehicle from which some parts, which are ordinarily a component thereof, have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power.

Motor vehicle, inoperable, means a vehicle, as defined in Public Act No. 300 of 1949 (MCL 257.1 et seq.) which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power, and which condition exists and continues for a period of 24 consecutive hours.

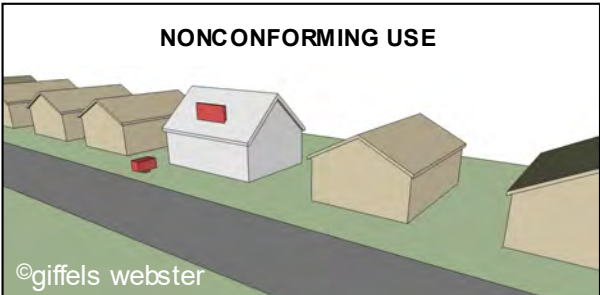
Motor vehicle sales area means any space used for display, sale or rental of motor vehicles in new or used and operable condition.

Motor vehicle sales area, used, means any place where used motor vehicles are displayed and offered for sale in the open.

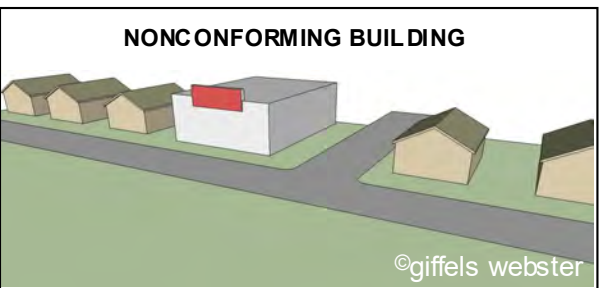
Multiple housing unit. See Dwelling, multiple.

Net acre , as used in density computation, means total gross acreage less acreage for publicly dedicated street right-of-way and public utilities and storm drain easements not located in street right-of-ways.

Nonconforming building means any lawful building or other structure which does not comply with the applicable bulk regulations for the district, either at the effective date of the ordinance from which this chapter is derived or as a result of a subsequent amendment thereto.



Nonconforming use means any lawful use of a building or land existing at the time of enactment of the ordinance from which this chapter is derived which does not conform to the regulations of the district or zone in which it is located.



Nuisance means 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, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electric or atomic radiation, objectionable effluent, noise of a congregation of people, particularly at night, passing traffic, invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursing home. See Convalescent home.

Official. See Zoning administrator or official.

Official Floodplain Zoning Map means the official map depicting the floodplain for which these floodplain regulations apply.

Off-street parking area means a land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three or more automobiles or trucks. The term "parking area" includes portions of access drives which give direct access to parking spaces.

Open space means any unoccupied space open to the sky on the same lot with a building. Open space shall be exclusive of public and private roadways and parking areas.

Overlay Zoning District means a special zoning district that places additional standards to those of the underlying zoning district which are designed to address specific characteristics and/or community goals for the district.

Owner. See Developer.

Parcel means a continuous area or acreage of land which can be described as provided for in the Land Division Act (MCL 560.101 et seq.).

Parking space means a land area exclusive of driveways and aisles, and adjacent to driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

Parkway. See Street, parkway.

Partially dismantled motor vehicle. See Motor vehicle, dismantled.

Personal, professional and business services means those businesses which provide personal, administrative, technical, scientific, consulting, and other similar professional services to outside clients or the community at large provided all business is conducted within a fully enclosed building and such businesses do not generally create or introduce nuisance factors such as smoke, noise, odor, or dust.

Personal service establishment shall include establishments which provide services such as the following: newsstands, tobacco stands, and confectioners; barbershops and beauty shops; tailor and dressmaker shops; shoeshine and shoe repair shops; dry cleaning and laundry pickup stations; photographic studios and print shops

Pet, household.

- A. The term "household pet" includes dogs, cats, canaries, parakeets, and other kindred animals and fish usually and ordinarily kept as household pets.
- B. As used herein, the term "household pet" does not include horses, mules, donkeys, cows, bulls, sheep, goats, rabbits, fowl and other domesticated animals.

Planned Unit Development (PUD) means a land area which has both individual building sites and common property such as a park and which is designed and developed under one owner or organized group as a separate neighborhood or community unit.

Planning Commission means the township planning commission as established under Public Act No. 184 of 1943 (MCL 125.271 et seq.), since superseded by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and Public Act No. 168 of 1959 (MCL 125.321 et seq.), since superseded by Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

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Planning Staff Site Plan Review means an administrative site plan review conducted by Township Planning Staff.

Plat means a map or chart of a subdivision of land and shall include site condominiums .

Post-catastrophe market value means market value of structure as determined by the assessing officer after the catastrophe.

Pre-catastrophe market value means market value of structure as determined by the assessing officer before catastrophe.

Preexisting towers and preexisting antennas mean any legally existing tower or antenna prior to the effective date of the ordinance from which this chapter is derived, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Primary caregiver. See Medical marihuana.

Professional office means rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., provided such businesses do not create or introduce any nuisance factors, such as smoke, noise, odor or dust.

Promotional event means an outdoor event, wherein an established commercial business or organization offers their services, sale of their products or the promotion of their business on the same property wherein the principal business is located.

Public open space means land dedicated or reserved for use by the general public. The term "public open space" includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Public park means any park, playground, beach, outdoor swimming pool, parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.

Public sewer system means a central or community sanitary sewage and collection system including pipes, conduits, manholes, pumping stations, sewage and wastewater treatment works, division 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 wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.

Public utility means all persons, firms, corporations, co-partnerships or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

Public water system means a central or community facility which provides potable water to users. This facility includes the necessary wells, pipes, pumps, treatment works, monitoring gauges and administrative offices necessary to protect the public health. This facility is operated and maintained by the general public.

Qualifying patient or registered qualifying patient. See Medical marihuana.

Quarry means any pit, excavation or mining operation for the purpose of searching for, or removing, for commercial use, any earth, sand, gravel, clay, stone, salt, marble, or other material in excess of 50 cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building, structure, or roadway.

Recreation area, private, means a recreation space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations.

Recreation area, public, means any recreation space or structure owned by the public or any recreation space and structure, or combination thereof, privately owned and publicly used.



Recreation vehicle means small mobile units principally designed for recreational pastime, such as motor homes, camper trailers, pickup campers, tent trailers, and similar camping type vehicles or trailers.

Refuse means solid waste, as that term is defined in section 11506 of Public Act No. 451 of 1994 (MCL 324.11506).

Refuse storage areas means any exterior space designated by a site plan for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

Residential density, means the square footage of gross site area per dwelling unit).

Rest home. See Convalescent home.

Restaurant means a building where food is prepared and consumed only within the building.

Restaurant, drive-in, means a location where food is prepared and consumed within or without the building or removed from the building and lot for consumption.

Restaurant, takeout, means a location where food is prepared or offered for sale, but must be removed from the building and lot for consumption.

Retail services means the sale of goods in small quantities and shall include the repair of household goods.

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

Retirement center means any development whose primary purpose is to provide living facilities for retired persons.

Riding academy or stable means any establishment where horses are kept for training, riding, driving, or stabling, for compensation or incidental to the

operation of any club, association, ranch or similar establishment.

Right-of-way means a street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries. For the purposes of front yard setbacks along roadways, right-of-way shall not include Clear Vision Right of Way or Easement as defined, provided that no structures or buildings encroach into the Clear Vision right of way or easements unless granted permission by the agency having jurisdiction over the clear vision right of way or easement

Road agency means the agency with jurisdiction within the public street right-of-way, either the county road commission or the state department of transportation.

Roadside stand means a structure for the temporary display and sale of agricultural products, with no space for customers within the structure itself. The operation of a roadside stand shall not constitute a commercial district or use.

Roadway, improved, hard-surfaced and/or paved. The term "improved," "hard surfaced" or "paved" when used to describe roads or roadways means paved with concrete or asphalt.

Roof means the part of a building which protects occupants and/or property from damage caused by the weather.

Roof, cornice. See Roof line.

Roofline means the point at which the wall of a structure meets the roof. A parapet wall is considered to be above the roofline.

Room means any area used for sleeping, living or preparation of food. Dining areas may be included in any living room or kitchen. Kitchens, bedrooms and living rooms may not be combined. Kitchenettes which are enclosed and not larger than 20 square feet shall not be considered as rooms. Hidden beds, either in furniture or the walls, shall not be considered a combination of rooms.

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Roomer means any person, not the principal tenant or a family member of the principal tenant, who resides in a dwelling unit and pays remuneration to the principal tenant, as distinguished from a guest who does not pay. The roomer shall not have private cooking facilities available. Rooms with private cooking facilities shall be considered apartments.

Rooming house means a building where lodging only is provided for compensation.

Salvage yard means any land or building over 200 square feet in area used for abandonment, storage, keeping, collection or baling of paper, rags, scrap metals, other scrap or discarded materials or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles or machinery or parts thereof.

Sanitary landfill means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area to reduce it to the smallest practical volume.

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

Service drive means a drive designed to provide shared access to specific access points along the arterial roadway to one or more developments within the corridor. A service road is generally parallel to the arterial road along either the front or rear of a site, but may be perpendicular or have another alignment. Service roads may be in front of, or along the rear of, buildings fronting U.S. 27.

Service station. See Gasoline service station.

Setback. See Yard.

Sewers means any pipe, tile, tube or conduit carrying sanitary sewage.

Shadow flicker means alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects.

Shared use pathway means that portion of street right-of-way or easement for public access improved with concrete, asphalt or other alternate material approved by the Township Engineer and designated for non-motorized users that are wide enough to support two way travel and in accordance with MCL Act 246 of 1931 and MCL Act 246 of 1945

Shopping center means a group of five or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

Sidewalk means that portion of the street or easement improved with concrete and designated for pedestrian travel.

Sign means any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays letters, numerals, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

- A. **Animated sign** means any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign; provided, however, the rotation of a sign turning at less than one complete rotation every 15 seconds shall not be considered animated.
- B. **Billboard sign** means a sign, usually freestanding, that advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured, or furnished upon the parcel or lot on which the sign is located, and additionally shall include those signs as regulated by the state pursuant to Public Act No. 106 of 1972 (MCL 252.301 et seq.).



- C. **Encroaching sign** means is a sign which projects beyond the private property line into and over public property.
- D. **Freestanding sign** means a structure erected for the purpose of advertising a business or activity on the same parcel. Such structures shall not be attached to a building which may be located on the same parcel. ✍



- E. **Identification sign** means a sign that identifies the name of the property, owner, resident, or business on the said property; with or without the street address.
- F. **Marquee sign** means a sign which is attached to the fascia or underside of a marquee, or other covered structure projecting from and supported by a building. ✍



- G. **Nonconforming sign** means a sign which, by reason of excessive display area, height, required setback, or construction, does not conform to the requirements of this chapter.
- H. **Off-premises sign** means a sign which calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
- I. **On-premises sign** means any sign erected for the purpose of advertising a business, product, event, person or subject not relating to the premises on which said sign is located.

- J. **Portable sign**. See Temporary sign.
- K. **Projecting sign** means a sign projecting more than 18 inches from, and supported by the wall of a building. ✍



- L. **Roof sign** means a sign which is erected, constructed and maintained upon or above the roof of a building, marquee, or parapet wall and which is wholly or partially supported by said building. ✍



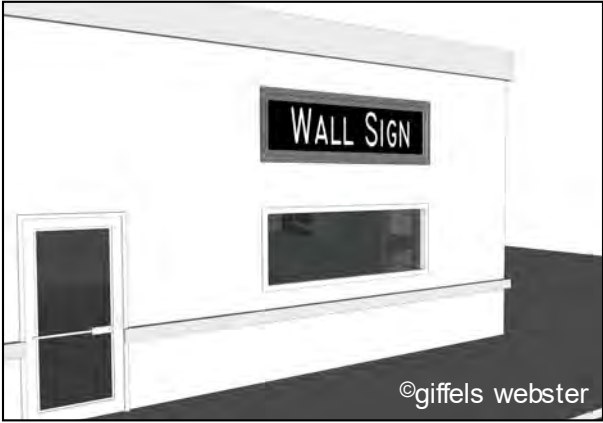
M. **Sign area** means the area of sign structures consisting of writing, representations, emblems, colors, or figures of a similar character together with the background surface or material on which they are mounted or integrally a part of shall be included in the calculation of total sign area, provided that the area of a double-face sign, where two sign faces are back to back as a single unit, shall be calculated according to the display area of only one side. The area of open wall signs, consisting of cutout letters and/or graphics on a wall, or letters and graphics on a canopy, shall be measured by the area of the rectangle, triangle, or circle that would enclose the letters and/or graphics.

N. **Sign setback** means the minimum required horizontal separation distance between a public or private road right-of-way to any part of a sign, including any aboveground portions of a sign which project beyond the point of attachment of the sign to the ground.

O. **Sign structure** means the supports, uprights, braces and framework of the sign.

P. **Temporary sign** means a sign intended to be displayed for a limited period of time; such signs may be supported on a mobile chassis other than a motor vehicle. ✍

Q. **Wall sign** means a sign which is attached directly to, or painted lettering on a wall or parallel to a wall on a canopy with the exposed face of the sign in a plane parallel to the building wall, projects not more than 18 inches from the surface to which it is affixed, and which does not extend above the parapet, eaves or building facade of the building, onto a roof, or onto any architectural feature intended to look like a roof. ✍



Significant snow/ice event means a period of snowfall of 6 inches or greater within a 24 hour period or ice formation of greater than ¼ of an inch.

Single-family. See Dwelling, single-family.

Sport shooting range means an area or facility designed and operated for the use of archery and firearms for the purpose of practice shooting and is for commercial purposes.

Stable, private, means an accessory building in which horses are kept for private use and not for hire, remuneration or sale.

State Licensed Residential Facility means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides resident services for 6 or less persons under 24 -hour supervision or care for persons in need of that supervision or care. This term shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.



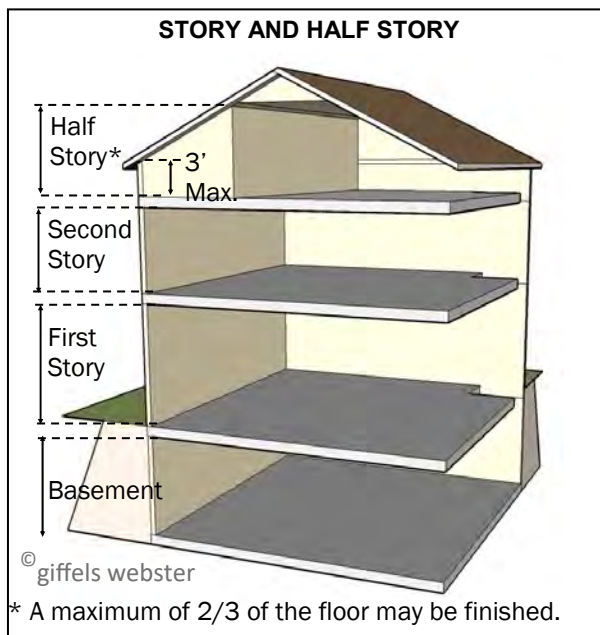
Stormwater means that part of the rain or melted snow which reaches the storm sewers as runoff from building roofs.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story. ✍

Story, half means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story. ✍

Story, height of means the vertical distance from the top surface of one floor to the top surface of the floor above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Story, two, means a building having the outside vertical walls extend from the top surface of the floor on the bottom story and intersecting at the minimum ceiling height of the second story.



Street means a public dedicated right-of-way other than an alley, which provides primary access to abutting properties or a private roadway that provides public access, and over which the public has easement of vehicular access.

- A. **Arterial street** means those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic.
- B. **Collector street** means those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- C. **Cul-de-sac street** means a minor street of short length having one end terminated by a vehicular turnaround.
- D. **Expressway street** means those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings and no private driveway connections.
- E. **Freeway street** means those streets designed for high speed, high volume traffic, with completely controlled access, no grade crossings and no private driveway connections.
- F. **Major thoroughfare street** means a public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property. The term "major thoroughfare" includes county primary and secondary roads, state and federal highways, all of which are hard surfaced or paved.
- G. **Marginal access street** means a minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
- H. **Minor street** means a public way, the principal use or function of which is to give access to abutting properties.
- I. **Parkway street** means a street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
- J. **Private street** means any street, road or lane which is privately owned and used by the public. This does not pertain to private drives or roads that lead to private dwellings.
- K. **Secondary thoroughfare street** means a public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property.

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- L. **Street line** means the legal line of demarcation between a street or road and abutting property, which is also known as the edge or furthest extreme of the right-of-way.
- M. **Street right-of-way** means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
- N. **Street width** means the shortest distance between the lines delineating the right-of-way of streets.

Structural alteration means any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Structure means anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50 percent solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. It does not apply to wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.

Subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by the proprietor's heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act by MCL 560.108 and 560.109. It does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of an applicable local ordinance.

Substantial change or departure means permitting an increase in the intensity of use, such as permitting an increase in the size of the structure (s), increase in the number of dwelling units, an increase the parcel or lot size, or similar increases in significant dimensional characteristics of the proposed use. It shall not mean hours and/or days of operation, or other minor operational characteristic of the proposed use which, in the opinion of the Township Board, do not change the essential character of the use.

Surveyor means a professional surveyor licensed under article 20 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2001 et seq.).

Swimming pool means any artificial or semiartificial container capable of holding water to a depth of 18 inches or more at any point, either above or below ground.

Swimming pool, private. The term "private" does not mean public or semi-public as provided in current swimming pool regulations established by the state department of health.

Theater, drive-in means an open area where individuals can view a film from the confines of their automobiles. It can also include restrooms, concessions, and the necessary projection booths.

Topographical Map means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Topsoil means the upper layer of soil material of a typical depth of six to 12 inches which is usually darker and richer than the subsoil.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.



- A. **Commercial tower** means towers erected for communication transmission and/or reception and used for commercial purposes.
- B. **Freestanding tower** means towers erected for communication and/or reception or for other purposes which are not attached to or supported by any structure.

Trailer means any structure used or designed for sleeping, living, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks or similar support, and which has been or reasonably can be transported or drawn by motive power.

Usable marihuana. See Medical marihuana.

Use means the purpose for which land or building is arranged, designed, or intended, or for which it is, or may be used, occupied or maintained.

- A. **Accessory use** means a use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal use of the main building or lot.
- B. **open air use** means a use that takes place outside of a building, such as retail sales of plant material, lawn furniture and equipment, playground equipment, farm implement display and sales, garden supplies and other similar open air uses
- C. **Principal use** means the main use to which the premises are devoted and the principal purpose for which the premises exist.

Used car lot. See Motor vehicle sales area, used.

Variance means the granting to a petitioner, by the board of appeals, permission to vary from the strict application of this chapter, as provided [Section 7.9](#).

Warehouse means a building or portion thereof whose principal use is storage of goods, merchandise or other property which may or may not be incidental to retail sales on the site. As a type of storage it is typically not accessible to the general retail public, but may involve the pickup of bulk goods not readily stored on retail shelves or in the retail store proper or setting.

Watercourse means an open conduit either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two square miles.

Wild animal. The term "wild animal," as used herein, includes but is not necessarily limited to lions, tigers, lynx, bobcats, bears, poisonous reptiles, alligators, crocodiles, caimans, poisonous fish, insects, arachnids and any other life form that is incapable of being completely domesticated. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or more generations of the animal in question have been maintained in captivity.

Wind energy conversion system (WECS) means a device or combination of devices, such as free standing towers with wind turbines, structure mounted wind turbines, and all associated facilities and components that convert wind energy to electrical energy.

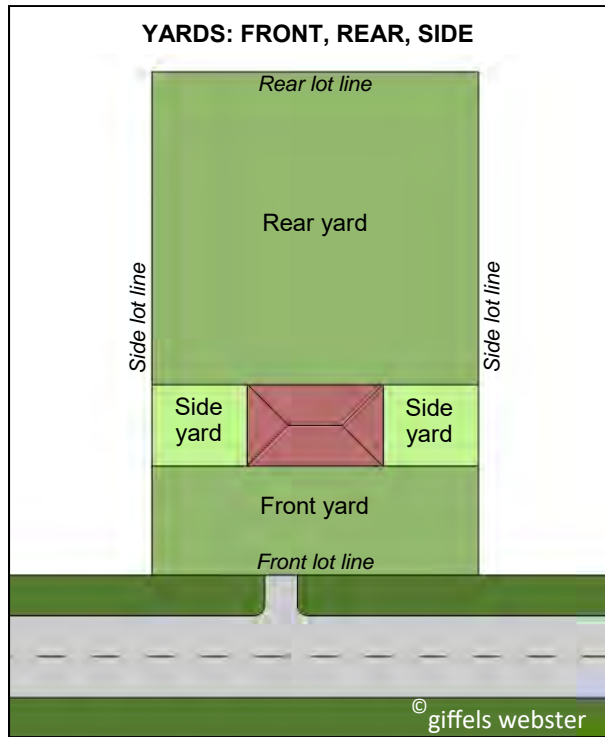
- A. **Accessory tower/structure mounted WECS** means a tower or structure mounted WECS which provides off-the-grid energy sources for site lighting and/or other stand alone site energy needs and may be combined with photo voltaic systems.
- B. **Structure mounted WECS** means a small WECS attached to a principal or accessory building, typically a vertical axis unit and generally limited to 15 feet above the highest point of the structure.
- C. **Tower mounted WECS** means a small or large WECS attached to a monopole tower structure and limited to 45, 70, or 110 feet in height depending on the zoning district in which it is located.
- D. **Wind energy conversion system, large** means a wind energy conversion system which has a rated capacity of more than ten kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power. A large WECS may also provide electricity for off-site use and would be typically tower mounted.
- E. **Wind energy conversion system, small** means a wind energy conversion system which has a rated capacity of not more than ten kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power. A small WECS may also provide electricity for off-site use and may be structure mounted or tower mounted.



- F. **Wind energy system, utility scale** means a WECS designed and operated specifically to provide electricity off-site to the municipal electric grid system and not the site on which it is located.
- G. **Wind energy monitoring station** means any device which is tower or structure mounted, which is temporary in nature (see [Section 4.81](#)), and measures wind data for a specific site.
- H. **Wind Energy Regulation Overlay Zoning District** means an overlay zoning district which establishes standards for the development of a utility scale wind energy system and which is an addition to the requirements of the underlying zoning district.

Yard means open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street right-of-way line and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences as otherwise provided herein. ✍

- A. **Front yard.** A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles from the front lot line to the nearest line of the building, porch, or projection thereof. In the case of flag lots only the lot line along the road frontage will be considered the front lot line and the depth of the front yard will be measured along a perpendicular line between the road right-of-way or lot line and a line parallel to that road right-of-way line or lot line touching the nearest portion of the structure on that lot. All front yards shall also be opposite the rear yard and all other yards shall be treated as side yards. ✍
- B. **Rear yard** means open space extending the full width of the lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard. ✍



- C. **Side yard** means open, unoccupied space between the building and the side of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line. ✍

Zoning Administrator or Official means the director of community development, or his designee.

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Article 3.0 Zoning Districts



Article 3.0 Zoning Districts

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3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

The Charter Township of Dewitt shall be and is hereby divided into the following classifications of land use districts:

A	Agricultural
R-1	Single-Family Residential (40,000 sq. ft.)
R-2	Single-Family Residential (30,000 sq. ft.)
R-3	Single-Family Residential (20,000 sq. ft.)
R-4	Single- and Two-Family Residential (15,000 sq. ft.)
R-5	Single- and Two-Family Residential (10,000 sq. ft.)
R-6	Single-Family Residential (8,000 sq. ft.)
M-1	Multiple-Family Residential (2.0 to 4.0 DU/AC)
M-2	Multiple-Family Residential (4.1 to 8.0 DU/AC)
M-3	Multiple-Family Residential (8.1 to 12.0 DU/AC)
M-4	Multiple-Family Residential (12.1 to 24.0 DU/AC)
MHP	Mobile Home Park
PO	Professional and Office Services
OP	Office Park
POD	Planned Office Development
BL	Local Business
BC	Community Business
BSC	Shopping Center Business
IL	Light Industrial
IH	Heavy Industrial
I-P	Industrial Park
US 27 Access Management Overlay	
Commercial Corridor Overlay District 1	
FP	Floodplains
WE Wind Energy Overlay	

 **Digital User Note:**
Click on a district heading to go directly to the corresponding district regulations.

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A Agricultural

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A. INTENT

The A, Agricultural district is intended to preserve, enhance and stabilize existing areas within the Township which are presently used for general farming and areas which, because of their soil characteristics and flora, should be conserved for agricultural use. In addition, premature urban development within rural areas can result in increased public costs because of the necessity of serving scattered urban development with water, sewer, schools, roadways, and other public services. It is, therefore, the intent of this district to preserve essential rural lands from urban development and to safeguard these lands and their essential economic value as agricultural lands.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[☐], incidental to the principal occupation of farming.
2. Field crop and fruit farming, truck gardening, horticulture, greenhouses, tree nurseries and similar agricultural enterprises.
3. **Raising and keeping of farm animals** §4.1
4. **Signs**[☐] §5.4
5. State licensed residential facilities[☐]
6. **Adult foster care small group homes**[☐] §4.2,
7. Family childcare homes[☐],
8. **Commercial composting operations** §4.74
9. **Wireless Communication towers**[☐] and **Appurtenances** §4.11
10. **Accessory tower/structure mounted WECS**[☐] §4.80
11. **Wind energy monitoring station**[☐] §4.81
12. **Home occupations**[☐] §4.3
13. **Cemeteries, public or private** §4.4
14. **Roadside stands**[☐] §4.5 selling products grown on the premises
15. **Conservation areas and structures** §4.6
16. **Swimming pools**[☐] §4.7
17. Single-family dwellings[☐]
18. **Temporary seasonal sales of Christmas trees** §4.8
19. **Roof and ground mounted communication antennas**[☐] §4.10
20. **Small wind energy conversion systems (WECS)** §4.80
21. **Bed and breakfast** §4.9
22. **Accessory uses**[☐] §5.1 incidental to any of the permitted uses

C. SPECIAL USE PERMIT USES

1. **Public recreation**[☐] and **playgrounds** §4.25
2. **Greenhouses and nurseries which sell products at retail** §4.12
3. **Riding stables**[☐] §4.13
4. **Raising of fur-bearing animals** §4.14
5. **Game hunting preserves** §4.15
6. **Animal hospitals**[☐], **animal clinics**[☐], **kennels and dog obedience or training schools** §4.16
7. **Farm**[☐] **labor housing associated with agricultural enterprises** §4.17
8. **Sawmills and firewood processing, storage and sales** §4.18
9. **Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products** §4.19
10. **Amusement centers such as sports centers, similar outdoor recreation areas and ancillary uses and support facilities** §4.20
11. **Golf courses and country clubs** §4.21
12. **Human care institutions**[☐] (hospitals excluded), **religious institutions**[☐], and **educational institutions**[☐] §4.22
13. **Public buildings and public service installations (institutions)**[☐] §4.22
14. **Excavation of soils and minerals** §4.24
15. **Extraction of Minerals** §4.24
16. **Special open space uses, public beaches, bath houses, private resorts, recreation camps, and other open space uses operated for profit** §4.20
17. **Airports**[☐] §4.26
18. **Landscape/nursery farm**[☐] **contractor yards** §4.27
19. **Tack shops incidental to the raising, training, stabling and/or other facilities provided for equestrian pursuits** §4.28



A Agricultural

3.2

C. SPECIAL USE PERMIT USES (continued)

20. Adult foster care small group homes[Ⓜ] and adult foster care large group homes[Ⓜ] §4.2
21. Private landing strips and helicopter pads §4.29
22. Fish hatcheries/aquaculture §4.30
23. Group child care homes[Ⓜ], §4.31
24. Child care centers[Ⓜ] §4.31
25. Outdoor sport shooting ranges, limited to archery §4.33
26. Funeral homes and mortuaries §4.42
27. Salvage yards[Ⓜ] §4.69
28. Beauty and barbershop home occupations[Ⓜ] §4.32
29. Wireless Communication towers[Ⓜ] and Appurtenances §4.11
30. Large wind energy conversion systems[Ⓜ] (WECS)§4.80
30. Race tracks §4.66
31. Excavation of soils and minerals §4.24
32. Extraction of Minerals §4.24

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A Agricultural

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D. DEVELOPMENT STANDARDS

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Lot Size

- Minimum lot area[Ⓜ]: 1 acre
- Minimum lot width[Ⓜ]: 150 ft.

Width to Maximum Depth Ratio	
Acreage of Parcel	Width to Depth Ratio
0 to 5	1:3
5 to 10	1:4
10 to 20	1:8

Lot Coverage[Ⓜ]

- Maximum lot coverage: 20%

Setbacks[Ⓜ]

- Minimum front yard setback: 40 ft.
- Minimum rear yard setback: 60 ft.
- Minimum side yard setback: 20 ft.

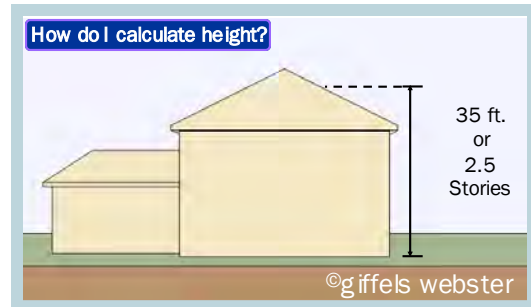
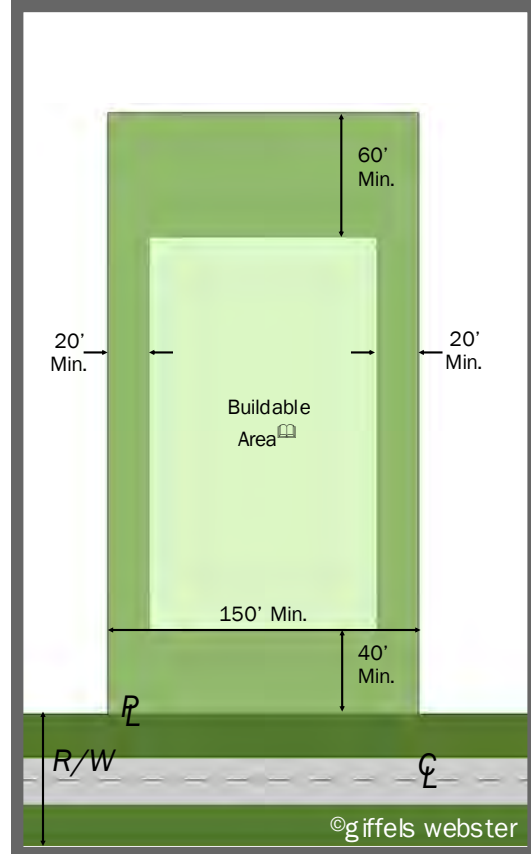
Building Height[Ⓜ]

- Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area [Ⓜ]	
Stories	Floor Area in (in Square Feet)
1-story	960
1 ½-story first floor	810
2-story first floor	670
Tri-level (outside measurement of living area)	950

Note to District Standards:

Section 3.32.B. 1, 2, 3, 4, 5, 6, 12, 13, 14 and 15



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76
- [Mobile Homes on Private...](#) §4.77

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Land Application of Waste...](#) §5.7
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Procedures for Development of Lands with Mineral Deposits](#) §6.2
- [Site Condominium Subdivision Development Procedures](#) §6.6
- [Earth Change Development Procedures](#) §6.7



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3.3 R-1 Single-Family Residential (40,000 sq. ft.)

A. INTENT

The R-1, Single-Family Residential district is intended to encourage the development, on fairly large lots, of residential properties of a semi-rural character within areas of the township which presently have public water and sewerage services or will receive such services shortly. This district includes existing low density single-family properties as well as areas within which such development appears both likely and desirable.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[ⓘ]
2. **Customary accessory uses[ⓘ] and buildings[ⓘ]** §4.34
3. **Public recreation[ⓘ]** §4.25
4. **Customary household pets[ⓘ]** §4.35
5. State licensed residential facilities[ⓘ]
6. **Adult foster care small group homes[ⓘ]** §4.2,
7. Family child care homes[ⓘ]
8. **Wireless Communication towers[ⓘ] and Appurtenances[ⓘ]** §4.11
9. **Wind energy monitoring station[ⓘ]** §4.81
10. **Temporary buildings for uses incidental to construction work[ⓘ]** §4.8
11. **Home occupations[ⓘ]** §4.3
12. **Private swimming pools[ⓘ]** §4.7
13. **Small wind energy conversion systems[ⓘ] (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Institutions for human care[ⓘ]** §4.22
2. **Religious institutions[ⓘ]** §4.22
3. **Public buildings and public service installations[ⓘ]** §4.22
4. **Educational and social institutions[ⓘ]** §4.22
5. Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
6. **Golf courses and country clubs[ⓘ]** §4.21
7. **Cemeteries, public or private[ⓘ]** §4.4
8. **Private, noncommercial recreation areas, and swimming pool clubs, serving an existing or proposed localized residential community[ⓘ]** §4.36
9. **Adult foster care small group homes[ⓘ] and adult foster care large group homes[ⓘ]** §4.2
10. **Medical clinics[ⓘ]** §4.22
11. **Group child care homes[ⓘ]** §4.31
12. **Bed and breakfast[ⓘ]** §4.9
13. **Beauty and barbershop home occupations[ⓘ]** §4.32
14. **Excavation of soils and minerals[ⓘ]** §4.24
15. **Extraction of Minerals[ⓘ]** §4.24

R-1 Single-Family Residential (40,000 sq. ft.) 3.3

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 40,000 sq. ft.
 Minimum lot width[Ⓜ]: 150 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 20 %

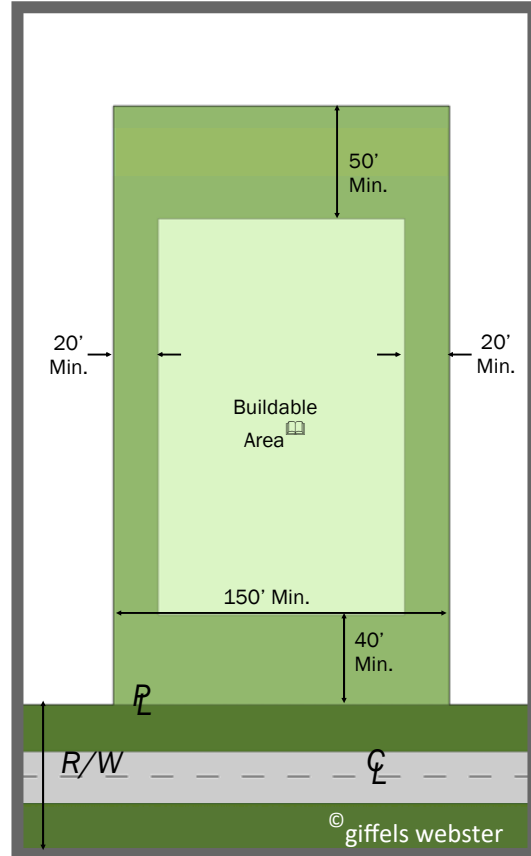
Setbacks[Ⓜ]

Minimum front yard setback: 40 ft.
 Minimum rear yard setback: 50 ft.
 Minimum side yard setback: 20 ft.

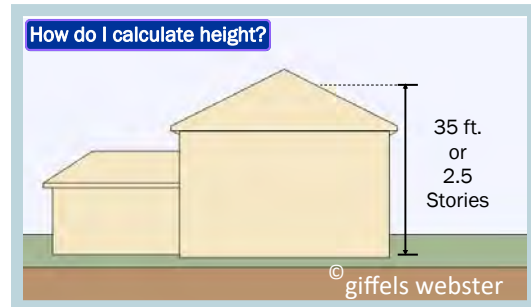
Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area [Ⓜ]	
Stories	Floor Area in (in Square Feet)
1-story	960
1 ½-story first floor	810
2-story first floor	670
Tri-level (outside measurement of living area)	950



Note to District Standards:
 Section 3.32.B.1, 2, 3, 6, 12, 13, 14 and 15



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76
- [Mobile Homes on Private...](#) §4.77

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Land Application of Waste...](#) §5.7
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6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Site Condominium Subdivision Development Procedures](#) §6.6
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3.4 R-2 Single-Family Residential (30,000 sq. ft.)

A. INTENT

The R-2, Single-Family Residential district is intended to provide a residential single-family district that encourage the development of residential properties of slightly higher density than provided for in the R-1 residential districts by allowing single-family dwelling unit construction on smaller lot areas. The district also includes areas within the township which presently have or will have within the reasonable future, public water and sewer facilities.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[ⓘ]
2. **Customary accessory uses[ⓘ] and buildings[ⓘ]** §4.34
3. **Public recreation[ⓘ]** §4.25
4. **Customary household pets[ⓘ]** §4.35
5. State licensed residential facilities[ⓘ]
6. **Adult foster care small group homes[ⓘ]** §4.2
7. Family child care homes[ⓘ]
8. **Wireless Communication towers[ⓘ] and Appurtenances** §4.11
9. **Wind energy monitoring station[ⓘ]** §4.81
10. **Temporary buildings for uses incidental to construction work** §4.8
11. **Home occupations[ⓘ]** §4.3
12. **Private swimming pools[ⓘ]** §4.7
13. **Small wind energy conversion systems[ⓘ] (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Institutions for human care[ⓘ]** §4.22
2. **Religious institutions[ⓘ]** §4.22
3. **Public buildings and public service installations[ⓘ]** §4.22
4. **Educational and social institutions[ⓘ]** §4.22
5. Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
6. **Golf courses and country clubs** §4.21
7. **Cemeteries, public or private** §4.4
8. **Private, noncommercial recreation areas, and swimming pool clubs, serving an existing or proposed localized residential community** §4.36
9. **Adult foster care small group homes[ⓘ] and adult foster care large group homes[ⓘ]** §4.2
10. **Medical clinics[ⓘ]** §4.22
11. **Group child care homes[ⓘ]** §4.31
12. **Bed and breakfast** §4.9
13. **Beauty and barbershop home occupations[ⓘ]** §4.32
14. **Excavation of soils and minerals** §4.24
15. **Extraction of Minerals** §4.24



R-2 Single-Family Residential (30,000 sq. ft.)

3.4

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 30,000 sq. ft.
 Minimum lot width[Ⓜ]: 120 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 20%

Setbacks[Ⓜ]

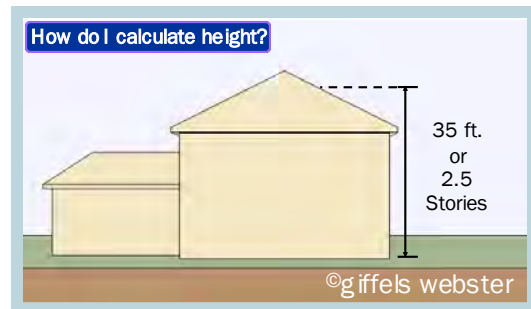
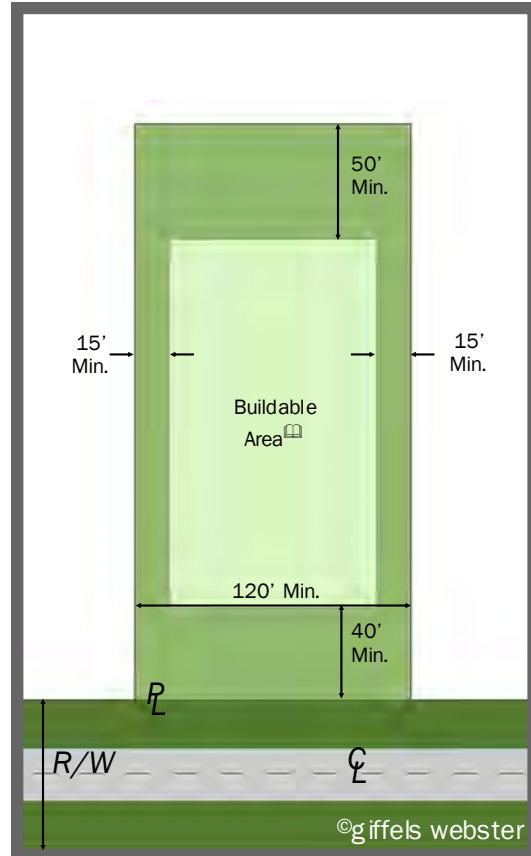
Minimum front yard setback: 40 ft.
 Minimum rear yard setback: 50 ft.
 Minimum side yard setback: 15 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area [Ⓜ]	
Stories	Floor Area in (in Square Feet)
1-story	960
1 ½-story first floor	810
2-story first floor	670
Tri-level (outside measurement of living area)	950

Note to District Standards:
 Section 3.32.B.1, 2, 3, 6, 12, 13, 14 and 15



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Unit Development** §3.27
- **Essential Services; Improvements** §3.40

4. Use Standards

- **Uses Specifically Prohibited** §4.76
- **Mobile Homes on Private...** §4.77

5. Site Standards

- **Accessory Buildings** §5.1
- **Streets, Sidewalks and ...** §5.3
- **Signs** §5.4
- **Site Lighting** §5.5
- **Land Application of Waste...** §5.7
- **Loading Spaces** §5.9
- **Off-Street Parking** §5.10
- **Landscaping and Buffer Yards** §5.12
- **Access to a Street** §5.13
- **Required Water Supply...** §5.14
- **Fences, Walls, and Screens** §5.15
- **Clear Vision Triangle** §5.16

6. Development Procedures

- **Site Plan Review...** §6.1
- **Site Condominium Subdivision Development Procedures** §6.6
- **Earth Change Development Procedures** §6.7

1 Purpose and Introduction

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6 Development Procedures

7 Admin and Enforcement



3.5 R-3 Single-Family Residential (20,000 sq. ft.)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The R-3, Single-Family Residential district is intended to provide a residential single-family district and to encourage the development of residential properties of higher density than provided for in R-2 residential districts by allowing single-family dwelling unit construction on smaller lot areas. The district also includes areas within the township which presently have or will have within the reasonable future, public water and sewer facilities.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[ⓘ]
2. **Customary accessory uses[ⓘ] and buildings[ⓘ]** §4.34
3. **Customary household pets[ⓘ]** §4.35
4. State licensed residential facilities[ⓘ]
5. **Adult foster care small group homes[ⓘ]** §4.2
6. Family child care homes[ⓘ]
7. **Wireless Communication towers[ⓘ] and Appurtenances[ⓘ]** §4.11
8. **Wind energy monitoring station[ⓘ]** §4.81
9. **Temporary buildings for uses incidental to construction work[ⓘ]** §4.8
10. **Home occupations[ⓘ]** §4.3
11. **Private swimming pools[ⓘ]** §4.7
12. **Small wind energy conversion systems[ⓘ] (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Institutions for human care[ⓘ]** §4.22
2. **Religious institutions[ⓘ]** §4.22
3. **Public buildings and public service installations[ⓘ]** §4.22
4. **Educational and social institutions[ⓘ]** §4.22
5. Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
6. **Golf courses and country clubs[ⓘ]** §4.21
7. **Cemeteries, public or private[ⓘ]** §4.4
8. **Private, noncommercial recreation areas, and swimming pool clubs, serving an existing or proposed localized residential community[ⓘ]** §4.36
9. **Adult foster care small group homes[ⓘ] and adult foster care large group homes[ⓘ]** §4.2
10. **Medical clinics[ⓘ]**
11. **Group child care homes[ⓘ]** §4.31
12. **Bed and breakfast[ⓘ]** §4.9
13. **Beauty and barbershop home occupations[ⓘ]** §4.32
14. **Excavation of soils and minerals[ⓘ]** §4.24
15. **Extraction of Minerals[ⓘ]** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 20,000 sq. ft.
 Minimum lot width[Ⓜ]: 100 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 20%

Setbacks[Ⓜ]

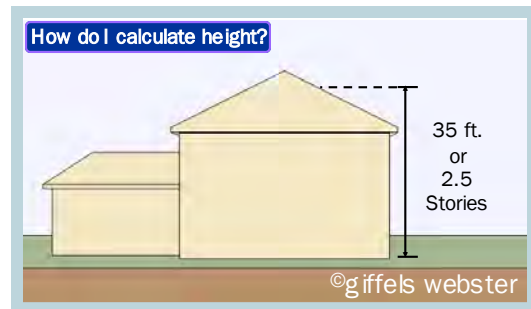
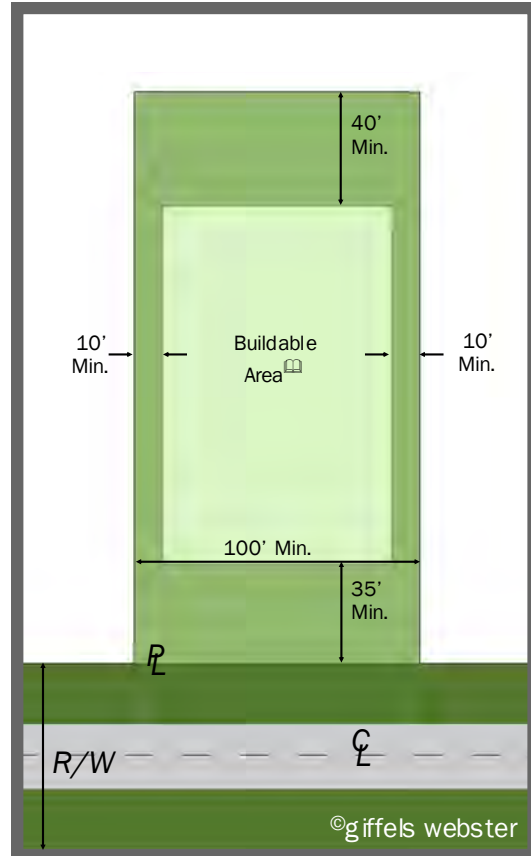
Minimum front yard setback: 35 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback: 10 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area [Ⓜ]	
Stories	Floor Area in (in Square Feet)
1-story	800
1 ½-story first floor	760
2-story first floor	620
Tri-level (outside measurement of living area)	800

Note to District Standards:
 Section 3.32.B.1, 2, 3, 6, 12, 13, 14 and 15



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Unit Development** §3.27
- **Essential Services; Improvements** §3.40

4. Use Standards

- **Uses Specifically Prohibited** §4.76
- **Mobile Homes on Private...** §4.77

5. Site Standards

- **Accessory Buildings** §5.1
- **Streets, Sidewalks and ...** §5.3
- **Signs** §5.4
- **Site Lighting** §5.5
- **Land Application of Waste...** §5.7
- **Loading Spaces** §5.9
- **Off-Street Parking** §5.10
- **Landscaping and Buffer Yards** §5.12
- **Access to a Street** §5.13
- **Required Water Supply...** §5.14
- **Fences, Walls, and Screens** §5.15
- **Clear Vision Triangle** §5.16

6. Development Procedures

- **Site Plan Review...** §6.1
- **Site Condominium Subdivision Development Procedures** §6.6
- **Earth Change Development Procedures** §6.7

- 1** Purpose and Introduction
- 2** Definitions
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- 4** Use Standards
- 5** Site Standards
- 6** Development Procedures
- 7** Admin and Enforcement



3.6 R-4 Single- and Two- Family Residential (15,000 sq. ft.)

A. INTENT

The R-4, Single-Family Residential district is intended to provide a residential district that encourages the development of residential properties of higher density than provided for in the R-3 residential districts by allowing single-family and two-family dwelling unit construction on smaller lot areas. The district also includes areas within the township which presently have or will have in the reasonable future, public water and sewer facilities.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[ⓘ]
2. **Customary accessory uses[ⓘ] and buildings[ⓘ]** §4.34
3. Cemeteries, which lawfully occupied land at the time of the adoption of the ordinance from
4. **Customary household pets[ⓘ]** §4.35
5. **Two-family dwellings[ⓘ]** §6.3
6. State licensed residential facilities[ⓘ]
7. **Adult foster care small group homes[ⓘ]** §4.2,
8. Family child care homes[ⓘ]
9. **Wireless Communication towers[ⓘ] and Appurtenances** §4.11
10. **Wind energy monitoring station[ⓘ]** §4.81
11. **Temporary buildings for uses incidental to construction work** §4.8
12. **Home occupations[ⓘ]** §4.3
13. **Private swimming pools[ⓘ]** §4.7
14. **Small wind energy conversion systems[ⓘ] (WECS)**§4.80

C. SPECIAL USE PERMIT USES

1. **Institutions for human care[ⓘ]** §4.22
2. **Religious institutions[ⓘ]** §4.22
3. **Public buildings and public service installations[ⓘ]** §4.22
4. **Educational and social institutions[ⓘ]** §4.22
5. Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
6. **Golf courses and country clubs** §4.21
7. **Cemeteries, public or private** §4.4
8. **Private, noncommercial recreation areas, and swimming pool clubs, serving an existing or proposed localized residential community** §4.36
9. **Adult foster care small group homes and adult foster care large group homes** §4.2
10. **Medical clinics[ⓘ]** §4.22
11. **Group child care homes[ⓘ]** §4.31
12. **Bed and breakfast** §4.9
13. **Beauty and barbershop home occupations[ⓘ]** §4.32
14. **Excavation of soils and minerals** §4.24
15. **Extraction of Minerals** §4.24



R-4 Single- and Two- Family Residential (15,000 sq. ft.)^{3.6}

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Single-family dwelling	15,000 sq. ft.
Duplex dwelling	20,000 sq. ft.
Minimum lot width [Ⓜ] :	
Single-family dwelling	90 ft.
Duplex dwelling	120 sq. ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 20%

Setbacks[Ⓜ]

Minimum front yard setback:	35 ft.
Minimum rear yard setback:	40 ft.
Minimum side yard setback:	10 ft.

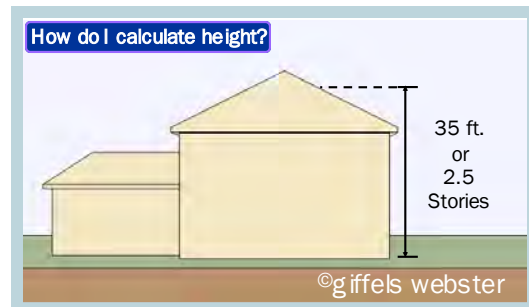
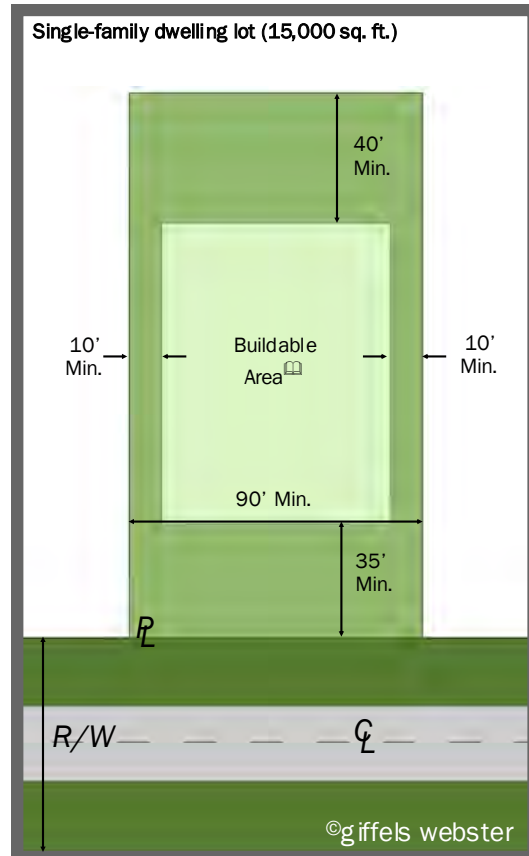
Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area[Ⓜ]

Stories	Floor Area in (in Square Feet)
1-story	800
1 ½-story first floor	760
2-story first floor	620
Tri-level (outside measurement of living area)	800

Note to District Standards:
[Section 3.32.B.1, 2, 3, 6, 7, 12, 13, 14 and 15](#)



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76
- [Mobile Homes on Private...](#) §4.77

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Land Application of Waste...](#) §5.7
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Procedures for Development of Duplexes](#) §6.3
- [Site Condominium Subdivision Development Procedures](#) §6.6
- [Earth Change Development Procedures](#) §6.7

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3.7 R-5 Single- and Two- Family Residential (10,000 sq. ft.)

A. INTENT

The R-5, Single-Family Residential district is intended to provide a higher density residential district that encourages the development of residential properties of higher density than provided for in the R-4 residential district by allowing single- and two-family dwelling unit construction on smaller lot areas. The district also includes areas within the township which presently have or will have in the reasonable future, public water and sewer facilities.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[ⓘ]
2. **Customary accessory uses[ⓘ] and buildings[ⓘ]** §4.34
3. **Customary household pets[ⓘ]** §4.35
4. **Two-family dwellings[ⓘ]** §6.3
5. State licensed residential facilities[ⓘ]
6. **Adult foster care small group homes[ⓘ]** §4.2
7. Family child care homes[ⓘ]
8. **Wireless Communication towers[ⓘ] and Appurtenances** §4.11
9. **Wind energy monitoring station[ⓘ]** §4.81
10. **Temporary buildings for uses incidental to construction work** §4.8
11. **Home occupations[ⓘ]** §4.3
12. **Private swimming pools[ⓘ]** §4.7
13. **Small wind energy conversion systems[ⓘ] (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Institutions for human care[ⓘ]** §4.22
2. **Religious institutions[ⓘ]** §4.22
3. **Public buildings and public service installations[ⓘ]** §4.22
4. **Educational and social institutions[ⓘ]** §4.22
5. Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
6. **Golf courses and country clubs** §4.21
7. **Cemeteries, public or private** §4.4
8. **Private, noncommercial recreation areas, and swimming pool clubs, serving an existing or proposed localized residential community** §4.36
9. **Adult foster care small group homes[ⓘ] and adult foster care large group homes[ⓘ]** §4.2
10. **Medical clinics[ⓘ]** §4.22
11. Health service office and professional office
12. **Bed and breakfast** §4.9
13. **Beauty and barbershop home occupations[ⓘ]** §4.32
14. **Excavation of soils and minerals** §4.24
15. **Extraction of Minerals** §4.24



R-5 Single- and Two- Family Residential (10,000 sq. ft.)^{3.7}

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Single-family dwelling	10,000 sq. ft.
Duplex dwelling	20,000 sq. ft.
Minimum lot width [Ⓜ] :	
Single-family dwelling	80 ft.
Duplex dwelling	120 sq. ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 30%

Setbacks[Ⓜ]

Minimum front yard setback:	30 ft.
Minimum rear yard setback:	30 ft.
Minimum side yard setback:	8 ft.

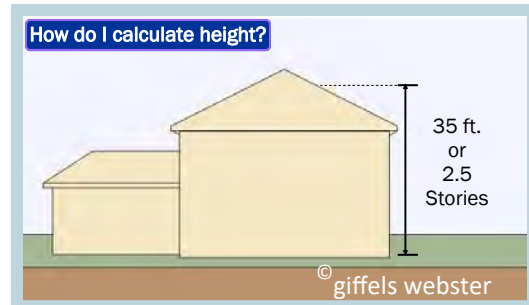
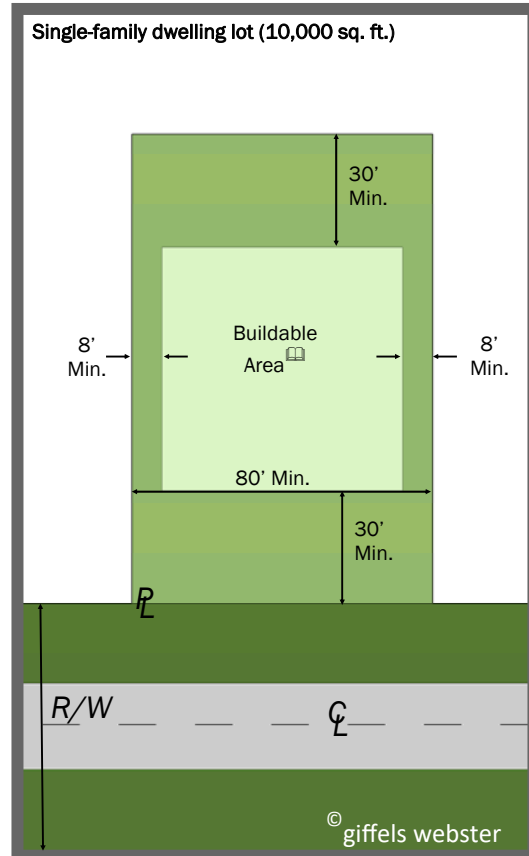
Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area[Ⓜ]

Stories	Floor Area in (in Square Feet)
1-story	800
1 ½-story first floor	760
2-story first floor	620
Tri-level (outside measurement of living area)	800

Note to District Standards:
[Section 3.32.B.1, 2, 3, 6, 7, 12, 13, 14 and 15](#)



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76
- [Mobile Homes on Private...](#) §4.77

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Procedures for Development of Duplexes](#) §6.3
- [Site Condominium Subdivision Development Procedures](#) §6.6
- [Earth Change Development Procedures](#) §6.7

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3.8 R-6 Single-Family Residential (8,000 sq. ft.)

1 Purpose and Introduction

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6 Development Procedures

7 Admin and Enforcement

A. INTENT

The R-6, Single-Family Residential district is intended to provide a higher density residential district and to encourage the development of residential properties of higher density than provided for in the R-5 residential district by allowing single-family dwelling unit construction on smaller lot areas. The district also includes areas within the township which presently have or will have in the reasonable future, public water and sewer facilities.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Single-family dwellings[ⓘ]
2. **Customary accessory uses[ⓘ] and buildings[ⓘ]** §4.34
3. **Customary household pets[ⓘ]** §4.35
4. **Two-family dwellings[ⓘ]** §6.3
5. State licensed residential facilities[ⓘ]
6. **Adult foster care small group homes[ⓘ]** §4.2,
7. Family child care homes[ⓘ]
8. **Wireless Communication towers[ⓘ] and Appurtenances[ⓘ]** §4.11
9. **Wind energy monitoring station[ⓘ]** §4.81
10. **Temporary buildings for uses incidental to construction work[ⓘ]** §4.8
11. **Home occupations[ⓘ]** §4.3
12. **Private swimming pools[ⓘ]** §4.7
13. **Small wind energy conversion systems[ⓘ] (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Institutions for human care[ⓘ]** §4.22
2. **Religious institutions[ⓘ]** §4.22
3. **Public buildings and public service installations[ⓘ]** §4.22
4. **Educational and social institutions[ⓘ]** §4.22
5. Railroad right-of-way, including all necessary trackage, switches and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
6. **Golf courses and country clubs[ⓘ]** §4.21
7. **Cemeteries, public or private[ⓘ]** §4.4
8. **Private, noncommercial recreation areas, and swimming pool clubs, serving an existing or proposed localized residential community[ⓘ]** §4.36
9. **Adult foster care small group homes[ⓘ] and adult foster care large group homes[ⓘ]** §4.2
10. **Medical clinics[ⓘ]** §4.22
11. Health service office and professional office
12. **Three and four dwelling unit structures[ⓘ]** §4.37
13. **Bed and breakfast[ⓘ]** §4.9
14. **Beauty and barbershop home occupations[ⓘ]** §4.32
15. **Excavation of soils and minerals[ⓘ]** §4.24
16. **Extraction of Minerals[ⓘ]** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]:

Single-family dwelling	8,000 sq. ft.
Duplex dwelling	16,000 sq. ft.

Minimum lot width[☐]:

Single-family dwelling	66 ft.
Duplex	120 ft.

Lot Coverage[☐]

Maximum lot coverage: 30%

Setbacks[☐]

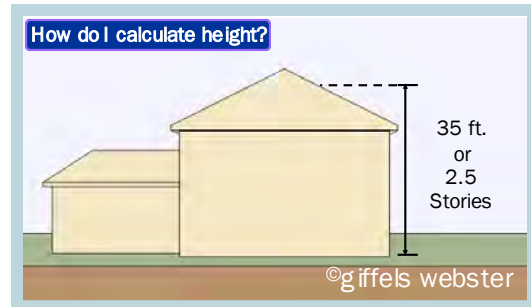
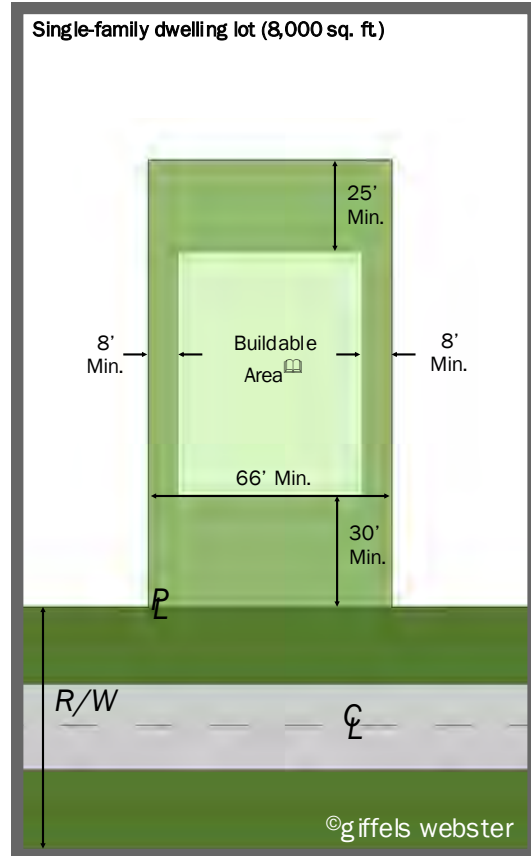
Minimum front yard setback:	30 ft.
Minimum rear yard setback:	
Single-family dwelling	25 ft.
Duplex	30 ft.
Minimum side yard setback:	8 ft.

Building Height[☐]

Maximum building height: 35 ft. or 2.5 stories

Minimum Floor Area [☐]	
Stories	Floor Area in (in Square Feet)
1-story	800
1 ½-story first floor	760
2-story first floor	620
Tri-level (outside measurement of living area)	800

Note to District Standards:
Section 3.32.B.1, 2, 3, 6, 7, 12, 13, 14 and 15



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Unit Development** §3.27
- **Essential Services; Improvements** §3.40

4. Use Standards

- **Uses Specifically Prohibited** §4.76
- **Mobile Homes on Private...** §4.77

5. Site Standards

- **Accessory Buildings** §5.1
- **Streets, Sidewalks and ...** §5.3
- **Signs** §5.4
- **Site Lighting** §5.5
- **Loading Spaces** §5.9
- **Off-Street Parking** §5.10
- **Landscaping and Buffer Yards** §5.12
- **Access to a Street** §5.13
- **Required Water Supply...** §5.14
- **Fences, Walls, and Screens** §5.15
- **Clear Vision Triangle** §5.16

6. Development Procedures

- **Site Plan Review...** §6.1
- **Procedures for Development of Duplexes** §6.3
- **Site Condominium Subdivision Development Procedures** §6.6
- **Earth Change Development Procedures** §6.7

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3.9 M-1 Multiple-Family Residential (2.0 to 4.0 DU/AC)

A. INTENT

The M-1, Multiple-Family Residential district is intended to provide a mixture of two-family and multiple-family dwellings on those specified lands. This district can also serve as a transition between low and higher density residential areas.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Single duplex** [ⓘ] §4.38
2. State licensed residential facilities[ⓘ]
3. Family child care homes[ⓘ]
4. **Wireless Communication towers** [ⓘ] and **Appurtenances** §4.11
5. **Accessory tower/structure mounted WECS** [ⓘ] §4.80
6. **Wind energy monitoring station** [ⓘ] §4.81
7. **Group housing** [ⓘ] developments §3.33
8. **Community recreation facilities** §3.33
9. **Temporary buildings for uses incidental to construction work.** §4.8
10. Railroad right-of-way, including all necessary trackage, switches, and operating devices, but excluding storage, marshaling yards, freight yards, or sidings.
11. **Golf courses and country clubs** §4.21
12. **Cemeteries, public or private** §4.4
13. **Private swimming pools** [ⓘ] §4.7
14. **Household pets** §4.35
15. **Small wind energy conversion systems (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Retirement centers** [ⓘ], including facilities for the care and treatment of the convalescent and aged §4.39
2. **Group child care homes** [ⓘ] §4.31
3. **Child care centers** [ⓘ] §4.31
4. **Bed and breakfast** §4.9
5. **Beauty and barbershop home occupations** [ⓘ] §4.32
6. **Excavation of soils and minerals** §4.24
7. **Extraction of Minerals** §4.24



M-1 Multiple-Family Residential (2.0 to 4.0 DU/AC)

3.9

D. DEVELOPMENT STANDARDS

Lot Size

Minimum net lot area[Ⓜ]: 1 net acre^{Ⓜ*}
 Minimum lot width[Ⓜ]: 150 ft.*

Lot Coverage[Ⓜ]

Maximum lot coverage: 30%

Open Space[Ⓜ]

Minimum open space per dwelling unit: 700 sq. ft.

Setbacks[Ⓜ]

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 60 ft.
 Minimum side yard setback: 20 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Floor Area [Ⓜ]	
Unit Type	Minimum Area in Square Feet
Efficiency - only 10% of total completed units may be of this type	500
One-bedroom	700
Two-bedroom	820
Three or more bedrooms	Additional 200 for each bedroom added

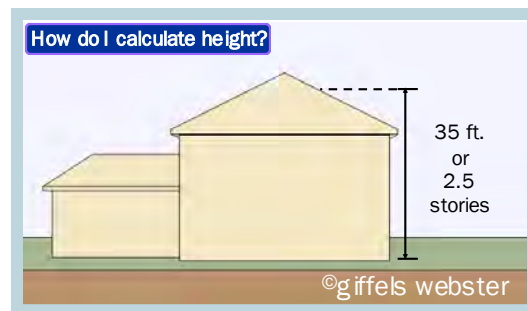
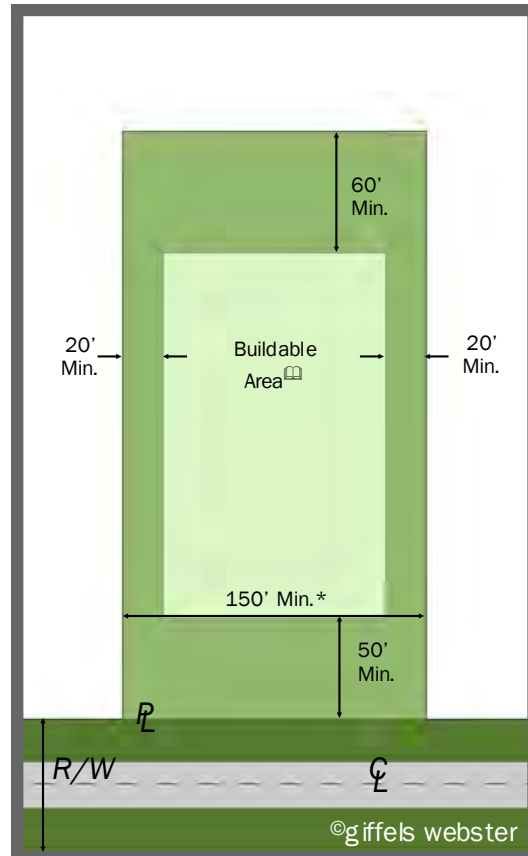
Residential Density[Ⓜ]

Maximum residential density: 10,800 sq. ft./DU

Note to District Standards:

Section 3.32.B.1, 2, 3, 8, 9, 10, 12, 13, 14 and 15

* These requirements apply to duplex and singular multi-family buildings. For requirements related to all other group housing development, see **Section 3.33**.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Unit Development** §3.27
- **Multiple Family District Regulations** §3.33
- **Essential Services; Improvements** §3.40

4. Use Standards

- **Uses Specifically Prohibited** §4.76
- **Mobile Homes on Private...** §4.77

5. Site Standards

- **Accessory Buildings** §5.1
- **Streets, Sidewalks and ...** §5.3
- **Signs** §5.4
- **Site Lighting** §5.5
- **Solid Waste Management** §5.6
- **Loading Spaces** §5.9
- **Off-Street Parking** §5.10
- **Landscaping and Buffer Yards** §5.12
- **Access to a Street** §5.13
- **Required Water Supply...** §5.14
- **Fences, Walls, and Screens** §5.15
- **Clear Vision Triangle** §5.16

6. Development Procedures

- **Site Plan Review...** §6.1
- **Procedures for Development of Duplexes** §6.3
- **Site Condominium Subdivision Development Procedures** §6.6
- **Earth Change Development Procedures** §6.7

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3.10 M-2 Multiple-Family Residential (4.1 to 8.0 DU/AC)

A. INTENT

The M-2, Multiple-Family Residential district is intended to allow for the development of certain parcels at a relatively high density and provides for a mixture of housing type which can be developed in a unified manner.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Single duplex** ^{§4.38}
2. State licensed residential facilities[§]
3. Family child care homes[§]
4. **Wireless Communication towers** ^{§4.11} **and Appurtenances** ^{§4.11}
5. **Accessory tower/structure mounted WECS** ^{§4.80}
6. **Wind energy monitoring station** ^{§4.81}
7. **Group housing** ^{§3.33} **developments** ^{§3.33}
8. **Community recreation facilities** ^{§3.33}
9. **Temporary buildings for uses incidental to construction work.** ^{§4.8}
10. Railroad right-of-way, including all necessary trackage, switches, and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
11. **Golf courses and country clubs** ^{§4.21}
12. **Cemeteries, public or private** ^{§4.4}
13. **Private swimming pools** ^{§4.7}
14. **Household pets** ^{§4.35}
15. **Small wind energy conversion systems (WECS)** ^{§4.80}

C. SPECIAL USE PERMIT USES

1. **Retirement centers** ^{§4.39}, including facilities for the care and treatment of the convalescent and aged ^{§4.39}
2. **Group child care homes** ^{§4.31}
3. **Child care centers** ^{§4.31}
4. **Lodging houses** ^{§4.40}
5. **Boarding houses** ^{§4.40}
6. **Bed and breakfast** ^{§4.9}
7. **Beauty and barbershop home occupations** ^{§4.32}
8. **Excavation of soils and minerals** ^{§4.24}
9. **Extraction of Minerals** ^{§4.24}



D. DEVELOPMENT STANDARDS

Lot Size

Minimum net lot area[☐]: 1 net acre^{☐*}
 Minimum lot width[☐]: 150 ft.*

Lot Coverage[☐]

Maximum lot coverage: 30%

Open Space[☐]

Minimum open space per dwelling unit: 425 sq. ft.

Setbacks[☐]

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 60 ft.
 Minimum side yard setback: 20 ft.

Building Height[☐]

Maximum building height: 35 ft. or 2.5 stories

Floor Area[☐]

Unit Type	Minimum Area in Square Feet
Efficiency - only 10% of total completed units may be of this type	500
One-bedroom	700
Two-bedroom	820
Three or more bedrooms	Additional 200 for each bedroom added

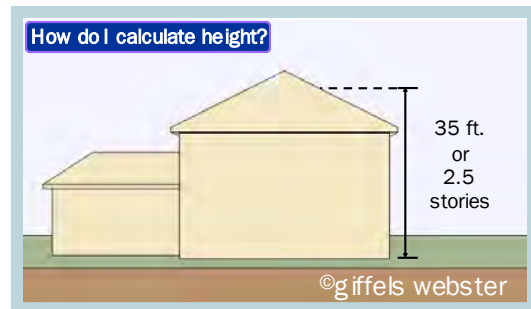
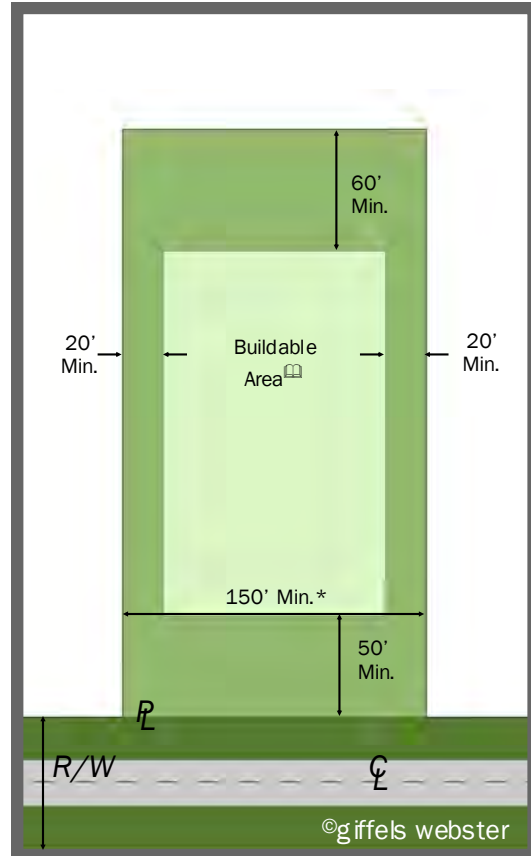
Residential Density[☐]

Maximum residential density: 5,400 sq. ft./DU

Note to District Standards:

[Section 3.32.B.1, 2, 3, 8, 9, 10, 12, 13, 14 and 15](#)

* These requirements apply to duplex, singular multi-family buildings, lodging house and boardinghouse. For requirements related to all other group housing development, see [Section 3.33](#)



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Multiple Family District Regulations](#) §3.33
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76
- [Mobile Homes on Private...](#) §4.77

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Solid Waste Management](#) §5.6
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Procedures for Development of Duplexes](#) §6.3
- [Site Condominium Subdivision Development Procedures](#) §6.6
- [Earth Change Development Procedures](#) §6.7

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3.11 M-3 Multiple-Family Residential (8.1 to 12.0 DU/AC)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The M-3, Multiple-Family Residential district is intended to accommodate a mixture of housing types, to permit boarding houses and lodging houses under specified maximum capacities, and to serve the needs for duplex housing, garden apartments, townhouses, row houses, or other group housing facilities similar in character and density. Any development in this district shall have adequate public services including sewer, water, drainage, roads, and solid waste handling facilities.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Single duplex** ^{§4.38}
2. State licensed residential facilities[§]
3. Family child care homes[§]
4. **Wireless Communication towers** ^{§4.11} **and Appurtenances** ^{§4.11}
5. **Accessory tower/structure mounted WECS** ^{§4.80}
6. **Wind energy monitoring station** ^{§4.81}
7. **Group housing** ^{§3.33} **developments** ^{§3.33}
8. **Community recreation facilities** ^{§3.33}
9. **Temporary buildings for uses incidental to construction work.** ^{§4.8}
10. Railroad right-of-way, including all necessary trackage, switches, and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
11. **Golf courses and country clubs** ^{§4.21}
12. **Cemeteries, public or private** ^{§4.4}
13. **Private swimming pools** ^{§4.7}
14. **Household pets** ^{§4.35}
15. **Small wind energy conversion systems (WECS)** ^{§4.80}

C. SPECIAL USE PERMIT USES

1. **Retirement centers** ^{§4.39}, including facilities for the care and treatment of the convalescent and aged
2. **Group child care homes** ^{§4.31}
3. **Child care centers** ^{§4.31}
4. **Lodging houses** ^{§4.40}
5. **Boarding houses** ^{§4.40}
6. **Bed and breakfast** ^{§4.9}
7. **Beauty and barbershop home occupations** ^{§4.32}
8. **Excavation of soils and minerals** ^{§4.24}
9. **Extraction of Minerals** ^{§4.24}



D. DEVELOPMENT STANDARDS

Lot Size

Minimum net lot area[Ⓜ]: 1 net acre^{Ⓜ*}
 Minimum lot width[Ⓜ]: 150 ft.*

Lot Coverage[Ⓜ]

Maximum lot coverage: 30%

Open Space[Ⓜ]

Minimum open space per dwelling unit: 200 sq. ft.

Setbacks[Ⓜ]

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 60 ft.
 Minimum side yard setback: 20 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Floor Area[Ⓜ]

Unit Type	Minimum Area in Square Feet
Efficiency - only 10% of total completed units may be of this type	500
One-bedroom	700
Two-bedroom	820
Three or more bedrooms	Additional 200 for each bedroom added

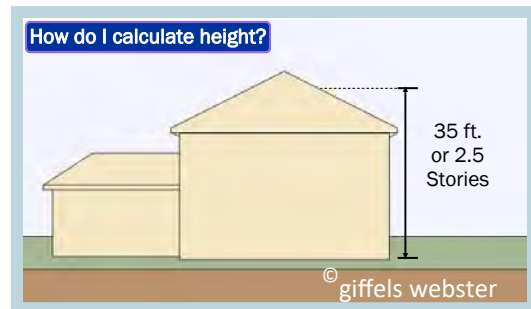
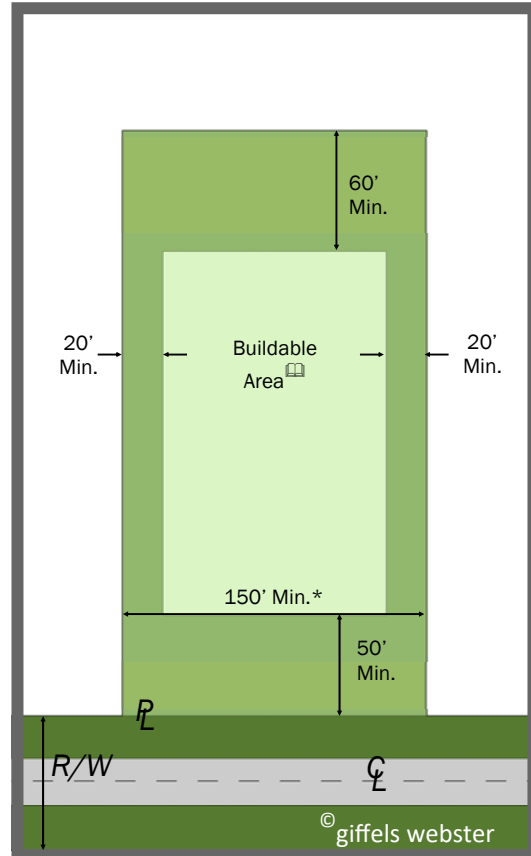
Residential Density[Ⓜ]

Maximum residential density: 3,600 sq. ft./DU

Note to District Standards:

Section 3.32.B.1, 2, 3, 8, 9, 10, 12, 13, 14 and 15

* These requirements apply to duplex, singular multi-family buildings, lodging house and boardinghouse. For requirements related to all other group housing development, see **Section 3.33**



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Unit Development** §3.27
- **Multiple Family District Regulations** §3.33
- **Essential Services; Improvements** §3.40

4. Use Standards

- **Uses Specifically Prohibited** §4.76
- **Mobile Homes on Private...** §4.77

5. Site Standards

- **Accessory Buildings** §5.1
- **Streets, Sidewalks and ...** §5.3
- **Signs** §5.4
- **Site Lighting** §5.5
- **Solid Waste Management** §5.6
- **Loading Spaces** §5.9
- **Off-Street Parking** §5.10
- **Landscaping and Buffer Yards** §5.12
- **Access to a Street** §5.13
- **Required Water Supply...** §5.14
- **Fences, Walls, and Screens** §5.15
- **Clear Vision Triangle** §5.16

6. Development Procedures

- **Site Plan Review...** §6.1
- **Procedures for Development of Duplexes** §6.3
- **Site Condominium Subdivision Development Procedures** §6.6
- **Earth Change Development Procedures** §6.7

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3.12 M-4 Multiple-Family Residential (12.1 to 24.0 DU/AC)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

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6 Development Procedures

7 Admin and Enforcement

A. INTENT

The M-4, Multiple-Family Residential district is intended to accommodate and provide for high density multiple residential development that may include a mixture of housing types such as lodging houses, boardinghouses, condominiums, townhouses, row houses, apartments, or other group housing facilities similar in character and density where adequate services are available. Any development in this district shall be served by public sewer and drainage. Adequate provisions shall also be required for water as well as solid waste containment and disposal. In addition, projects in this district shall be required to have access to publicly dedicated roads via paved, hard surfaced roadways.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Single duplex** §4.38
2. State licensed residential facilities
3. Family child care homes
4. **Wireless Communication towers and Appurtenances** §4.11
5. **Accessory tower/structure mounted WECS** §4.80
6. **Wind energy monitoring station** §4.81
7. **Group housing developments** §3.33
8. **Community recreation facilities** §3.33
9. **Temporary buildings for uses incidental to construction work.** §4.8
10. Railroad right-of-way, including all necessary trackage, switches, and operating devices, but excluding storage, marshaling yards, freight yards, or sidings
11. **Golf courses and country clubs** §4.21
12. **Cemeteries, public or private** §4.4
13. **Private swimming pools** §4.7
14. **Household pets** §4.35
15. **Small wind energy conversion systems (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Retirement centers** §4.39, including facilities for the care and treatment of the convalescent and aged
2. **Group child care homes** §4.31
3. **Child care centers** §4.31
4. **Lodging houses** §4.40
5. **Boarding houses** §4.40
6. **Excavation of soils and minerals** §4.24
7. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum net lot area[Ⓜ] : 1 net acre[Ⓜ]*
 Minimum lot width[Ⓜ] : 150 ft. *

Lot Coverage[Ⓜ]

Maximum lot coverage: 30%

Open Space[Ⓜ]

Minimum open space per dwelling unit: 150 sq. ft.

Setbacks[Ⓜ]

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 60 ft.
 Minimum side yard setback: 20 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft. or 2.5 stories

Floor Area [Ⓜ]	
Unit Type	Minimum Area in Square Feet
Efficiency - only 10% of total completed units may be of this type	500
One-bedroom	700
Two-bedroom	820
Three or more bedrooms	Additional 200 for each bedroom added

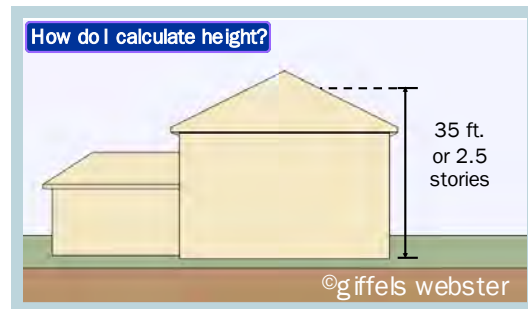
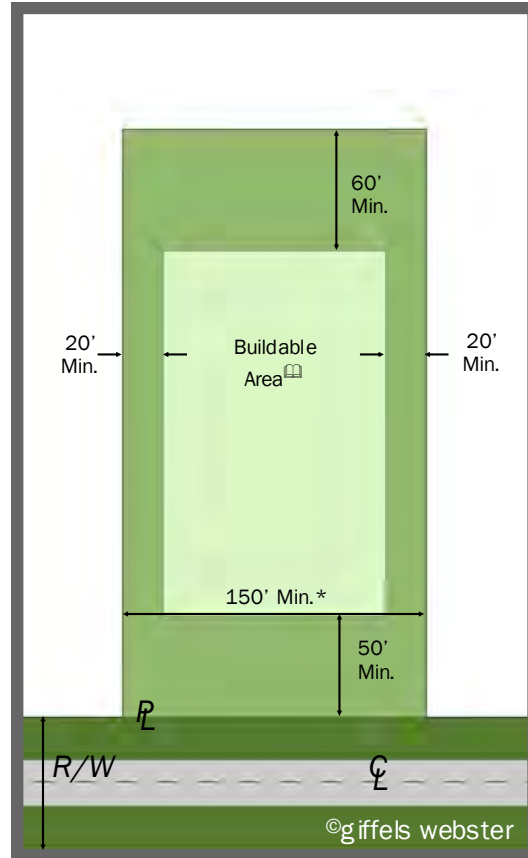
Residential Density[Ⓜ]

Maximum residential density: 1,800 sq. ft./DU

Note to District Standards:

[Section 3.32.B.1, 2, 3, 8, 9, 10, 12, 13, 14 and 15](#)

* These requirements apply to duplex, singular multi-family buildings, lodging house and boardinghouse. For requirements related to all other group housing development, see [Section 3.33](#).



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Multiple Family District Regulations](#) §3.33
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76
- [Mobile Homes on Private...](#) §4.77

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Solid Waste Management](#) §5.6
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Procedures for Development of Duplexes](#) §6.3
- [Site Condominium Subdivision Development Procedures](#) §6.6
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A. INTENT

The MHP, Mobile Home Park district is intended to provide for the development of mobile home parks and planned mobile home park developments in areas of the township where public utilities are available and to ensure that the residents of such communities shall be provided with certain minimum standards for quality of their living environments.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Mobile home park** ^{§3.34}
2. **Accessory buildings** ^{§4.34}
3. **Wireless Communication towers** ^{§4.11} and **Appurtenances** ^{§4.11}
4. **Accessory tower/structure mounted WECS** ^{§4.80}
5. **Wind energy monitoring station** ^{§4.81}
6. **Small wind energy conversion systems (WECS)** ^{§4.80}

C. SPECIAL USE PERMIT USES

1. **Excavation of soils and minerals** ^{§4.24}
2. **Extraction of Minerals** ^{§4.24}



D. DEVELOPMENT STANDARDS

Lot Size

Minimum park site area: 20 acres
 Minimum lot area[Ⓜ]: 5,500 sq. ft.
 Minimum lot width[Ⓜ]: ft.

Lot Coverage[Ⓜ]

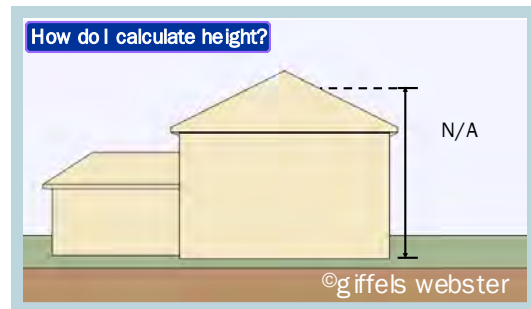
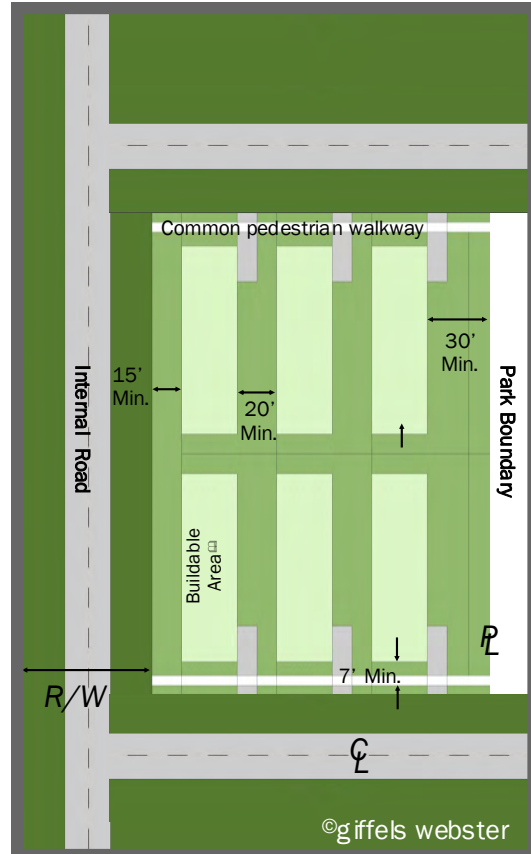
Maximum lot coverage: None Specified

Setbacks[Ⓜ]

Road Setbacks:
 County designated primary 50 ft.
 Internal road R.O.W. 15 ft.
 State and federal roads or highway 75 ft.
 Park boundary setback: 30 ft.
 Permanent building setback: 50 ft.
 Adjacent mobile home setback: 20 ft.
 Detached accessory building: 10 ft.
 Natural or manmade lake or waterway: 50 ft.
 Common pedestrian walkway: 7 ft.

Building Height[Ⓜ]

Maximum building height: None



The above drawings are not to scale.

Note to District Standards:
[Section 3.32.B.1, 2, 11, 12, 13, 14 and 15](#)

See [Section 3.34 - MHP District Requirements](#)

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [MHP District Requirements](#) §3.34
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Solid Waste Management](#) §5.6
- [Utility Installation](#) §5.8
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Earth Change Development Procedures](#) §6.7

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3.14 PO Professional and Office Services

1 Purpose and Introduction

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6 Development Procedures

7 Admin and Enforcement

A. INTENT

The PO, Professional and Office Services district is intended to provide for quiet, non-retail types of business and public health uses that do not generate constant high volume traffic from the general public.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

The following uses are permitted by right, subject to [Section 4.41](#)

1. Health service offices for surgeons, physicians, dentists and other similar professional persons, providing health services
2. **Institutions for human care**[Ⓜ] §4.22, including hospitals, clinics, sanitariums, nursing or convalescent homes
3. Professional offices[Ⓜ] and administrative offices[Ⓜ]
4. **Public buildings and public service installations** §4.22, excluding storage yards, transformer stations or substations, or telephone exchanges
5. **Business schools or private schools** operated for profit §4.22
7. **Funeral homes and mortuaries** §4.42
8. **Adult foster care large group homes**[Ⓜ] §4.2
9. **Accessory tower/structure mounted WECS**[Ⓜ] §4.80
10. **Wind energy monitoring station**[Ⓜ] §4.81
11. **Uses customarily accessory to principle uses permitted by right** §4.34
12. **Roof and ground mounted communication antennas**[Ⓜ] §4.10
13. **Mixed use**[Ⓜ] **development** §3.28
14. **Wireless Communication towers**[Ⓜ] and **Appurtenances** §4.11
15. **Small wind energy conversion systems**[Ⓜ] (**WECS**)§4.80

C. SPECIAL USE PERMIT USES

1. **Excavation of soils and minerals** §4.24
2. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 5,000 sq. ft.
 Minimum lot width[Ⓜ]: 50 ft.

Lot Coverage[Ⓜ]

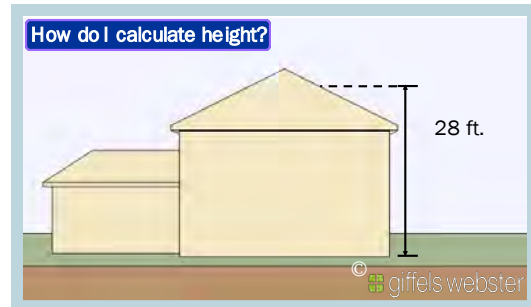
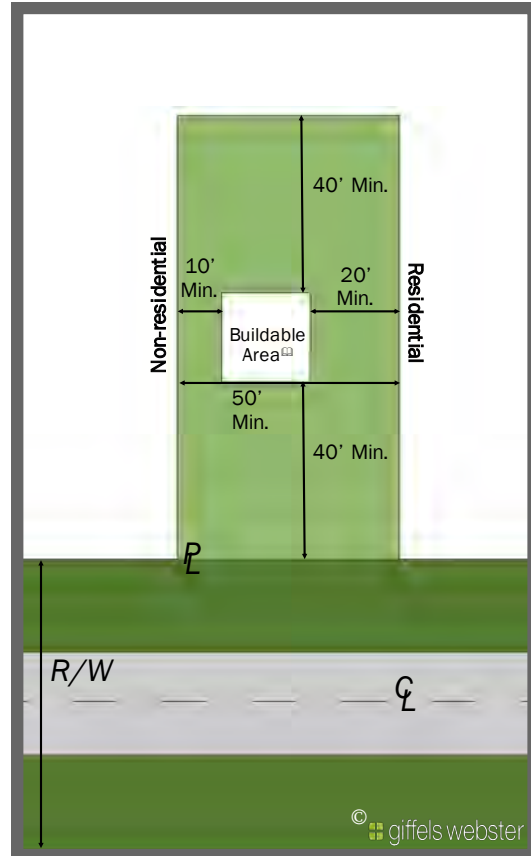
Maximum lot coverage: 40%

Setbacks[Ⓜ]

Minimum front yard setback: 40 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback:
 Abutting residential: 20 ft.
 Abutting non-residential: 10 ft.

Building Height[Ⓜ]

Maximum building height: 28 ft.



Note to District Standards:
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Unit Development** §3.27
- **Mixed Use Development** §3.28
- **Essential Services; Improvements** §3.40

4. Use Standards

- **Uses Specifically Prohibited** §4.76

5. Site Standards

- **Accessory Buildings** §5.1
- **Streets, Sidewalks and ...** §5.3
- **Signs** §5.4
- **Site Lighting** §5.5
- **Loading Spaces** §5.9
- **Off-Street Parking** §5.10
- **Landscaping and Buffer Yards** §5.12
- **Access to a Street** §5.13
- **Required Water Supply...** §5.14
- **Fences, Walls, and Screens** §5.15
- **Clear Vision Triangle** §5.16

6. Development Procedures

- **Site Plan Review...** §6.1
- **Earth Change Development Procedures** §6.7

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3.15 OP Office Park

A. INTENT

The OP, Office Park district is intended to provide for the development of a variety of office uses of a business and professional nature as well as to provide for the development of certain related activities in proximity to office uses. It is also the intent of this district to locate office uses in a campus environment in proximity to expressways and major arterial streets. The regulations contained in this section are designed to ensure a harmonious relationship between the office park district and abutting land uses and to promote efficient functioning for uses located within the office park district.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Professional[ⓘ] , medical and administrative offices[ⓘ]
2. Medical and dental laboratories
3. Radio and television stations, not including towers and antennas.
4. **Accessory tower/structure mounted WECS[ⓘ]** §4.80
5. **Wind energy monitoring station[ⓘ]** §4.81
6. Publicly owned buildings, exchanges, and public utility offices not including storage yards, maintenance facilities, substations, gas regulator stations, and material-handling facilities
7. Banks, credit unions, savings and loan institutions, not including drive-through facilities.
8. **Personal service establishments** §4.43
9. **Roof and ground mounted communication antennas** §4.10
10. **Small wind energy conversion systems[ⓘ] (WECS)**§4.80

C. SPECIAL USE PERMIT USES

1. **Athletic clubs and health spas and other indoor and outdoor recreating facilities including tennis, racquetball and handball courts and similar facilities** §4.36, but not including bowling alleys, ice rinks, and athletic fields
2. **Mixed use[ⓘ] development** §3.28
3. **Drive-through banking, loan and finance facilities** §4.44
4. **Medical clinics[ⓘ]** , excluding emergency services §4.23
5. **Wireless Communication towers[ⓘ] and Appurtenances** §4.11
6. **Excavation of soils and minerals** §4.24
7. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 30,000 sq. ft.
 Minimum lot width[Ⓜ]: 200 ft.

Lot Coverage[Ⓜ]

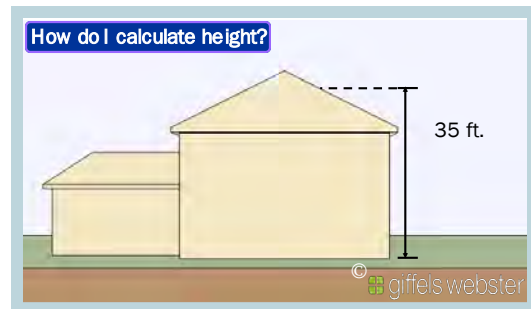
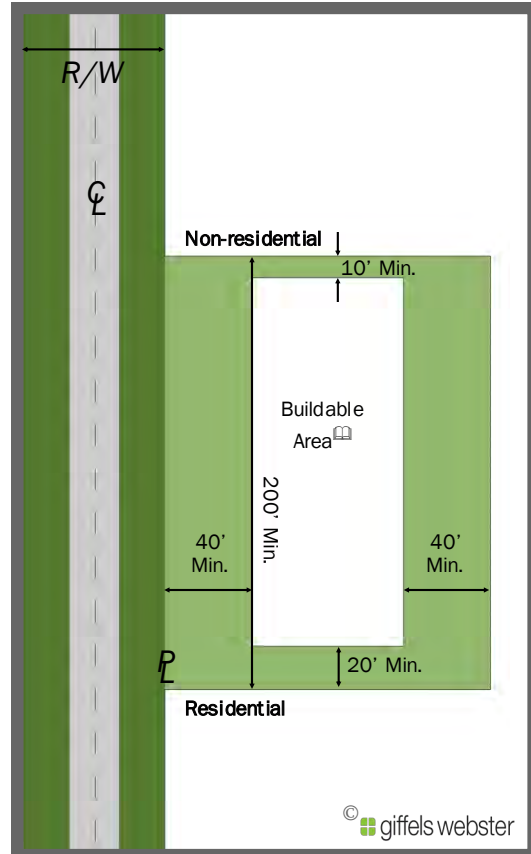
Maximum lot coverage: 40%

Setbacks[Ⓜ]

Minimum front yard setback: 40 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback:
 Abutting residential: 20 ft.
 Abutting non-residential: 10 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft.



Note to District Standards:
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

See [Section 3.35 - OP District Regulations](#)

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Mixed Use Development](#) §3.28
- [OP District Regulations](#) §3.35
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Solid Waste Management](#) §5.6
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Earth Change Development Procedures](#) §6.7

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A. INTENT

The POD, Planned Office Development district is intended to provide appropriate locations in the community for planned corporate office developments that are compatible with surrounding land uses and incorporate the existing character of the land.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Accessory tower/structure mounted WECS**[ⓘ] §4.80
2. **Small wind energy conversion systems (WECS)**§4.80
3. **Wind energy monitoring station**[ⓘ] §4.81
4. **Executive and administrative offices of a single entity** §3.36.C.1 and uses incidental for employees as follows:
 - a. **Education and training facilities and their temporary housing** §4.45
 - b. **Banks, credit unions, and other such financial institutions, including drive-through facilities** §4.44
 - c. **Parking structures** §4.46
 - d. **Personal service establishments** §4.43
 - e. **Customary accessory structures and uses** §4.34
 - f. **Athletic clubs and health spas** §4.47
 - g. **Public and private utility facilities** §4.48, not including storage yards, maintenance facilities, or material handling facilities
 - h. **Roof and ground mounted communication antennas** §4.10
 - i. **Swimming pools**[ⓘ] §4.7
 - j. **Medical clinics**[ⓘ] §4.23 that provide first aid and related customary support services solely to the employees working in the POD planned office development

C. SPECIAL USE PERMIT USES

1. **Mixed use**[ⓘ] development §3.28
2. **Wireless Communication towers**[ⓘ] and **Appurtenances** §4.11
3. **Large wind energy conversion systems (WECS)**§4.80
4. **Excavation of soils and minerals** §4.24
5. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: None specified
 Minimum lot width[§]: None specified

Open Space[§]

Minimum open space: 40%

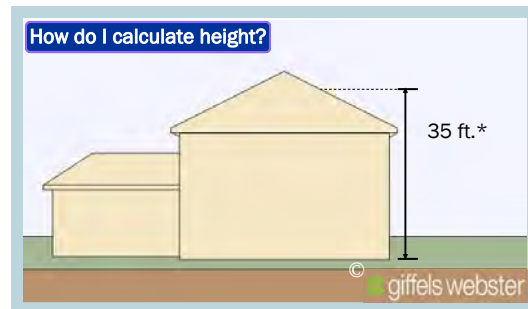
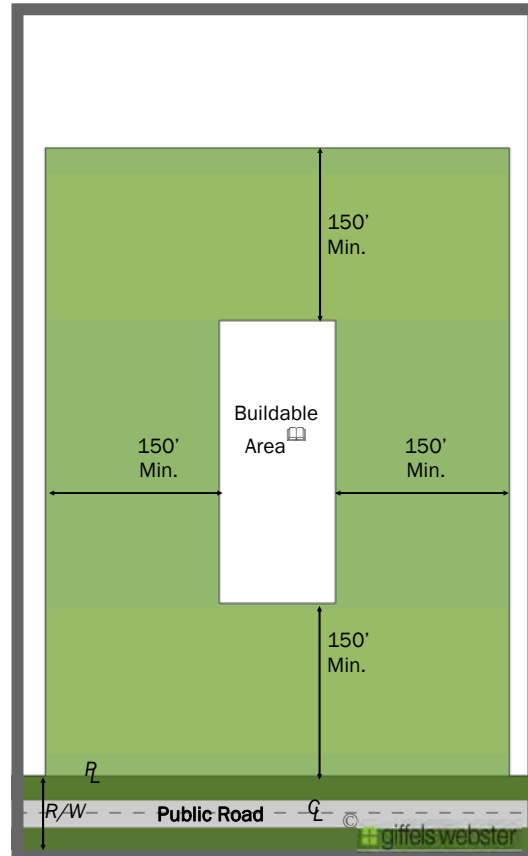
Setbacks[§]

Minimum property line setback: 150 ft.
 Minimum right-of-way setback:
 Existing public or private rd. 150 ft.
 Limited access rd. 100 ft.
 Public internal rd. 40 ft.

Building Height[§]

Maximum building height: 35 ft.*

Maximum Floor Area Ratio [§] (FAR)	
Percentage of Parking Spaces Located in Parking Structures	Maximum Permitted Floor Area Ratio (FAR)
Less than 25%	0.25
25% to 50%	0.31
More than 50%	0.37



The above drawings are not to scale.

Note to District Standards:
 Section 3.32.B.1, 2, 3, 12, 13, 14, 15 and 16

*See Section 3.36 for exception to height limit

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Mixed Use Development](#) §3.28
- [POD District Regulations](#) §3.36
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Solid Waste Management](#) §5.6
- [Surface Water Management](#) §5.7
- [Utility Installation](#) §5.8
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Development Procedures for POD District Development](#) §6.5
- [Earth Change Development Procedures](#) §6.7

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A. INTENT

The BL, Local Business district is designed to provide convenient day to day retail and personal services to persons living in local adjacent residential areas with a minimum impact upon that surrounding residential development. This district will accommodate a major portion of existing strip commercial development, but it is the intent of this district that future local business development will be placed in planned centers rather than small scattered local business zones.

i User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

The following uses are permitted by right, subject to **Section 4.41**.

1. **Retail food establishments** §4.49
2. Retail businesses, which supply commodities on the premises
3. Personal service establishments, which perform services on the premises
4. **Banks, credit unions, and other financial institutions, with drive-through facilities** §4.44
5. **Restaurants**, with drive-through facilities §4.44
6. Administrative and professional offices
7. Medical offices of doctors, dentists, and other health professionals.
8. **Accessory tower/structure mounted WECS** §4.80
9. **Wind energy monitoring station** §4.81
10. **Public buildings, such as post offices, libraries, or similar public office buildings** §4.22.C
11. **Dry cleaning establishments** §4.50
12. **Child care centers** §4.31
13. **Small wind energy conversion systems (WECS)** §4.80

D. SPECIAL USE PERMIT USES

1. **Gasoline service stations** §4.52
2. **Public buildings and public service installations** §4.22.C
3. **Carwashes** §4.51
4. **Banks, credit unions, and other financial institutions, with drive-through facilities** §4.44 (when adjacent to residential)
5. **Restaurants**, with drive-through facilities §4.44 (when adjacent to residential)
6. **Funeral homes and mortuaries** §4.42
7. **Mixed use development** §3.28
8. **Donation boxes** §4.78
9. **Wireless Communication towers and Appurtenances** §4.11
10. **Excavation of soils and minerals** §4.24
11. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 5,000 sq. ft.
 Minimum lot width[Ⓜ]: 50 ft.

Lot Coverage[Ⓜ]

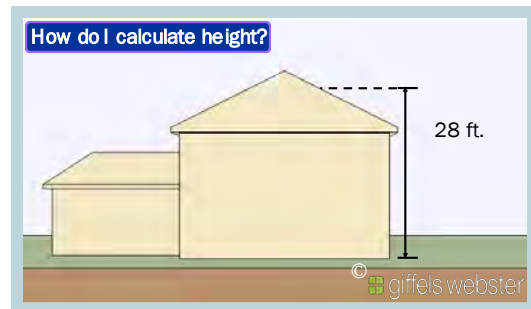
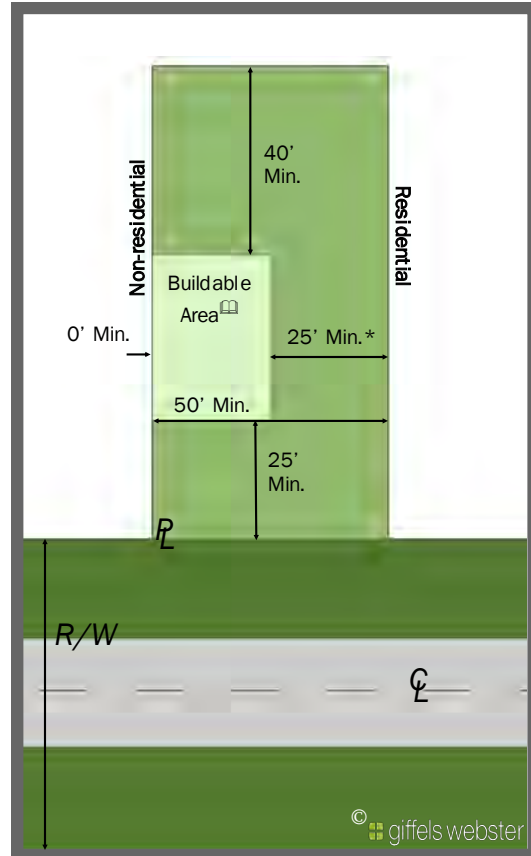
Maximum lot coverage: None Specified

Setbacks[Ⓜ]

Minimum front yard setback: 25 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback:
 Abutting residential or street 25 ft.*
 Abutting non-residential 0 ft.

Building Height[Ⓜ]

Maximum building height: 28 ft.



Note to District Standards:
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

* Yard shall be fenced and/or planted to adequately screen use.

SELECTED REFERENCES

3. Zoning Districts

- Planned Unit Development §3.27
- Mixed Use Development §3.28
- Essential Services; Improvements §3.40

4. Use Standards

- Uses Specifically Prohibited §4.76

5. Site Standards

- Accessory Buildings §5.1
- Performance Standards §5.2
- Streets, Sidewalks and ... §5.3
- Signs §5.4
- Site Lighting §5.5
- Loading Spaces §5.9
- Off-Street Parking §5.10
- Coordinated Access §5.11
- Landscaping and Buffer Yards §5.12
- Access to a Street §5.13
- Required Water Supply... §5.14
- Fences, Walls, and Screens §5.15
- Clear Vision Triangle §5.16

6. Development Procedures

- Site Plan Review... §6.1
- Earth Change Development Procedures §6.7

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A. INTENT

The BC, Community Business district is designed to facilitate the needs of a larger consumer population than is served by the local business districts; and, typically, accommodate those retail and business establishments that serve the community at large rather than localized residential areas as would be served by local business activity.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

The following uses are permitted by right, subject to **Section 4.41**.

1. Retail establishments
2. Personal, professional and business services
3. **Banks, credit unions, and other financial institutions, with drive-through facilities** ^{§4.44}
4. Office building and other public utility services
5. **Restaurants** ^{§4.44}, **with drive-through** ^{§4.44} **facilities** and taverns
6. Colleges, trade schools, dancing and music studios
7. Hospitals ^{§4.44}, medical clinics ^{§4.44} and ambulance services
8. Printing, publishing, photographic reproductions, blue-printing and related trades and arts
9. Building supply and equipment stores
10. Pet shops and pet grooming services
11. Light carting and express services.
12. Monument sales
13. Bicycle and motorcycle sales and service
14. Retail services ^{§4.44}
15. **Aircraft hangers** ^{§4.53}
16. **Public buildings and public service installations** ^{§4.22}
17. **Accessory tower/structure mounted WECS** ^{§4.80}
18. **Wind energy monitoring station** ^{§4.81}
19. **Commercial recreation facilities** ^{§4.54}
20. **Outdoor vehicle sales, service and repair** ^{§4.55}
21. **Motel, motor-hotel, hotel, and transient lodging facilities** ^{§4.56}
22. **Mini-warehousing** ^{§4.57}
23. **Temporary seasonal sales** ^{§4.58}
24. **Construction contracting businesses** ^{§4.59}
25. **Athletic clubs and health spas** ^{§4.47}
26. **Roof and ground mounted communication antennas** ^{§4.10}

B. PERMITTED BY RIGHT USES

27. **Child care centers** ^{§4.31}
28. **Greenhouses and nurseries** ^{§4.12}
29. **Drive-through facilities** ^{§4.44}
30. **Small wind energy conversion systems (WECS)** ^{§4.80}

C. SPECIAL USE PERMIT USES

1. **Servicing and repair of motor vehicles, trailers and boats or equipment** ^{§4.55}
2. **Manufacturing and processing establishments** ^{§4.61}
3. **Freezer locker businesses** ^{§4.62}
4. **Open air uses** ^{§4.60}
5. **Miniature golf and outdoor public amusements** ^{§4.20}
6. **Drive-through facilities** ^{§4.44}
7. **Gasoline service stations** ^{§4.52}
8. **Carwashes** ^{§4.51}
9. **Funeral homes and mortuaries** ^{§4.42}
10. **Bus passenger terminals, taxi garages, and dispatch stations** ^{§4.63}
11. **Firewood sales or storage** ^{§4.64}
12. **Banks, credit unions, and other financial institutions, with drive-through facilities** ^{§4.44} (when adjacent to residential)
13. **Restaurants** ^{§4.44}, **with drive-through** ^{§4.44} **facilities** (when adjacent to residential)
14. **Indoor sport shooting** ^{§4.33}
15. **Mixed use** ^{§3.28} **development**
16. **Donation boxes** ^{§4.78}
17. **Wireless communication towers** ^{§4.11} **and appurtenances**
18. **Animal hospitals and clinics** ^{§4.16}
19. **Drive-in theaters** ^{§4.65}
20. **Excavation of soils and minerals** ^{§4.24}
21. **Extraction of Minerals** ^{§4.24}



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 3,750 sq. ft.
 Minimum lot width[Ⓜ]: 40 ft.

Lot Coverage[Ⓜ]

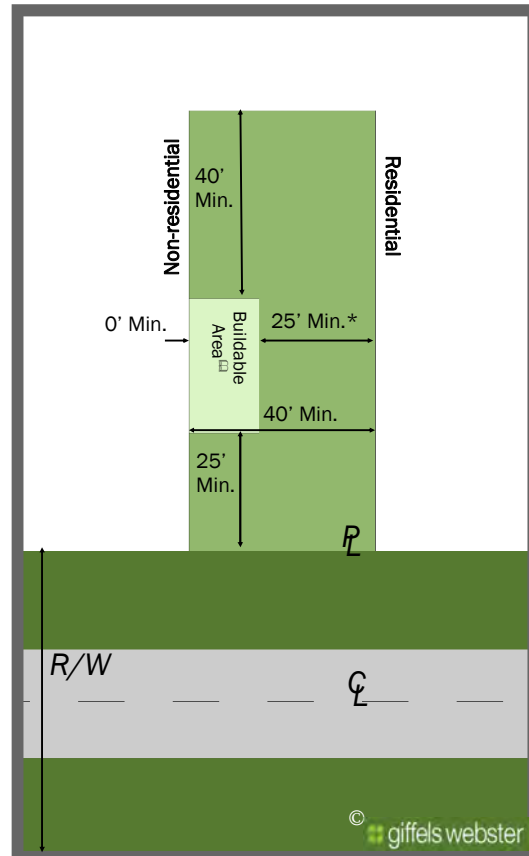
Maximum lot coverage: None specified

Setbacks[Ⓜ]

Minimum front yard setback: 25 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback:
 Abutting residential or street 25 ft.*
 Abutting non-residential 0 ft.

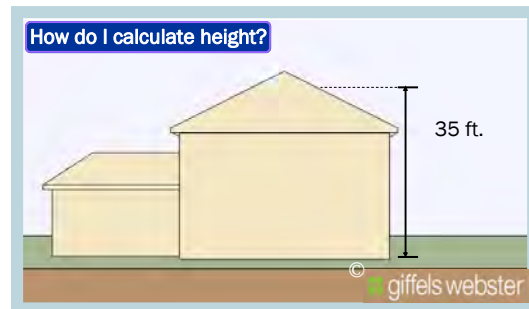
Building Height[Ⓜ]

Maximum building height: 35 ft.



Note to District Standards:
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

* Yard shall be fenced and/or planted to adequately screen use.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Mixed Use Development](#) §3.28
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Performance Standards](#) §5.2
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
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- [Off-Street Parking](#) §5.10
- [Coordinated Access](#) §5.11
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
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- [Fences, Walls, and Screens](#) §5.15
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6. Development Procedures

- [Site Plan Review...](#) §6.1
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A. INTENT

The BSC, Shopping Center Business district is intended to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within the township. Typically, such planned centers are located on a single unified site and are designed and constructed as an integrated unit for shopping and other business activity.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Retail food establishments** §4.49
2. Retail businesses, which supply commodities on the premises
3. Personal service establishments, which perform services on the premises
4. **Banks, credit unions, and other financial institutions, with drive-through facilities** §4.44
5. **Restaurants**, with drive-through facilities §4.44
6. Administrative and professional offices
7. Medical offices of doctors, dentists, and other health professionals.
8. **Public buildings, such as post offices, libraries, or similar public office buildings** §4.22.C
9. **Dry cleaning establishments** §4.50
10. **Child care centers** §4.31
12. **Gasoline service stations** §4.52
13. **Public buildings and public service installations** §4.22.C
14. **Motor vehicle cleaning or carwashes** §4.51
15. **Drive-through facilities** §4.44
16. **Funeral homes and mortuaries** §4.42
17. Banks and other financial corporation offices.
18. Auditorium, assembly and indoor entertainment facilities.
19. **Temporary structures** §4.58
20. **Wireless Communication towers and Appurtenances** §4.11
22. **Accessory tower/structure mounted WECS** §4.80
23. **Wind energy monitoring station** §4.81
24. **Small wind energy conversion systems (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Mixed use development** §3.28
2. **Donation boxes** §4.78
3. **Wireless Communication towers and Appurtenances** §4.11
4. **Large wind energy conversion systems (WECS)** §4.80
5. **Excavation of soils and minerals** §4.24
6. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 5 acres
 Minimum lot width[☐]: None specified

Lot Coverage[☐]

Maximum lot coverage: None specified

Setbacks[☐]

Minimum front yard setback: 40 ft.
 Minimum rear yard setback: Varies*
 Minimum side yard setback: Varies*

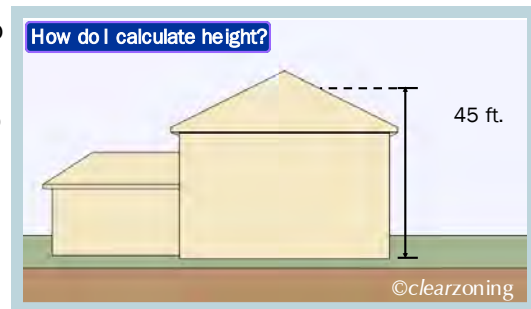
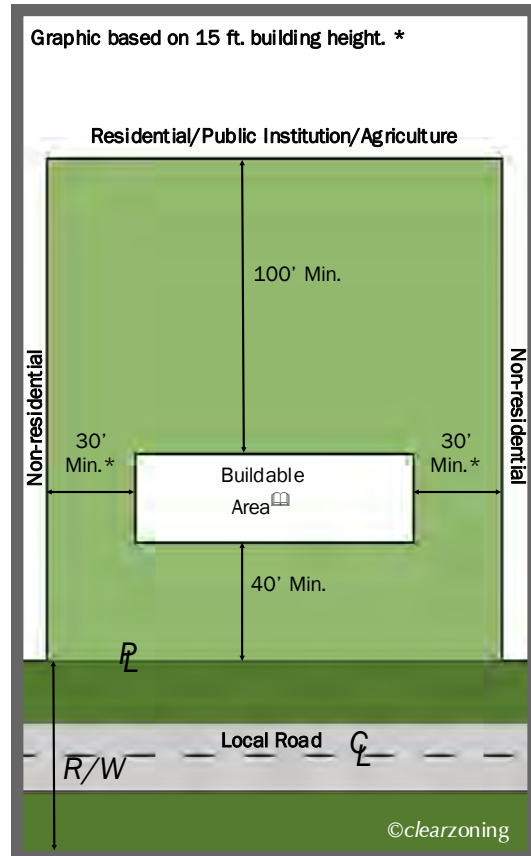
Building Height[☐]

Maximum building height: 45

Note to District Standards:
[Section 3.32B.1, 2, 3, 12, 13, 14 and 15](#)

*No structure, with the exception of permitted signs, fences, walls and light standards, shall be located closer to any property line of the center than a distance equal to twice its height. When located in or adjacent to an agricultural district, residential district, or when adjacent to a school, hospital, or other public institution, shall include as an integral part of the site development a strip of land 100 feet or more in width on all those sides of the site except on the side fronting a major arterial.

See [Section 3.37 - BSC District Regulations](#)



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [Mixed Use Development](#) §3.28
- [BSC District Regulations](#) §3.37
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Performance Standards](#) §5.2
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Coordinated Access](#) §5.11
- [Landscaping and Buffer Yards](#) §5.12
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- [Fences, Walls, and Screens](#) §5.15
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6. Development Procedures

- [Site Plan Review...](#) §6.1
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A. INTENT

The IL, Light Industrial district is primarily established to accommodate wholesale, warehouse, and industrial activities which, when properly buffered, can function with a minimum of undesirable and detrimental effects on surrounding districts. It is also intended to accommodate certain limited commercial uses that offer convenience to persons employed in the district as well as those commercial uses, while predominantly retail in nature, having characteristics that are recognized as being detrimental to other retail activities and residential uses. Such uses are therefore seen as being more compatible with the industrial uses permitted in the district, provided they meet the standards of this chapter. Within the district, residential uses and concentrations of retail uses are prohibited both to protect residences from an undesirable environment and to ensure reservation of adequate areas for light industrial development.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. **Storage facilities for building materials, sand, gravel, stone, lumber and contractors equipment** §4.55
- The following uses are permitted by right, subject to **Section 4.41**.
2. Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs and other semi-finished or finished products from previously prepared or raw material
3. Trade or industrial schools
4. Public utility installations and buildings
5. Truck or rail freight terminal
6. Contractors' establishment not engaging in retail activities on the site.
7. Lumber, fuel (including firewood) and building supplies, for wholesale or retail
8. Heating and electric power plants
9. **Customary accessory uses** §4.34
10. **Retail sales of finished products** §4.67
11. Restaurants[Ⓜ] and taverns
12. Convenience stores, up to 2,000 square feet of retail floor area
13. **Roof and ground-mounted communication antennas** §4.10
14. **Mini-warehousing** §4.57
15. **Wireless Communication towers[Ⓜ] and Appurtenances** §4.11
16. **Medical marihuana[Ⓜ] growing operation** §4.68
17. **Servicing and repair of motor vehicles, trailers, boats, or equipment** §4.55

B. PERMITTED BY RIGHT USES

18. **Accessory tower/structure mounted WECS** §4.80
19. **Wind energy monitoring station** §4.81
20. **Small wind energy conversion systems (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Wireless Communication towers[Ⓜ] and Appurtenances** §4.11
2. **Large wind energy conversion systems (WECS)** §4.80

The following uses are permitted by special use permit, subject to **Section 4.41**.

3. **Salvage yards** §4.69
4. **Excavation of soil and minerals** §4.24
5. **Gasoline service stations[Ⓜ] and carwashes** §4.52
6. **Servicing and repair of motor vehicles, trailers, boats, or equipment** §4.55
7. **Adult entertainment uses** §4.70
8. **Indoor sport shooting ranges** §4.33
9. **Excavation of soils and minerals** §4.24
10. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: Non specified
 Minimum lot width[Ⓜ]: 100 ft.

Lot Coverage[Ⓜ]

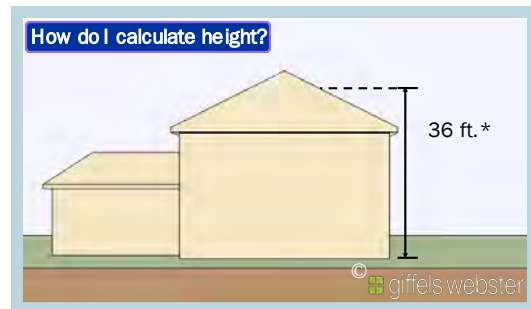
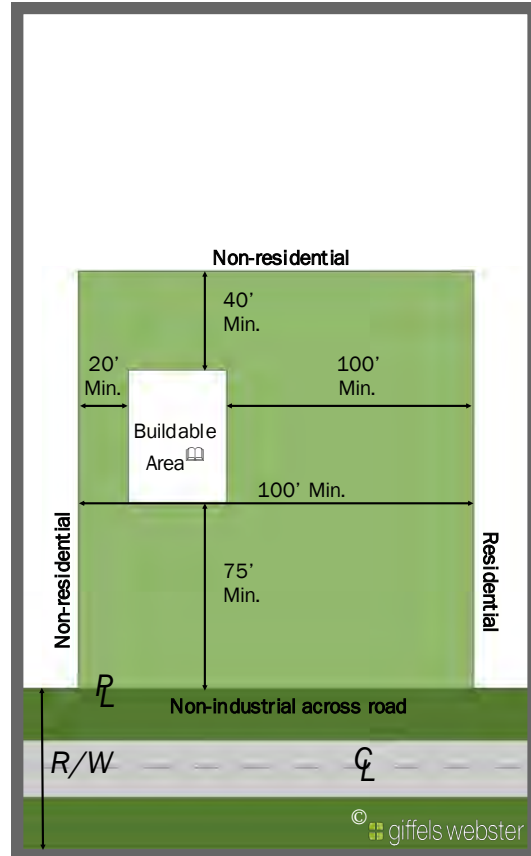
Maximum lot coverage: None Specified

Setbacks[Ⓜ]

Minimum front yard setback:
 Adjacent industrial 40 ft.
 Adjacent non-industrial 75 ft.
 Minimum rear yard setback:
 Adjacent non-residential 40 ft.
 Adjacent residential 100 ft.
 Minimum side yard setback:
 Adjacent non-residential 20 ft.
 Adjacent residential 100 ft.

Building Height[Ⓜ]

Maximum building height: 36 ft.*



The above drawings are not to scale.

Note to District Standards:

Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

* Elevator shafts, roof air or heating equipment and chimneys shall not be included as part of building height for the purposes of this section.

See Section 3.39 - IL and IH District Regulations

SELECTED REFERENCES

3. Zoning Districts

- Planned Unit Development §3.27
- IL and IH District Regulations §3.39
- Essential Services; Improvements §3.40

4. Use Standards

- Uses Specifically Prohibited §4.76

5. Site Standards

- Accessory Buildings §5.1
- Performance Standards §5.2
- Streets, Sidewalks and ... §5.3
- Signs §5.4
- Site Lighting §5.5
- Loading Spaces §5.9
- Off-Street Parking §5.10
- Coordinated Access §5.11
- Landscaping and Buffer Yards §5.12
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A. INTENT

The IH, Heavy Industrial district is intended to encourage and facilitate the development of industrial enterprises in a setting conducive to public health; economic stability and growth; and to protect from blight, deterioration; and incompatible nonindustrial encroachment. The district will allow for heavier industrial enterprises that generally require larger areas, greater outside storage and inherently produce greater levels of noise, odor, dust and smoke. It provides land for these industries which because of their characteristics require a degree of isolation from other industries and zones for reasons of health, safety and welfare to the general public.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

1. Heating and electric power generating plants
2. **Production, processing, cleaning, servicing, testing, or storage of goods, materials and products** §3.39
3. **Junkyards** §4.69
4. **Roof and ground-mounted communication antennas accessory** §4.10
5. **Wireless Communication towers and Appurtenances** §4.11
6. **Medical marihuana growing operation** §4.68
7. **Accessory tower/structure mounted WECS** §4.80
8. **Wind energy monitoring station** §4.81
9. **Small wind energy conversion systems (WECS)** §4.80

C. SPECIAL USE PERMIT USES

1. **Wireless Communication towers and Appurtenances** §4.11
2. **Large wind energy conversion systems (WECS)** §4.80

The following uses are permitted by special use permit, subject to compliance with **Section 5.2 Performance Standards**.

2. Chemical processes, manufacture and metallurgical manufacture and production.
3. Metal stamping, punching, plating, hammering, forging
4. **Scientific research, pilot plant and testing** §4.71
5. Mineral extractions
6. **Sanitary landfills** §4.72
7. **Commercial livestock auctions, stockyards, the commercial slaughter and dressing of animals** §4.73
8. **Commercial composting operations**, excluding storage and recycling of paper, plastics, rubber, metals §4.74
9. **Indoor sport shooting ranges** §4.33
10. **Accessory uses** §4.34
11. **Excavation of soils and minerals** §4.24
12. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: None specified
 Minimum lot width[☒]: 100 ft.

Lot Coverage[☒]

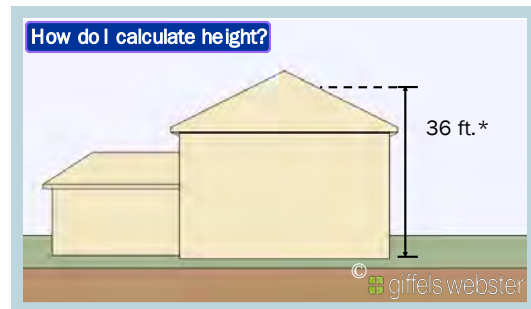
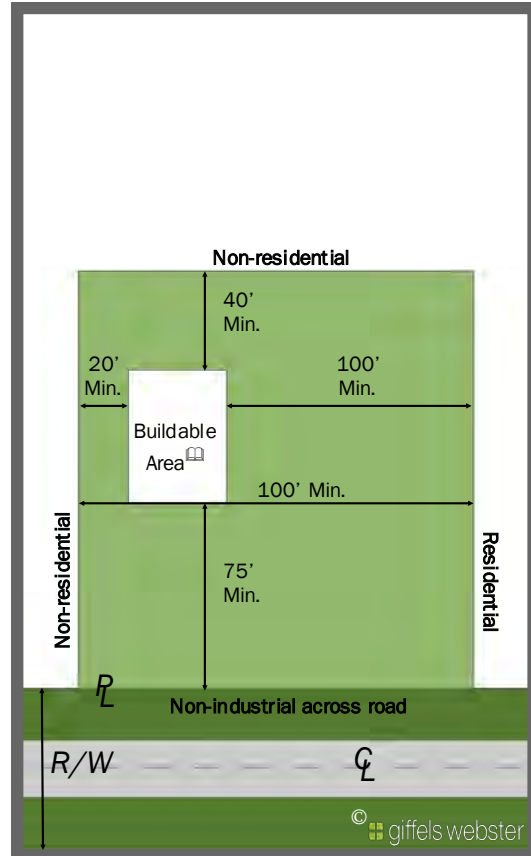
Maximum lot coverage: None Specified

Setbacks[☒]

Minimum front yard setback:
 Adjacent industrial 40 ft.
 Adjacent non-industrial 75 ft.
 Minimum rear yard setback:
 Adjacent non-residential 40 ft.
 Adjacent residential 100 ft.
 Minimum side yard setback:
 Adjacent non-residential 20 ft.
 Adjacent residential 100 ft.

Building Height[☒]

Maximum building height: 36 ft.*



The above drawings are not to scale.

Note to District Standards:

[Section 3.32.B.1, 2, 3, 12, 13, 14 and 15](#)

* Elevator shafts, roof air or heating equipment and chimneys shall not be included as part of building height for the purposes of this section.

See [Section 3.39 - IL and IH District Regulations](#)

SELECTED REFERENCES

3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [IL and IH District Regulations](#) §3.39
- [Essential Services; Improvements](#) §3.40

4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

5. Site Standards

- [Accessory Buildings](#) §5.1
- [Performance Standards](#) §5.2
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Loading Spaces](#) §5.9
- [Off-Street Parking](#) §5.10
- [Coordinated Access](#) §5.11
- [Landscaping and Buffer Yards](#) §5.12
- [Access to a Street](#) §5.13
- [Required Water Supply...](#) §5.14
- [Fences, Walls, and Screens](#) §5.15
- [Clear Vision Triangle](#) §5.16

6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Earth Change Development Procedures](#) §6.7

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A. INTENT

Reserved



User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Uses primarily engaged in research activities
2. Manufacturing, research, assembly, testing and repair of components, devices, equipment and systems and parts and components
3. Light manufacturing[ⓘ]
4. Distribution and warehousing facilities, not including mini/self-serve storage warehouses.
5. Executive, administrative and , professional office buildings
6. Blueprinting, photostatting, photoengraving, printing, publishing and bookbinding.
7. Banks, credit unions, savings and loan associations.
8. **Medical marihuana[ⓘ] growing operation** §4.68
9. **Wireless Communication towers[ⓘ] and Appurtenances** §4.11
10. **Accessory tower/structure mounted WECS[ⓘ]** §4.80
11. **Wind energy monitoring station[ⓘ]** §4.81
12. **Accessory retail** §4.75
13. **Roof and ground mounted communication antennas** §4.10
14. **Small wind energy conversion systems[ⓘ] (WECS)**§4.80

C. SPECIAL USE PERMIT USES

1. **Indoor sport shooting ranges** §4.33
2. **Wireless Communication towers[ⓘ] and Appurtenances** §4.11
3. **Large wind energy conversion systems[ⓘ] (WECS)** §4.80
4. **Excavation of soils and minerals** §4.24
5. **Extraction of Minerals** §4.24



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓐ]: 40,000 sq. ft.
 Minimum lot width[Ⓐ]: 200 ft.

Lot Coverage[Ⓐ]

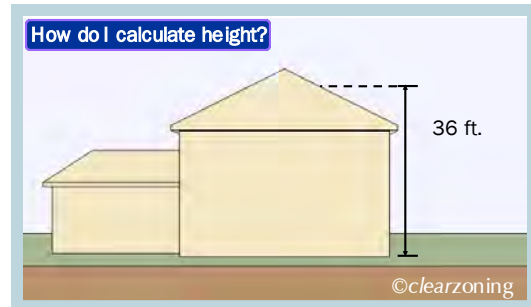
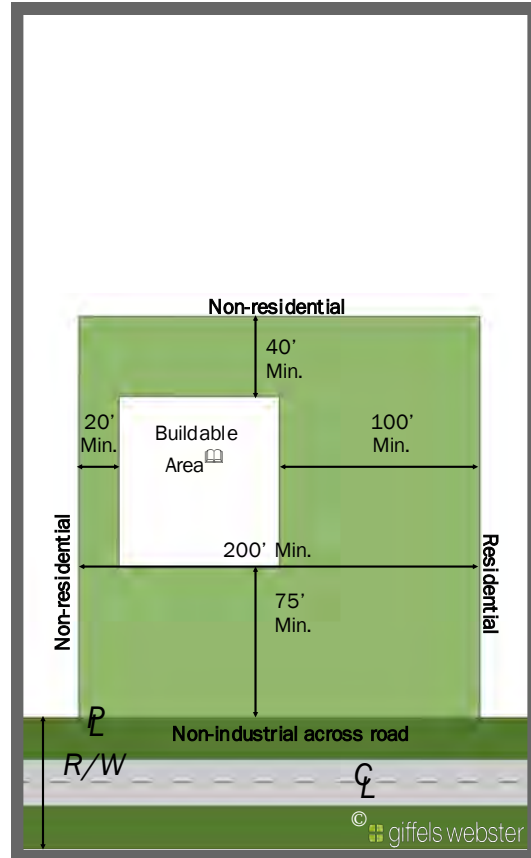
Maximum lot coverage: None Specified

Setbacks[Ⓐ]

Minimum front yard setback:
 Adjacent industrial 40 ft.
 Adjacent non-industrial 75 ft.
 Minimum rear yard setback:
 Adjacent non-residential 40 ft.
 Adjacent residential 100 ft.
 Minimum side yard setback:
 Adjacent non-residential 20 ft.
 Adjacent residential 100 ft.

Building Height[Ⓐ]

Maximum building height: 36 ft.



The above drawings are not to scale.

Note to District Standards:
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

See [Section 3.38 - I-P District Regulations](#)

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3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [I-P District Regulations](#) §3.38
- [Essential Services; Improvements](#) §3.40

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A. INTENT AND PURPOSE.

The US 27 BR Access Management Overlay Zoning District – Site Plan Standards are intended to regulate the number and location of access points for the US 27 BR Corridor. The US 27 BR Access Management Overlay Zoning District consists of a north-south state trunk-line roadway (US 27 BR) which traverses the entire length of the township and connects to the I-69 entrance and exit ramps.

1. The Charter Township of DeWitt finds that special comprehensive zoning standards are needed in this area of the Township based upon the following findings:
 - i. The combination of roadway design, traffic speeds, current and projected traffic volumes, potential traffic crashes and other characteristics necessitate special access standards.
 - ii. Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
 - iii. The standards are based upon considerable research and recommendations contained within the Michigan Department of Transportation (MDOT) Access Management Guidebook.
 - iv. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts businesses.
 - v. Establish uniform access standards to ensure fair and equitable application.
 - vi. Implements the goals and recommendations of the DeWitt Charter Township Comprehensive Plan (2005).
 - vii. Expands the previously adopted US 27 Access Management Plan and Ordinance.
 - viii. Implements the goals and recommendations of the DeWitt Charter Township US 27 BR Access Management Plan currently in effect.
2. The standards of this division are further intended to:
 - i. Minimize disruptive any potentially hazardous traffic conflicts, thereby reducing the frequency of fatal, injury and property damage accidents;
 - ii. Separate traffic conflict areas by reducing the number of direct access points;
 - iii. Provide efficient spacing standards between access points and between access points and intersections;
 - iv. Establish uniform access standards to ensure fair and equal application;
 - v. Implement the goals and recommendations of the township comprehensive development plan;
 - vi. Implement the recommendations of the township access plan for the corridor plan;
 - vii. Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
 - viii. Maintain and expand the current service drive system;
 - ix. Require coordinated access among several landowners;
 - x. Ensure reasonable access to properties, though the access may not always be direct access;
 - xi. Coordinate township decisions on development proposals with access permit decisions by the Michigan Department of Transportation and the Clinton County Road Commission.

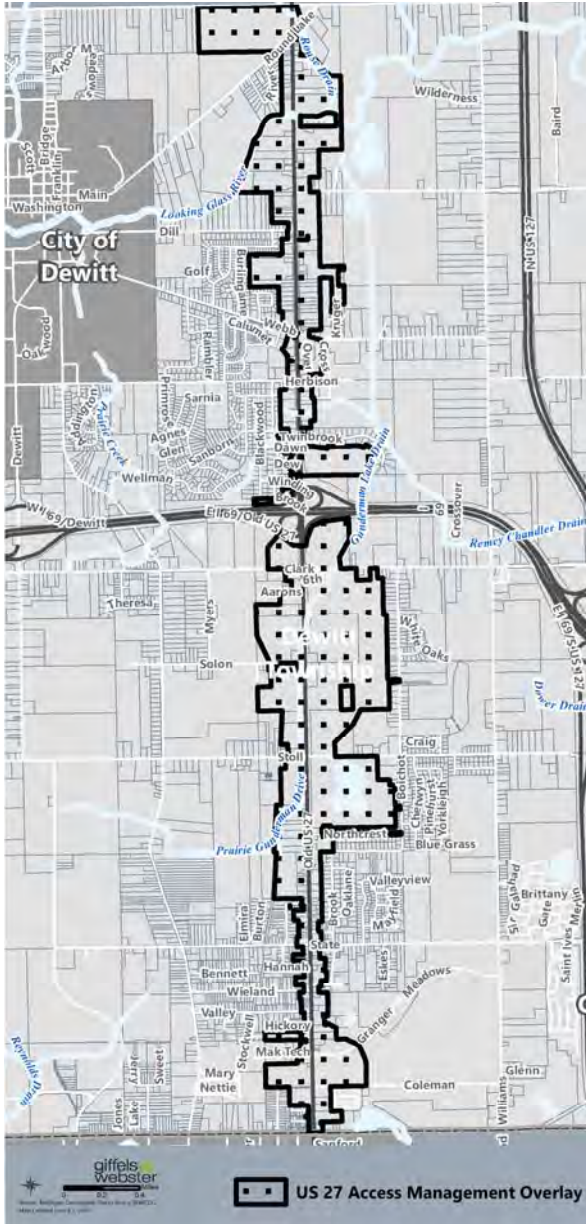


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B. DISTRICT BOUNDARIES.

This Access Management Overlay Zoning District shall consist of properties located on US 27 from Sheridan Road to north of Round Lake Road at the northern Township boundary. (See Map)



C. SPECIAL APPROVAL PROCESS FOR PROJECT WITHIN MANAGEMENT OVERLAY ZONE

In order to help ensure consistent review by the township and the road agency, the following procedure shall be followed:

1. The applicant shall be required to submit a site plan or tentative preliminary plat concurrently to both the township and the road agency. The road agency shall receive the plans at least 21 days prior to the township planning commission meeting at which action may be taken.
2. The applicant shall also submit a written statement describing that the access for the proposed project is in compliance with the corridor plan. If the proposed access for the site plan or subdivision plan is not in conformance with the corridor plan, as determined by the zoning administrator, a traffic impact study, as described in [Section 3.23.F.5](#) shall be submitted to the township and road agency along with documentation from the road agency supporting the requested access design. The requirement for the submittal of a traffic impact study may be waived by the board as outlined in [Section 3.23.F.4](#).

D. INFORMATION REQUIRED FOR APPROVAL.

In addition to the submittal information required for a special [use permit](#) and/or [site plan review](#) in [Section 6.1 Site Plan Review and Special Use Permits](#), the following items 1 through 7 shall be provided with any application for site plan review or special use permit within said Access Management Overlay Zoning District. The information listed in items 1 thru 7 below shall also be required with any request for a land division, subdivision plat or site condominium.

1. Existing access points. Existing access points within 500 feet on both sides of the roadway frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs, plat and/or survey. Dimensions between proposed and existing access points shall be shown on the site plan.

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2. Sight Distance. The applicant shall submit evidence indicating that the applicable Charter Township of DeWitt's, CCRC and/ or MDOT sight distance requirements are met.
3. Shared Access. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval by the Charter Township of DeWitt. Once approved, this agreement shall be recorded with the Clinton County Register of Deeds.
4. Dimensions. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
5. Large Vehicles. The site plan shall illustrate the route and layout of turning movements, with dimensions of any expected emergency vehicles, truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan shall confirm that routing the vehicles will not disrupt operations on the mainline road at the access points nor impede maneuvering or parking within the site.
6. Traffic Impact Study. A traffic impact study is required as specified in [Section 3.23.F.4](#) Modifications.
7. Review coordination. The applicant shall provide copies of any conceptual or preliminary plans to the Charter Township of DeWitt so copies can be sent to the MDOT or CCRC, as applicable, and other necessary review agencies for their information and comment. Any correspondence from the MDOT on the general access design and geometrics shall be considered during the special use permit and site plan review processes. The Charter Township of DeWitt may request attendance at coordination meetings with representatives of the MDOT or CCRC. Once a final site plan has been approved by the Charter Township of DeWitt, the applicant shall request an access permit from MDOT or the CCRC. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure permits from the MDOT or CCRC.

E. APPLICATION OF STANDARDS.

1. The standards of this section shall apply to any project within the corridor plan area undergoing site plan review and subdivision approval. The access standards of this section are applied simultaneously with the standards of the underlying zoning district for uses and dimensional requirements listed in the schedule of regulations. The standards shall also be applied to any existing site which is proposed for redevelopment or a change in use, to the extent possible, as determined by the planning commission based on the standards of [Section 3.23.F.4](#)
2. The standards herein are based on extensive traffic analysis of this corridor by the township and the state. This analysis demonstrates the combination of roadway design, traffic speeds, traffic volumes and other characteristics necessitate special access standards. Therefore, the access standards herein may be more restrictive than those provided by the county road commission or the state department of transportation. If there is a conflict with the access standards of the agency having jurisdiction within the roadway right-of-way, the more restrictive standards, as determined by the township planning commission with input from the road agency, shall apply.

F. ACCESS MANAGEMENT STANDARDS

1. Intent of Standards. The Michigan Department of Transportation (MDOT) and the Clinton County Road Commission (CCRC) have jurisdiction over the roadways within their roadway's right-of-way, while the Charter Township of DeWitt has authority over land use and site plan decisions within individual lots or parcels along the roadways. These access management standards were created to help ensure a collaborative process among the MDOT, CCRC and the Charter Township of DeWitt on access decisions within the US 27 BR Corridor to implement the recommendations of the "US 27 BR Access Management Plan" and other adopted Charter Township of DeWitt standards. The Standards of this Section are further intended to:



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- i. Promote a more coordinated development review process for the Charter Township of DeWitt with the Michigan Department of Transportation (MDOT) and the Clinton County Road Commission (CCRC).
 - ii. Preserve the capacity of the roadways by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off cross streets in certain locations.
 - iii. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
 - iv. Improve safety and reduce the potential for crashes.
 - v. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
 - vi. Implement the recommendations of the “US 27 BR Access Management Plan”..
 - vii. Require longer frontages or wider minimum lot widths than required in other zoning districts to help achieve access management spacing standards.
 - viii. Require coordinated access among adjacent lands where possible.
 - ix. Require demonstration that resultant lots or parcels are accessible through compliance with the access standards herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
 - x. Address situations where existing development within the corridor area does not conform to the standards of this overlay district.
 - xi. Avoid the need for unnecessary and costly reconstruction, which disrupts business operations and traffic flow.
 - xii. Ensure efficient access by emergency and public transportation vehicles.
 - xiii. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.
 - xiv. Establish uniform standards to ensure fair and equal application.
 - xv. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access points may not be the arrangement most desired by the landowner or applicant.
2. Applicability of Standards. The standards of this section shall apply to all lots and parcels with frontage along the entire length of US 27 BR from the south township line to the north township line as well as the intersecting public roadways within the map area. The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. The standards of this section are not retro-active for existing property within the AMOD unless such property is part of a land use development change regulated by this section and/or are included in a roadway improvement within the public right-of-way. Permitted and special land uses on these lands shall be as regulated in the applicable zoning district (as designated on the zoning map), and shall meet the following additional provisions.
- i. The number of access points shall be the fewest needed to allow motorists reasonable access to the site.
 - ii. No access point shall connect to a public street or road, without first receiving approval of the location and cross-section specifications from DeWitt Charter Township, the MDOT and/or CCRC. No access point shall connect to a private road unless approved by the Planning Commission and by the parties with an ownership interest in the private road.

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- iii. Access spacing from intersections and other driveways shall meet the US 27 BR Access Management Plan and the prevailing roadway jurisdictions guidelines. If there is a conflict in these requirements, the prevailing roadway jurisdiction requirements supersede the requirements of the above referenced Plan.
 - iv. Provisions have been made to share access with adjacent uses where possible, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the county specifying that the Charter Township of DeWitt approval is required for any change to the easement.
 - v. No building or structure, nor the enlargement of any building or structure, shall be approved until the existing and/or proposed access points to the building or structure along the roadways within the US 27 BR Access Management Plan regulations are reviewed by the Township Planning Director and the prevailing roadway agency and the existing/proposed access points are deemed in compliance with the standards herein and all requirements are sufficiently met in connection with such building, structure, or enlargement.
 - vi. All subdivisions and condominium projects shall comply with the access spacing standards as herein demonstrated. Compliance with this section shall be required to demonstrate that a lot is accessible as required under the Land Division Act (Act 288 of 1967, as amended).
 - vii. Any change in use that requires a site plan review per [Section 6.1](#) Site Plan Review, the applicant shall identify the extent of compliance with the standards herein and shall submit information to the MDOT or the CCRC to determine if a new access permit is required.
 - viii. For building or parking lot expansions, or changes in use or property, the Township Planning Director shall determine the extent of upgrades to bring the site into greater compliance with the access standards. In making a decision, the Township Planning Director shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, and any recommendations from the MDOT or CCRC. Required improvement may include removal or rearrangement of redesign of site access points.
 - ix. The standards herein were developed collaboratively between the Charter Township of DeWitt, MDOT and Clinton County Road Commission. Where conflict occurs, the more restrictive standards apply.
3. Standards. Access points (not including driveways that serve an essential public service or utility substation) within the US 27 BR Access Management Overlay Zoning District shall meet the following standards as required in this section. The spacing standards specified below shall be required to be measured from all other roads and driveways with the exception of single-family residential driveways. If there is a change in use from residential to a nonresidential use, the Township Planning Director shall require existing access to be brought into general conformance with the requirements of this section. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT in their Access Management Guidebook.
- i. General Driveway Location and Spacing Standards
 - (1) Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and provide a favorable driveway grade.



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- (2) Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the road agency and upon written certification from the adjacent land owner agreeing to such encroachment.
 - (3) Access points along U.S. 27 shall be spaced a minimum of 550 feet apart along the arterial and from any intersections, or as identified in the corridor plan. Measurements shall be from centerline of driveways and near the edge of pavement for intersections.
 - (4) Access points along the streets and private roads which intersect the arterial shall be spaced at least 150 feet from the intersection (measured from the near edge to the nearest edge of pavement) and a minimum 150 feet from other driveways (measured from centerline to centerline) or as identified in the corridor plan.
 - (5) Access points shall be directly aligned with those across the street or offset a minimum of 150 feet along U.S. 27 and a minimum 150 feet along other streets and private roads. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
 - (6) A service drive shall be constructed to provide access where recommended in the corridor plan or where the planning commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access. The service drive shall be designed and maintained according to [Section 3.23.F.3.ii](#).
- ii. Service Drives
 - (1) Service drives shall be designed, constructed and maintained according to the following:
 - (2) Width. Minimum width of 24 feet (30 feet preferred), edge of pavement to edge of pavement.
 - (3) Easement. The service drive shall be located within an access easement recorded with the county register of deeds.
 - (4) Construction materials. Construction materials shall be per public street standards of the county road commission or Michigan Department of Transportation (MDOT).
 - (5) Access points. The number of accesses along a service road shall be according to the spacing standards of this section, provided the planning commission may allow temporary access where the service drive is not completed if a performance bond or other financial guarantee is provided which ensures elimination of the temporary access upon completion of the service drive, and ensures construction of the service drive at a future date determined by the planning commission.
 - (6) Access storage. Each access point shall provide a minimum 80 feet of storage area near the edge of pavement to the nearest edge of pavement or as identified in the corridor plan.
 - (7) Parking and loading. The service drive shall have posted on both sides that parking, loading and unloading are not permitted.
 - (8) Pavement markings. Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings.

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- (9) Traffic calming. The planning commission may authorize the use of certain traffic calming measures to control speeds on service drives, where appropriate, provided that proposed measures are illustrated on plans and designed to meet generally recognized design standards. Examples of measures that the planning commission may consider include speed tables and raised crosswalks; however, the use of speed bumps is prohibited.
- iii. Residential Driveway Spacing Standards
 - (1) All subdivisions or condominium projects shall provide individual lot access from roads internal to the development and no lot shall have direct access to US 27 BR.
 - (2) Each lot or parcel shall be permitted one access point.
 - (3) In order to comply with the accessibility requirements of the Land Division Act (PA 228 of 1967, as amended), land divisions shall not be permitted that may prevent compliance with the access location standards of this section.
- iv. Commercial Driveway Spacing Standards
 - (1) Each lot or parcel shall be provided reasonable access. This access point may consist of a shared access with an adjacent use or access via a service drive, frontage road or side street.
 - (2) The access point location(s) shall be in accordance with the standards of this section and the recommendations of the US 27 BR Access Management Plan for the specific location in question. The access point location(s) shall also provide the opportunity for shared access with adjoining lots. Each lot or parcel developed under this section shall be required to grant shared access easements to adjoining lots or

parcels to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of similar use, there shall be a vehicular connection where feasible, as recommended by the US 27 BR Access Management Plan and as determined by the DeWitt Township Planning Director.

- (3) In order to comply with the accessibility requirements of the Land Division Act (PA 228 of 1967, as amended), land divisions shall not be permitted that may prevent compliance with the access location standards of this section and the recommendations of the US 27 BR Access Management Plan.
- (4) Un-signalized Driveway Access Spacing – Full Movement Driveways. Adjacent un-signalized accesses within the overlay district shall be spaced as recommended by the US 27 BR Access Management Plan and the general standards of this section. Table 1 shows the desirable un-signalized access spacing as a function of posted speed. The site distance at the access points must also be investigated to ensure that corner sight distance and stopping sight distance requirements are met.

3.23.F.3.iv(4) Un-signalized Driveway Spacing for Same Side of Roadway	
Posted Speed MPH	Center to Center of Access (in Feet)*
25	130
30	185
35	245
40	300
45	350
50 and above	455+

*Based on MDOT Traffic and Safety Note 608A – Spacing for commercial driveways and streets. Note these values are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.



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- (5) Un-signalized Driveway Access Spacing – Restricted Movement Driveways (limited to right turn in/right turn out movements). Restricted accesses within the overlay district shall be spaced as recommended by the US 27 BR Access Management Plan. However, restricted access points must have a desirable spacing of at least one hundred fifty feet (150 Ft.) from the adjacent access points or as identified in the US 27 BR Access Management Plan.
- (6) Driveway Access Spacing from Signalized Intersection. All driveway access points shall be located as far away from the signalized intersection as allowable and in accordance with the recommendations of the US 27 BR Access Management Plan. Full movement and restricted movement driveway accesses shall be located two hundred thirty feet (230 Ft.) away from the signalized intersection if the posted speed limit is 30 MPH to 35 MPH. For posted speed limits over 40 MPH, the driveway access shall be located four hundred sixty feet (460 Ft.) from the signalized intersection or as identified in the US 27 BR Access Management Plan.
- (7) Driveway Access Spacing from Un-signalized Intersections. All driveway access points shall be located as far away from the signalized intersection as allowable. At a minimum, all access points shall be located a minimum of one hundred fifteen feet (115 Ft.) from the intersection with a posted speed limit of 30 MPH to 35 MPH or two hundred thirty feet (230 Ft.) with a posted speed limit greater than 40 MPH or as identified in the Marsh Road/I-69 Interchange Area Access Management Plan.

- (8) Driveway Access Spacing – Opposite Sides of Roadway. Consideration shall be given to driveway alignment on both sides of the street. Access points shall be offset according to Table 2 where allowable and in accordance with the US 27 BR Access Management Plan. If desired spacing cannot be achieved, the driveway shall be constructed perpendicular to the existing public street or an approved private road and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median. An engineering study shall be performed to identify the proper location of opposite side of the road driveway spacing when the desirable offsets cannot be achieved or as directed by the Township Planning Director.

3.23.F.3.iv(8) Desirable Driveway Offsets Distance between Access Points on Opposite Sides of an Undivided Roadway	
Posted Speed MPH	Center to Center of Access (in Feet)*
25	255
30	325
35	425
40	525
45	630
50 and above	750

*Based on MDOT Traffic and Safety Note 608A – Spacing for commercial driveways and streets. Note these values are considered minimums based on the distances required to avoid conflicts between vehicles turning left into adjacent driveways.

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- v. Number of Access Points. Access for an individual parcel, lot or building site or for contiguous parcels, lots or building sites, under the same ownership shall consist of a single two-way driveway to accommodate ingress and egress traffic as recommended by the US 27 BR Access Management Plan. One access point along U.S. 27 or along streets which intersect U.S. 27 shall be permitted for each single and two-family residential lot or parcel or a subdivision. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable vehicular access and proper access for emergency vehicles, while preserving traffic operations and safety along the public roadway, as supported by a traffic impact study. Access may be via an individual access point or shared access along a service drive. An additional access point may be approved by the Township Planning Director if the following applies.
- (1) One (1) additional access point within the US 27 BR Access Management Overlay District may be allowed for land with a continuous frontage of over eight hundred feet (800 Ft.), and only if the Planning Commission determines there are no other reasonable access opportunities.
 - (2) One (1) additional access point may be allowed along streets that intersect the US 27 BR Access Management District for land with at least six hundred feet (600 Ft.) of frontage along that street and only if the Planning Commission determines there are no other reasonable access opportunities.
 - (3) One (1) additional access point may be allowed if the land is a corner parcel with the US 27 BR Access Management Overlay District and with at least three hundred feet (300 Ft.) of frontage along both public streets and only if the Planning Commission determines there are no other reasonable access opportunities.
 - (4) Additional access points may be allowed by the Planning Commission if a traffic impact study prepared by a professional engineer deems the additional access necessary for safe and efficient movement of traffic on the public street system and within the proposed site.
 - (5) One-way access points are discouraged (unless otherwise noted in the Plan) due to their conflict with the township's goal to reduce the number of driveways.
 - (6) The Planning Commission determines additional access is justified without compromising safety and traffic operations along the arterial, based upon a request for modification submitted pursuant to the requirements of the Modifications section.
 - (7) The proposed access point is approved by MDOT and the CCRC.
- vi. Shared Access. The use of shared access, parking lot connections and service drives, in conjunction with driveway spacing, as recommended in the US 27 BR Access Management Plan, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Shared access is strongly encouraged and in some cases may be required as part of the site plan review process. When required, one or more of the following options apply.



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- (1) **Shared Driveways.** Sharing, or joint use, of a driveway by two or more adjacent properties shall be encouraged. In cases where access is restricted by the driveway spacing requirements of [Section 3.23.F.3](#), where access could potentially interfere with traffic operations at an existing or planned traffic signal location, where the property frontage has limited sight distance or where the emergency services department recommends a second means of emergency access, a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another and/or access the public street.
 - (2) **Frontage/Backage Roads.** In cases where a frontage road exists, is recommended either in the DeWitt Charter Township Comprehensive Plan, the US 27 BR Access Management Plan, or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street. If a frontage road is proposed but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards of this ordinance. The Planning Commission may approve temporary access points where a continuous service drive is not yet available. Frontage/Backage Roads shall generally be parallel to the front property line and may be placed in required yards.
 - (3) **Parking Lot Connections.** Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final approvals.
4. **Site Plan Modifications and/or Retrofit.** In the case of expansion, alteration or redesign of an existing development, or unique situations on a vacant parcel, where it can be demonstrated that existing conditions prohibit adherence to the access spacing and number standards of [Section 3.23.F](#), applicant may request from the Planning Commission a waiver of standards if the site cannot meet one or more of the standards according to the procedures provided below.
 - i. Such modifications shall be the minimum amount necessary.
 - ii. Such modifications will meet the intent of, and be consistent with, the US 27 BR Access Management Plan and the DeWitt Charter Township Comprehensive Plan to the extent possible.
 - iii. When the owner of a property with an existing, nonconforming driveway(s) applies for a permit to upgrade or change the use of the property, the Township, through its site plan review process, or, building permit review process, will determine whether it is necessary and appropriate to apply the standards presented in this ordinance or retrofit the existing driveway or driveways. The property owner may be required to establish a retrofit plan.

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The retrofit plan shall minimize the traffic and safety impacts of the development by bringing the number, spacing, location and design of the driveways into conformance with the standards and requirements of this ordinance to the extent possible without imposing unnecessary hardship on the property owner. The requirements of a retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.

In case of a reuse or expansion of an existing site, the planning commission may modify the standards of this section if the use will be no more intense than the previous use in terms of traffic generation, based on a comparison of trip generation rates outlined in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and noted in a report prepared by a professional meeting the qualifications noted in [Section 3.23.F.5.i\(5\)](#).

- iv. There are practical difficulties unique to the parcel which make strict conformance to the standards of this section unreasonable.
- v. Such modification results from unique environmental conditions (wetlands or severe topography) on the site. The proposed access location would preserve the environmental character of the site and equal or improve public safety
- vi. A traffic impact study may be required as determined by the Township Planning Director to be submitted by the petitioner for site plan modifications and/or retrofit in accordance with [Section 3.23.F.5](#).

The requirement for the submittal of a traffic study may be waived by the board upon written application, and the submittal of the proposed site plan, to the board. Primary considerations for the granting of such a waiver include, but shall not be limited to:

- (a) The site under consideration will have no direct access to U.S. 27.
 - (b) The site under consideration will have no access points which may directly impact traffic along U.S. 27, such as creating traffic queues onto U.S. 27.
 - (c) The speed limit along the street or service drive, which the site under consideration will have access to, is 25 miles per hour.
- iv. Such modification shall be approved by MDOT and the CCRC.
5. Traffic impact study.
- i. Any traffic impact study shall meet the following minimum requirements:
 - (1) Analysis of existing traffic conditions using current data.
 - (2) Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The township or road agency may approve use of other trip generation data if based on recent studies of at least three similar uses within similar locations in the state.
 - (3) Illustrations of current and projected turning movements at access points. Capacity analysis shall be completed based on the most recent version of the highway capacity manual and shall be provided in an appendix.
 - (4) Statements describing how the additional access will meet the intent of this section, will be consistent with the corridor plan, will not compromise public safety and will not reduce capacity or traffic operations along the roadway.

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- (5) Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in the state. The preparer shall be either a registered traffic engineer (PE) or transportation planner with at least five years of experience preparing traffic impact studies in the state. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- ii. A traffic impact study shall be reviewed and accepted by both the road agency and the township planning commission. The township may utilize its own traffic consultant to review the applicant's traffic study, with the cost of the review being borne by the applicant.

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A. INTENT AND PURPOSE

The Commercial Corridor Overlay District No. 1 is intended to encourage economic reinvestment in existing structures, promote new mixed use development, encourage pedestrian oriented design, reduce building setbacks, restrict front yard parking, promote non-motorized transportation, achieve traffic access management standards, require higher standards in lighting, landscaping, screening, and fencing, provide for additional investment options for nonconforming uses, encourage public art, and to timely facilitate building permit applications for those properties which comply with the requirements of this section. DeWitt Charter Township finds that special zoning standards are needed based upon the Comprehensive Development Plan and the specific goals of the following land use planning documents of DeWitt Charter Township:

1. Objectives of the South Central Area Comprehensive Plan
 - i. Reduce the amount of vacant or underutilized property within the corridor
 - ii. Stabilize and enhance existing residential neighborhoods
 - iii. Enhance the appearance of the public realm within the corridor
 - iv. Utilize the existing framework of land development to create a place for positive land use development
2. Objectives of the Corridor Improvement Authority Development Plan
 - i. Enhancement of public spaces within the District
 - ii. Delineation of a District through a consistent theme along the right-of-way
 - iii. Encourage economic growth and increased property values through development and redevelopment
 - iv. Apply design guidelines and a streamlined development review process
 - v. Encourage a sense of place within the District
 - vi. Corridor Improvement Authority Act requires municipalities to expedite the local permitting and inspection process in the development area.

3. Objectives of the Non-Motorized Transportation Plan

- i. Have contiguous north/south and east/west non-motorized connections throughout the community
- ii. Implement non-motorized routes to allow pedestrians alternative modes of transportation to perform everyday shopping needs
- iii. Improve connectivity to commerce, schools and recreation
- iv. Eliminate non-motorized gaps within the system

4. Objectives of the Access Management Plan

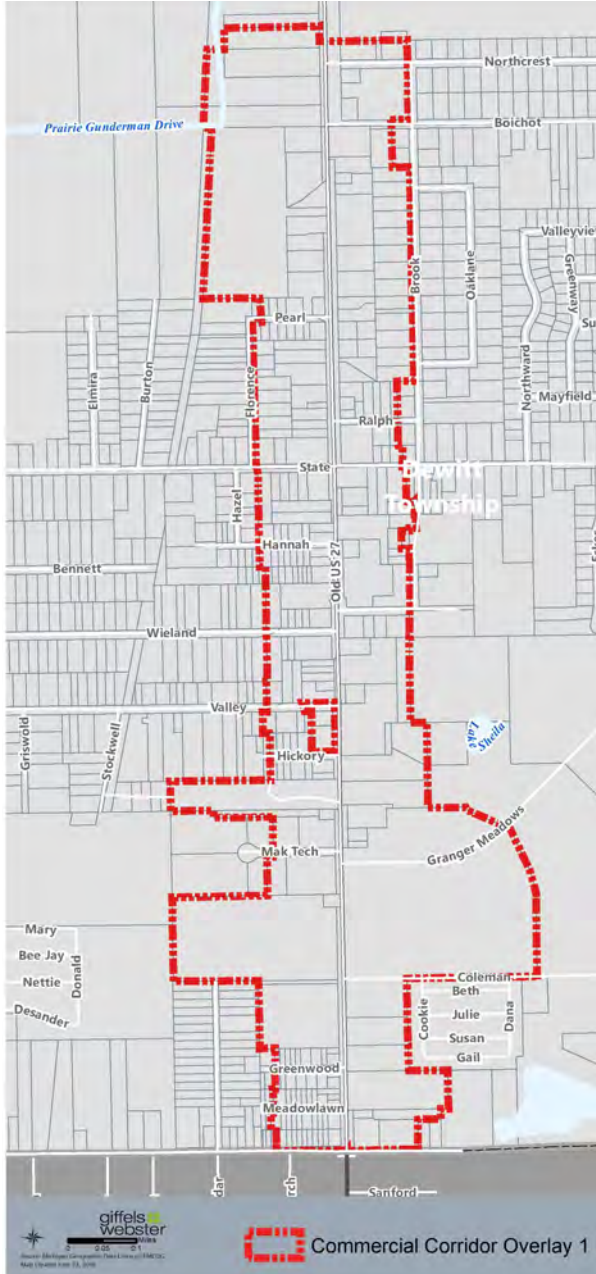
- i. Design for efficient and safe access for driveway locations.
- ii. Separate the conflict areas by reducing the number of driveways, increasing spacing, and realigning driveways.
- iii. Limit the types of conflicts at driveways by limiting certain maneuvers.
- iv. Remove turning vehicles or queues from the through lanes.
- v. Preserve public investment and the integrity of the roadway.
- vi. f) Provide reasonable access for properties.

B. DISTRICT BOUNDARIES.

The Commercial Corridor Overlay District No. 1 shall consist of properties located on Old 27 from Sheridan Road to north of Northcrest Road and shall be the same geographic boundary as the DeWitt Charter Township CIA District Boundary Map. The "Commercial Corridor Overlay Zoning District" No. 1 shall be attached to and become a part of the Zoning District Map described in the DeWitt Charter Township Zoning Ordinance, and shall be amended or replaced in accordance with the procedures for amendment or replacement of the Zoning District Map.



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C. APPLICABILITY OF STANDARDS.

The standards of this section shall apply to all lots and parcels with frontage along the entire length of Old 27 from Sheridan Road to north of Northcrest Road as well as the intersecting public roadways within the map. The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. The standards of this section are not retroactive for existing property within the CCOD unless such property is part of a land use development change regulated by this section. Permitted and special land uses on such property shall be as regulated in the applicable zoning district (as designated on the zoning map), and shall meet the provisions of this Ordinance.

D. REGULATION PROCESS

The following procedures shall be used to determine the type of land use review to be performed by DeWitt Charter Township within the CCOD:

1. Administrative Review. The property owner or applicant proposing a land use and/or structural change shall submit the application materials listed in [Section 6.1](#) to the Zoning Official to make a determination as to the type of land use approval required from the Township. After review, the Zoning Official may determine that the proposed use is a use permitted by right, eligible as a Class I non-conformity, a use which requires a Special Use Permit, and/or a use which requires one of the following types of site plan review:
 - i. Planning Staff Site Plan Review. For Lots/Parcels One (1) Acre or Less and/or proposed expansions that are less than twenty (20) percent of the gross floor area: The Township Planning/Zoning Official shall review, and may approve, approve with conditions, or deny site plan applications which meet the requirements of this Section, and the requirements of [Section 6.1.A.3](#), [Section 6.1.B.2](#) and [Section 6.1.B.3](#) of the DeWitt Charter Township Zoning Ordinance.

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- ii. Planning Commission Site Plan Review. For Lots/Parcels More Than One (1) Acre and/or proposed expansions that exceed twenty (20) percent of the gross floor area: The Planning Commission shall review, and may approve, approve with conditions, or deny site plan applications as required by this Section and [Section 6.1.A.2](#) and [Section 6.1.B](#) of the DeWitt Charter Township Zoning Ordinance.
- 2. Appeal Process. Appeals of a decision of the Planning Staff on a site plan shall be made to the Planning Commission or Board of Appeals depending on the nature of the appeal. Appeals to a decision of the Planning Commission shall be made to the Board of Appeals.

E. STANDARDS

The following land use regulation standards of the Overlay District apply to all new construction and structural improvements which increase the gross floor area of the existing structure by more than twenty (20) percent or promotional events regulated under [Section 3.24.E.12](#). The application of these standards shall be through the land use review process of DeWitt Charter Township which involves zoning compliance reviews, administrative reviews, site plan application, Special Use Permit application, rezoning application, non-conforming class I, and building permit applications.

- 1. Setback Requirements. Building setback requirements are intended to delineate a relationship between building placement and the public right of way which enhances the development character of older commercial corridors by encouraging an improved physical appearance as well as walkability, pedestrian access, and the provision of public-private space.
 - i. Minimum Setback Requirements:
 - (1) Front Yard Setback - 25 feet, except that up to one-half (1/2) of the building frontage can be set 5 feet in advance of the front yard setback and up to 15 feet beyond to create unique commercial spaces.

- (2) Side Yard Setback - No Side Yard Setback Unless Abutting Residential Use (Requirements of Section 5.18 Apply)
 - (3) Rear Yard Setback - 25 Feet
- 2. Structural Height. Structures shall not exceed 45 feet in height not to include HVAC, energy producing equipment, or communication antennas.
- 3. Access, Parking and Circulation
 - i. The Front Yard setback shall not permit vehicle parking and/or stacking between the public right of way and the front of the principal structure unless the existing configuration of building and/or site precludes all such use and no other alternative option exists. If permitted, parking shall not impair or impede the rights of abutting property owners.
 - ii. No more than 25 percent of the required parking spaces shall be located in the Side Yard and location of such spaces shall consider the impact on adjacent residential uses.
 - iii. The property shall meet the requirements of the DeWitt Charter Township Access Management Ordinance. In cases where a cross connection is recommended by the Access Management Plan, the applicant shall demonstrate opportunities for cross connection access to occur within the site plan and how the building placement would enhance the circulation on site and its accessibility to the neighboring properties. Where neighboring properties have already developed with future cross connections, the applicant shall connect to the adjacent properties.
 - iv. The required number of parking spaces (including loading spaces) may be reduced up to 25 percent based on a parking plan prepared by a certified design professional and approved by the Zoning Administrator. If a reduction of parking is requested, the applicant shall supply at least one of the following amenities:



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- (1) A non-motorized facility improvement such as bike racks, transit shelters, public art, parks, or other amenities as found acceptable by the Planning Commission.
 - (2) Leadership In Energy and Environmental Design (LEED) Certification or other verifiable energy conservation program;
 - (3) Provision of one or more non-fossil or alternative energy sources, such as solar, geothermal, or wind energy that provide at least twenty-five percent (25%) of the energy budget for the site; and/or
 - (4) Other significant and substantial amenities that meet the intent of this amendment, as may be recommended by the applicant and approved by the Planning Commission.
4. Vehicular Drive Through Uses. Vehicular drive through uses shall only be located in the rear yard with a maximum of 25 percent of the stacking spaces for uses may be located in the side yard. An exception to this provision would be for properties that abut residentially used or zoned property in the rear yard area, in such cases, the side yard may be found to be appropriate for drive through and stacking spaces where feasible.
 5. Site Lighting. Exterior lighting shall be designed, located, constructed, and maintained to minimize light trespass from the subject site to adjacent property. The average horizontal illumination level on the ground shall not exceed two (2) foot candles. The light level along the property line adjacent to a residentially used or zoned property shall not exceed one-half (1/2) foot candle. Lights greater than fourteen (14) feet in height shall have fully shielded, recessed lamps directed downward to prevent glare and reflection above the horizontal ground plane. Non-shielded exterior lighting shall not exceed 14 feet above grade and shall not be more than 4,000 lumens per fixture.
 6. Signage. Signs shall be ground monument style and/or wall mounted as regulated by [Section 5.4.D.1](#) and [5.4.D.7.ii](#) of the DeWitt Charter Township Zoning Ordinance. Freestanding and Off Premise signs shall not be permitted. Temporary signs shall meet the requirements of [Section 5.4.E](#). Multiple business signs shall be permitted as regulated by the DeWitt Charter Township Zoning Ordinance and this section.
 7. Additional Design Standards
 - i. Front doors are to be placed on the building primary elevation.
 - ii. Dumpsters shall be located behind the principal building and screened from view to the height of the dumpster or in an inconspicuous manner where possible given the topography of the site or if the property abuts residentially used or zoned property.
 - iii. Ground mounted HVAC, Energy Producing Equipment, and Other Mechanical Equipment shall be located behind the principal building and screened to a height of the equipment. Roof mounted HVAC, Energy Producing Equipment, and Other Mechanical Equipment shall also be screened to the height of the equipment.
 - iv. Overhead doors shall be placed in the side and/or rear yard area for buildings unless the property abuts residentially used or zoned property.
 8. Fences, Walls, and Screens. Fences, Walls, and Screens shall meet the requirements of [Section 5.15](#) of the DeWitt Charter Township Zoning Ordinance.
 9. Landscaping and Buffer yard Requirements. The following Landscaping and Buffer yard requirements shall apply to new construction, expansions, renovations, or alterations which increase the size of the structure or building cumulatively by at least 20 percent of its gross floor area.
 - i. Front Yard Landscaping and Buffer yard - Type C Requirements as outlined by [Section 5.12.C.5](#) of the DeWitt Charter Township Zoning Ordinance.

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- ii. Side Yard and Rear Yard Landscaping and Buffer yard.- There shall be no side or rear yard landscaping and buffer yard requirement unless a residential use exists on the subject site and/or adjacent properties. When the subject property, or adjacent property, contains a residential use, Buffer yards shall be required as outlined in [Section 5.12.C.5](#).
 - iii. Parking Areas Required Landscaping,- Required parking areas shall meet the internal landscape requirements of [Section 5.12.E](#) of the DeWitt Charter Township Zoning Ordinance.
 - iv. Minimum Plant Type and Size - Plant size, type, berm design, stormwater drainage, existing plant materials, and maintenance shall meet the requirements of [Section 5.12.C.6](#) of the DeWitt Charter Township Zoning Ordinance.
 - v. Increases, Reductions and Substitutions - Based on the recommendation of a registered design professional, the Planning Commission may increase, reduce, and/or substitute plant materials, sizes, locations, and design characteristics of landscaping and bufferyards as required by this section.
11. Prohibited Uses
- i. Display and Storage of Motor Vehicles, Trailers, Boats, and Equipment for sale or for rent in the Front Yard unless the existing configuration of the building and/or site precludes all such use and no other alternative option exists. If permitted, the Display and Storage of Motor Vehicles, Trailers, Boats, and Equipment for sale or for rent in the Front Yard shall not impair or impede the rights of abutting property owners.
 - ii. Display and Storage of Merchandise For Sale or For Rent in the Front Yard, except as provided in this [Section 3.24.E.12](#)
 - iii. Storage of any junk, debris, material, business vehicles, and storage containers in the Front Yard
 - iv. Solar Panels and Communication Antennas in the Front Yard unless no other options exist and the location has been approved by DeWitt Charter Township.
12. Outdoor Commercial Display and Promotional Event
- i. Outdoor commercial display is defined as any items, goods, or seasonal merchandise directly related to the commercial use conducted inside the principal building, for which items, goods or merchandise are permanently displayed outside of the principal building for the purposes of sale to the general public at retail.
 - (1) Outdoor commercial display shall only be considered as part of an approved site plan, to be reviewed in accordance with [Section 6.1](#), as amended.
 - (2) Outdoor commercial display shall occur within fifteen (15) feet of the exterior walls of the principal building and shall not comprise more than five percent (5%) of the building footprint of the principal building, as shown on the approved site plan.
 - (3) Outdoor commercial display areas shall be identified by a permanent marking material, identifying the entire outdoor display area, as shown on the approved site plan for the property. Colored and/or stamped concrete paving, brick pavers or concrete pavers are acceptable. Painted stripes will not be acceptable. No Outdoor commercial display will be permitted outside of the delineated display area.
 - (4) Outdoor commercial display activities shall be conducted so as to assure that the sidewalk or entrance into the principal building is not obstructed to allow for pedestrian access.
 - (5) The use of semi-trailers or temporary buildings shall not be permitted.



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- (6) All signage shall comply with [Section 5.4](#), as amended.
 - (7) Outdoor commercial display shall not be located within the parking area for the principal building as shown on an approved site plan.
 - (8) This Section shall not be in conflict with federal, state or local governmental requirements, including, but not limited to, the Michigan Building Code, Department of Health or Fire Department standards
- ii. As used in this section, promotional event shall be defined as an outdoor event, wherein an established commercial business or organization offers their services, sale of their products or the promotion of their business on the same property wherein the principal business is located.
- (1) Permits Required: It shall be unlawful for any person or business to have a promotional event within DeWitt Charter Township without first making application and securing Zoning Compliance from the Community Development Department.
 - (2) Promotional events on the same site as the principal use and shall be no greater than two thousand (2,000) square feet in area.
 - (3) Promotional events shall be conducted so as to assure that the sidewalk or entrance into the principal building is not obstructed to allow for pedestrian access.
 - (4) Promotional events are subject to Zoning Compliance authorization. The proposed promotional event shall only be in operation for the duration authorized through the Zoning Compliance during and may be renewed up to three times per calendar year. The applicant will be allowed fourteen (14) days to conduct the promotional event from the effective date of the Zoning Compliance authorization. At the expiration of the permit, all promotional event items shall be removed.
 - (5) Temporary structures, such as tents, sheds and trailers, may be utilized with a promotional event, so long as such temporary structures comply with the regulations and permitting requirements of the Township and other agencies, including all electrical and generator connections and the requirements of this Section. Operable vehicles, such as RVs or semi-trucks, may also be used with a promotional event, subject to the requirements of this Section.
13. Nonconforming uses and structures in the Commercial Corridor Overlay District 1. See [Section 7.11.B](#).

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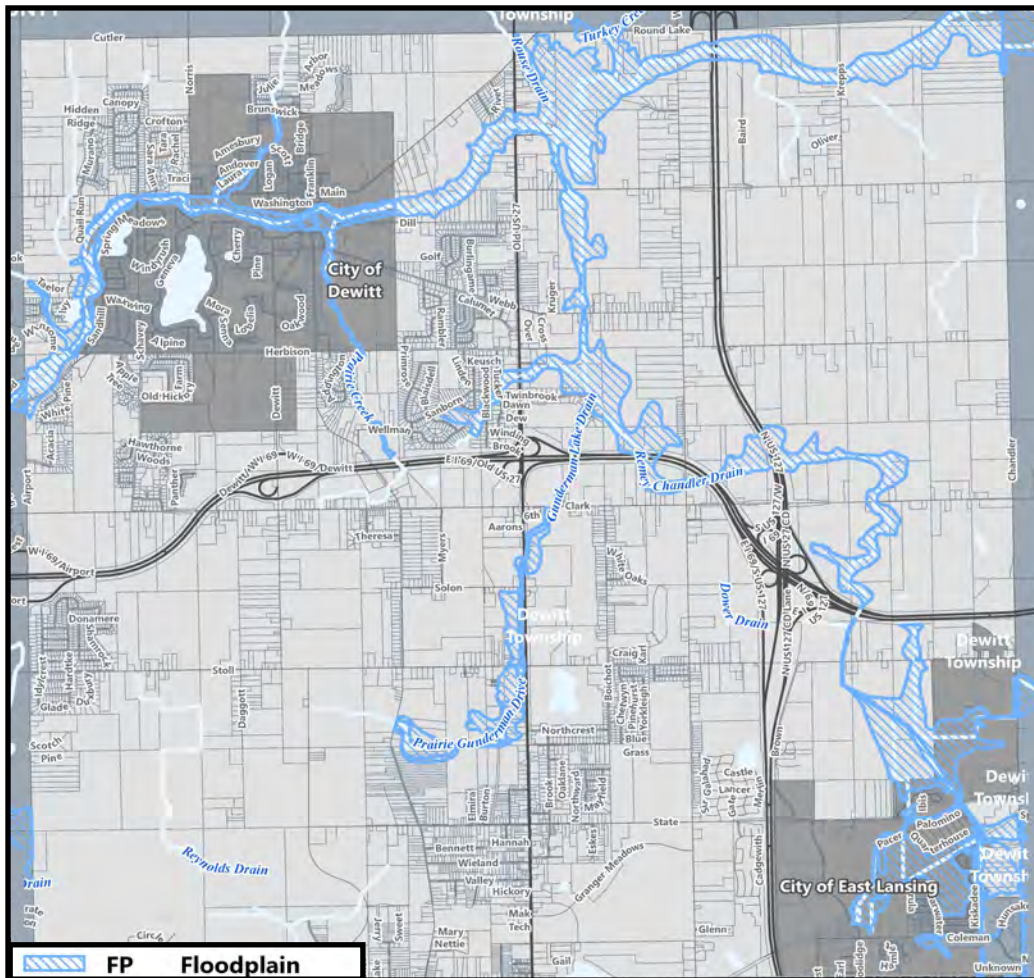
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A. INTENT AND PURPOSE.
 The purpose of these regulations is to protect those areas within the township which are subject to inundation from floodwaters of the major rivers, their branches and tributaries within the township so that the reservoir capacity shall not be significantly reduced, thereby creating dangers to areas previously not so endangered in time of high water, or to impede, retard, accelerate or change the direction of the flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. Said regulations, while permitting reasonable use of such properties, will help protect human life, safety, health and general welfare, and prevent or minimize material or economic losses, through public aid and relief efforts occasioned by the unwise occupancy of such flood areas. All land and land uses within the floodplain area shall be subject to the requirements specified herein, in addition to the zoning district requirements of the zones in which said lands and land uses are located and other applicable regulations.

B. FLOODPLAIN DELINEATION.
 The floodplain within the township is all of the land which would be inundated during an intermediate regional flood. The flood hazard boundary map (provided by the department of housing and urban development) shall serve as the official floodplain zoning map. If said map is unavailable, floodplain mapping by the U.S. Army Corps of Engineers, the Soil Conservation Service, or United States Geological Survey for areas within the township may substitute for the flood hazard boundary map. The flood insurance rate map, when available, shall take precedence over all prior maps and serve as the official floodplain zoning map. The official floodplain zoning map may be subject to alteration with any significant change in land use, including the direct impact of such a change that seriously impedes, retards, accelerates or changes the direction of flow or carrying capacity of the watercourse or which otherwise increases the possibility of flood. The official floodplain zoning map shall be on file at the office of the township clerk.



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C. PRINCIPAL PERMITTED USES.

1. Recreational, agricultural and open space uses, such as crop farming and gardening (not including related buildings), parks, playgrounds, golf courses, nature preserves, bridle paths and nature trails, private and commercial recreation and other similar open spaces.
2. Public rights-of-way, private drives and off-street parking uses, provided that all parking shall be at grade level and in conformance with the provisions of [Sections 5.9, 5.10, and 5.11](#) of this chapter.
3. Public utility facilities, provided utilities are constructed or elevated to withstand flood damages.
4. Storage yards for materials and equipment which are not subject to removal or major damage by floodwaters; except the storage of flammable liquids is prohibited.

D. SPECIAL USE PERMIT USES.

1. [Residential structures](#) §4.79
2. [Nonresidential structures](#) §4.79
3. [Attendant utilities and sanitary facilities serving all new structures](#) §4.79

E. ALTERATIONS TO THE FLOODPLAIN

Dumping or backfilling in the floodplain areas with any material in any manner is prohibited unless, through compensating excavation and shaping of the floodplain, it is provided that the flow and natural impoundment capacity of the floodplain will be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the floodplain would thereby result. Where there is dumping, backfilling, or excavation in any manner, adequate site plans and engineering drawings shall be submitted to the zoning official which must effectively show the final results of such action. These actions will be subject to state department of natural resources and environment and soil erosion and sedimentation permit approvals.

- F. Floodplain enforcing agency. See [Section 7.13](#).
- G. Nonconforming uses in the floodplains. See [Section 7.11.C](#).
- H. Township responsibility. Under no circumstances shall the township incur any liability whatsoever for the granting of any use or building in floodplain areas.
- I. Data submission. Prior to the issuance of a special use permit or a building permit for structures located in floodplain areas, the zoning officer shall require the applicant for such permit to submit any topographic data, engineering studies, proposed site plans or other similar data that is needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by technically qualified persons. Review of the data submitted and application for special use permit shall be processed according to the procedures described in [Section 6.1](#).

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3.27 PLANNED UNIT DEVELOPMENTS.

- A. The planned unit development is a concept intended to accommodate medium to large-scale development of economical family living units and mixed use developments in areas that are adaptable to urban densities but that retain many of the attractive features of suburban living and open spaces. Among the variety of residential and related uses planned and developed as a unit and which may be developed are townhouses, row houses, garden apartments and single-family detached or clusters, all of which may be separated from each other by common open spaces and related recreational space.
- B. It is the purpose of this section to encourage more imaginative and livable housing/shopping and working environments within the township through a planned reduction, or averaging, of the individual lot area requirements for that zone district.
- C. A special use permit shall be required for the construction and occupancy of a planned unit development, providing standards, procedures and requirements set forth in this section are met. The special use permit assigned to the original applicant is not transferable without the consent of the township board.
- D. Upon the request of the official, the applicant shall attend a preapplication conference and supply such data as may be reasonably required by said official. Failure to attend and provide said information may result in nonacceptance of said application for processing.
 - 1. Objectives. It is the intent of this section to authorize the consideration and use of planned unit development regulations for the following purposes:
 - a. To encourage the use of land in accordance with its character and adaptability.
 - b. To promote the preservation and conservation of natural features and resources.
 - c. To encourage innovation in land use planning and development.
 - d. To achieve integration of the proposed land use with the characteristics of the land and surrounding area.
 - e. To promote and ensure greater compatibility of design and use between neighboring properties and to coordinate architectural styles, building form, and structural relationships within developments.
 - f. To encourage underground utilities which may be more efficiently designed when part of a planned development.
 - g. To facilitate phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the township.
- 2. Qualifying conditions. A planned unit development may be approved by the township board in any location within the township. Any land use authorized in the underlying mapped zoning district may be included in a planned unit development, as a principal or accessory use. Planned unit developments consisting of a mixture of residential and commercial or commercial and industrial uses may be allowed under the provisions of [Section 3.27.D.3.f](#) of this section. Any application for a special use permit under this section shall meet the following conditions to qualify for consideration as a planned unit development:
 - a. The planned unit development site shall be not less than 20 acres in area, shall be under the control of one owner or group of owners, and shall be planned and developed as one integral unit.
 - b. When compared to development under the provisions of the underlying zoning district, the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the land and to residents of the township in general.



- c. Public water and sewer facilities shall be available or shall be provided as part of the site development. The foregoing notwithstanding, the planning commission may recommend and the board may grant a waiver of either or both requirements for good cause shown on projects involving 25 or less units and a density of not more than one unit per net acre provided further that the density on a per net acre basis does not exceed the density allowed by the zoning district.
 - d. **In the A, R-1, R-2, R-3, R-4, M-1 and M-2 districts**, the proposed overall net density of the planned unit development shall not be greater than if the tract were developed under the lot area and density requirements of the mapped zoning district in which it is located. Increased densities within sub-areas of the overall tract may, under the provisions of **Section 3.27.D.5** of this section, be permitted to allow clustering and varied housing styles and to preserve desirable natural physical features. Such development shall incorporate an appropriate transition of housing densities to ensure the integrity of adjacent development and the intended density of the district in general.
 - e. **In any R-5, R-6, M-3 or M-4 district**, the proposed density of the planned unit development shall not be greater than if the tract were developed with the lot area requirements of the district in which it is developed except as follows:
 - (1) **Commercial planned unit developments.** The intensity and density of planned unit developments proposed in any underlying mapped BL, BC, BSC, PO, OP or POD district shall be subject to the applicable provisions of **Section 3.27.D.4** and **Section 3.27.D.5**.
 - (2) **Industrial planned unit developments.** The intensity and density proposed in any underlying mapped IL, IH or IP district shall be subject to applicable provisions of **Section 3.27.D.4** and **Section 3.27.D.5**.
 - f. A planned unit development shall be designed to incorporate and promote the preservation of natural resources and natural features. Significant natural resources and natural features may not be impaired or destroyed unless, in the discretion of the township, it is reasonably necessary to do so in order to accomplish the purposes set forth in this section. The removal or extraction of sand, gravel, soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds, or other bodies of water may only be permitted when such action will prepare or render the land suitable for a specific permitted use. As applicable, the standards of **Section 4.24** shall be applied as part of the PUD application and review process. In determining whether such development is in the public interest, the benefit which would reasonably be expected shall be balanced against the reasonably foreseeable detriments of the activity. The extent to which the planned unit development replaces or mitigates impaired or lost resources and features may be considered in making this determination.
3. Uses that may be permitted. The following uses of land and structures may be permitted within planned unit developments:
- a. All principal uses permitted by right or by special use permit in the underlying mapped zoning districts subject to all the restrictions specified therein and as indicated in **Section 3.27.D.3.f** of this section.
 - b. Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this section.
 - (1) Private recreational facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots or dwelling units located within the planned unit development.



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- (2) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - c. Name plates and signs as provided in [Section 5.4](#) of this chapter.
 - d. Off-street parking, loading, and access as provided in [Sections 5.9, 5.10, and 5.11](#).
 - e. Customary accessory uses as follows:
 - (1) PUDs in underlying A, and residential districts. Accessory uses as permitted in the R-5 residential district and the BL and BSC business district if involving approved mixed uses.
 - (2) PUDs in underlying business and office districts. Accessory uses as permitted in the BL, BSC, OP and POD districts.
 - (3) PUDs in the industrial districts. Accessory uses as permitted in the IL and IP districts.
 - f. Mixed uses:
 - (1) Mixed use planned unit developments in agricultural and residential districts. A Planned Unit Development in any A, R-1, R-2, R-3, R-4, R-5, R-6, M-1, M-2, M-3, and M-4 district may contain business uses as permitted in the BL or BSC District, provided that the planning commission and township board finds that the non-residential uses will principally serve the persons residing in the residential units in the development. Nonresidential uses, including parking and vehicle traffic ways serving them, shall be separated and buffered from residential uses in a manner to ensure the health, safety, and welfare of the residential uses. The area devoted to such non-residential uses shall not exceed five percent of the net area of the PUD and shall be governed by the following:
 - (a) BL restrictions will apply to sites less than five acres.
 - (b) BSC restrictions will apply to sites of more than five acres.
 - (2) Mixed use planned unit developments in the business districts. Mixed use planned unit developments involving residential or industrial components within the BL, BC, BSC, PO, OP, and POD districts shall be prohibited unless a use is otherwise permitted in the district as a conditional or special use.
 - (3) Mixed use planned unit developments in the industrial districts. Planned unit developments in the IL, IH, or IP districts may include uses permitted in the BL, BC, OP, and POD district provided that the area devoted to retail and service use shall be limited to five percent of the net area of the PUD and the area devoted to freestanding professional office use to 20 percent of the net area of the PUD.
 - (a) Residential uses shall be prohibited.
 - (b) BL, BSC and OP uses shall be subject to the minimum applicable regulations relating to the specific use as contained in the BL, BSC OP or POD district provisions.
4. General standards.
- a. Location. In order to facilitate orderly growth and prevent overburdening of public highways, the following requirements shall be met: Developments must have direct access onto a paved public road or highway suited to accommodate the projected volumes and type of traffic associated with the development.
 - b. Automobile parking.
 - (1) Except for parking pads serving single-family homes, parking areas, and structures shall not be closer than ten feet from an adjacent property line.
 - (2) Carports: Parking may be contained within carports.



- (3) Off-street parking, loading, and access as provided in [Sections 5.9, 5.10, and 5.11](#).
 - (4) All parking spaces shall have minimum dimensions of ten feet by 18 feet.
- c. Curb and gutters. Curb and gutters must be provided for common drives, streets and along the perimeter of all off street parking areas or lots. Any waiver of the requirement of curb and gutter on public streets and roadways shall require the consent of the township board and the county road commission.
- d. Sidewalks. Sidewalks may be required on all public and private streets with a minimum width of four feet and if the sidewalk is immediately adjacent to and an extension of the curb, the width shall be increased to five feet, except projects subject to the provisions of Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- e. Fencing. Sites shall be fenced in areas where safety hazards exist. Typical hazards requiring fence are railroad right-of-ways, industrial sites, expressways, etc. Fences may not be required along other road right-of-ways.
- f. Private streets. Private streets or private access drives may be permitted within group housing (multi-family) developments, provided that the following minimum requirements are met:
- (1) All streets, roadways, or private access drives will be paved to a minimum width of 24 feet when parking is prohibited. Additional widths for streets may be required by the township planning commission based upon the particular density and building relationship proposals of the proposed development.
 - (2) No dead end streets or roadways shall serve more than 50 dwelling units as a means of vehicular access.
 - (3) Suitable turning facilities shall be provided for vehicles at the terminus of all dead end streets or roadways. A minimum radius of 50 feet shall be required for all turnarounds, and additional width may be required by the township planning commission after consideration of the vehicular needs of a particular multiple-housing development proposal.
- (4) Satisfactory arrangements have been made with the township planning commission regarding the maintenance and repair of streets, roadways or access drives.
- g. Landscaping.
- (1) In addition to the requirements of [Section 5.12](#) of this chapter, acceptable landscaping shall be provided in open spaces, around buildings, and within parking areas. A detailed landscaping plan shall be submitted as part of the plan review. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the township, when in the judgment of the building official landscaping items could not have been completed at the same time as the building or related construction activity.
 - (2) When deemed necessary by the planning commission in order to protect surrounding properties, appropriate screening of plant materials, wood, or brick or other approved materials as may be approved by the planning commission may be required.
- h. Utility service. Electric and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
- i. Solid waste disposal. See [Section 5.6.A](#).
5. Dimensional requirements. The lot area for planned unit developments in any district allowing a PUD may be reduced from the sizes required by ordinance for that district by compliance with the following procedures:

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- a. Site acreage computation. The net acreage proposed for a planned unit development shall be computed to determine the total land available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.
- (1) In arriving at a net acreage figure, the following land shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under these procedures.
 - (a) Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available for surface development because of such easements.
 - (b) Permanent surface waters, wetlands, and lands normally considered unbuildable based on soils as designated in the current county soils survey publication and lands within floodplains as specified in [Section 3.25](#) of this chapter.
 - (2) Unless the commission determines these lands, as outlined under [Section 3.27.D.5.a.\(1\)\(a\) and \(b\)](#) of this section, while not buildable, are generally available as common open area for use by residents of the project for other than building such as open natural or recreation areas, the planning commission may not allow these areas to be considered part of gross acreage for the net calculation of allowable density per net acre.
- b. Maximum number of lots and/or dwelling units. After the total gross acreage available for development has been determined by the procedure provided in [Section 3.27.D.5.a](#), the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by dividing the resulting net acreage by the minimum allowable lot area requirements for the district in which the Planned Unit Development is located provided that a maximum density of 14 units per net acre may be allowed only in the R-5, R-6, M-3 or M-4 district approved by the planning commission as having qualified under [Section 3.27.D.2.e](#). Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zoning district so that a maximum of 14 units per net acre may be allowed.
- c. Permissive minimum lot area. Notwithstanding other procedures set forth in this section, lot size within a planned unit development shall not be varied or reduced in area below the following minimum standards:
- (1) Single-family detached dwelling units. Single-family detached dwelling units: 7,500 square feet of lot area within the A and R-1 through R-6 Residential Districts.
 - (2) Two-family dwellings. Two-family dwellings: 10,000 square feet.
 - (3) Townhouses, row houses, multi-family dwellings, etc. Townhouses, row houses, multi-family or other similar dwelling type structures: 10,000 square feet.
 - (4) Commercial and industrial uses. Commercial and industrial uses: No minimum requirements.
- d. Permissive minimum yard setback. A yard or setback shall be measured from the road right-of-way or property line, whichever is applicable. Under the lot averaging or reduction procedure, yard frontage and other yard requirements may be reduced from normal requirements of the district but shall have at least the following minimums:



- (1) Front yard. Eighty percent of the front yard normally required for all buildings in the district provided that front yard requirements for each building may be varied by the planning commission after consideration of common greens, or other common open space if such space provides an average of 80 percent of front yard area per building.
 - (2) Side yard. Eight feet on each side of all one- and two-family detached dwellings: None for townhouses, row houses, and commercial/industrial buildings, provided that there shall be a minimum of 15 feet between ends of adjacent groups of buildings.
 - (3) Rear yards. Twenty-five feet for all residential buildings, and ten feet for all business and industrial buildings, provided that rear yard requirements may be varied by the planning commission after consideration of common open space lands or parks which abut the rear yard area.
 - (4) Minimum distance from state or federal highway. Notwithstanding the provisions in [Section 3.27.D.5.d\(1\) through \(3\)](#) of this section, no building side shall be closer than 75 feet from a state or federal highway right-of-way, regardless of any other convention designating them front, rear, or side.
- e. Maximum permissive building height. Three stories, but not exceeding 35 feet.
- f. Dwelling unit floor areas. Shall meet the requirements in [Sections 3.2 through 3.12, Development Standards](#).
6. Common open space requirements.
- a. For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this section, equal amounts of land shall be provided in open spaces. All common open space, tree cover, recreation area, scenic vistas or other authorized common open land areas shall be either set aside as common

land for the sole benefit, use and enjoyment of present and future lot or home owners or tenants within the development, or shall be dedicated to the township as park land for the use of the general public. The planning commission shall, after conferring with owner/developer and the park commission, determine which of these options is most appropriate and shall recommend to the township board one of the following procedures as part of its approval of a special use permit for a planned unit development:

- (1) That common open space shall be conveyed by proper legal procedures from the tract owner, or owners, to a home owners association or other similar nonprofit organizations so that fee simple title shall be vested in tract lot owners as tenants in common, provided that suitable arrangements have been made for the maintenance of said land and any buildings thereon. The common open space required shall be deemed a continuing requirement of the special use permit.
 - (2) That common open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, provided that the location and extent of said land conforms to the comprehensive development plan or the parks and recreation plan of the township, and provided further that the access to, and the characteristics of said land is such that it will be readily available to and desirable for, public use, development and maintenance.
- b. It is the intent of this section that in cases where [Section 3.27.D.6.a\(2\)](#) of this section is determined to be in the best interest of the township, that the owners or developers of the Planned Unit Development shall not be compelled or required to improve the natural conditions of said common open space lands.

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- c. Common open spaces should be provided such that existing desirable land features such as woods, waterways, rolling ground, etc., can be used where possible. In addition, land set aside for common open spaces must be located conveniently for all people within the development. On large developments, it may be necessary to provide several smaller common open spaces so that this can be accomplished.
- 7. All site plan requirements as set forth in **Articles 3, 4 and 5** of this chapter shall be met.

- 3. The submission of a Conceptual Site Plan which meets the requirements of **Section 6.1.A.4.e(4), (6), (7) through (12), (14), and 15**. The applicant may submit a final site plan document that meets the requirements of **Section 6.1.A.4**.
- 4. Description of project phasing (if any);
- 5. Description of compliance with Township Comprehensive Plan and Strategic Plan; and
- 6. Documentation of compliance with Administrative Application Review Response.
- C. Residential land uses permitted upon approval of special use permit.
 - 1. **Single duplex** [§] §4.38
 - 2. **Group housing** [§] developments §3.33
 - 3. State licensed residential facilities [§]
 - 4. Family child care homes [§]
 - 5. **Group child care homes** [§] §4.31
- D. Residential Density.
 - 1. Residential density, which is permitted by right, shall meet the requirements below:

3.28 MIXED USES DEVELOPMENT

- A. Findings. The Township of DeWitt, based on a policy recommendation within the Comprehensive Development Plan, intends to provide a land use regulation option in the office and commercial zoning districts, which allows, by special use permit, residential land uses to be combined, or mixed, with non-residential land uses within the same building and/or located on the same parcel, based on certain design and performance standards. This mixed land use concept encourages higher density pedestrian areas, walkable neighborhoods, reduced reliance on the automobile, creative public spaces, and innovative design concepts, such as energy conservation, parking surface reduction, connection to non-motorized transportation systems, and a requirement for certain design performance standards. The mixed land use concept is also intended for redevelopment and rehabilitation of existing commercial structures and/or properties that require substantial reinvestment.
- B. Application Requirements for Mixed Use Developments. Special use permit application for Mixed Use Development shall contain the following information:
 - 1. Completed Township Application document for Special Use Permits and Fee Schedule Payment;
 - 2. Written and graphic description of compliance with Mixed Use Special Use Permit Standards as described in **Section 3.28.F**;

3.28.D.1 Maximum Residential Density by Right	
District	Permitted Density (in square feet)
M-1	10,800
M-2	5,400

- 2. Bonus residential density options shall be permitted if the approved Final Site Plan meets the minimum number of optional bonus density amenities, as outlined in **Section 3.28.E**.

3.28.D.2 Bonus Residential Density Option Permitted Densities*	
District	Permitted Density (in square feet)
M-3	3,600
M-4	1,800

* Must meet standards of **3.28.E** to qualify for density bonus



- E. Bonus residential density option provisions. The following performance standards are optional bonus residential density provisions, which allow the applicant to increase residential density levels to those permitted in [Section 3.11](#) (M-3 Multiple Residential District) and [Section 3.12](#) (M-4 Multiple Residential District) based on compliance with the following performance standards.
1. Standards Required to Achieve the M-3 Multiple Residential Density Level. All of the following standards are required to be met to achieve the M-3 Multiple Residential Density Level (3600 Square Feet of Lot Area Per Dwelling Unit):
 - a. Reduction of impervious parking surface by twenty-five percent (25%), as required by [Section 5.9](#) and [Section 5.10](#);
 - b. On-site and/or off-site access to new technology (fiber optic network, wireless access, or other significant technologies as may be approved by the Planning Commission);
 - c. Increase of required open space and landscape material by twenty-five percent (25%) beyond minimum site plan requirements; and
 - d. Development and connection of the on-site portion of a Non-Motorized Pathway that is compatible with the Township Non-Motorized Plan.
 2. Standards Required to Achieve the M-4 Multiple Residential Density Level. In addition to the required standards for the M-3 Multiple Residential Density Level, at least one (1) of the following additional standards are required to achieve the M-4 Multiple Residential Density Level (1800 Square Feet Per Dwelling Unit):
 - a. Development of preferred land use option, senior housing, and/or special needs housing that comprise a minimum of twenty-five percent (25%) of all new housing units proposed for the site;
 - b. Leadership In Energy and Environmental Design (LEED) Certification or other verifiable energy conservation program;
- c. Provision of one or more non-fossil or alternative energy sources, such as solar, geothermal, or wind energy that provide at least twenty-five percent (25%) of the energy budget for the site; and/or
- d. Other significant and substantial amenities that meet the intent of this amendment, as may be recommended by the applicant and approved by the Planning Commission.
- F. Design and Performance Standards for Mixed Use Developments. In addition to the Basis for Determination for Special Use Permits ([Section 6.1.C.4](#)), Mixed Use Developments shall meet the following additional design and performance standards:
1. Dimensional Requirements Subject to Final Site Plan Review - Front, side, and rear yard setback requirements are waived and building placement is subject to creative site design, which enhances the spirit and intent of the Mixed Commercial/Residential Special Use Permit. Applicants are not subject to front yard setback requirements and may utilize this space for pedestrian use, public spaces, open space, and landscaping. The Planning Commission may determine that certain setbacks are required to meet objective public health, safety, and welfare standards and will require greater side and rear yard setbacks when the mixed use development is adjacent to existing residential use.
 2. Height Requirements - Maximum building height shall not exceed 45 feet, subject to approval of the DeWitt Charter Township Fire Department and Building Code requirements.
 3. Parking Lot Design and Connection - Parking spaces shall not be permitted in the front yard of new structures. Joint use of parking spaces between adjacent properties is recommended. Existing front yard parking spaces shall be relocated if feasible. Parking lot connections, service drives, and compliance with Access Management standards are required as part of Site Plan Review process.



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4. Parking Space Requirements - The total number of required parking spaces shall meet the standards of [Section 5.10](#) or, at the discretion of the applicant, the applicant may propose an on-site parking plan that is less than the amount required by [Section 5.10](#) based on a parking space demand analysis conducted by a certified design professional.
5. Low Impact Development - Reduction in impervious surface, rain gardens, joint use of retention/detention areas, and utilization of low impact development techniques will be required and reviewed during the site plan review process.
6. Lighting - Low intensity lighting systems are encouraged. The applicant shall submit a lighting plan with the final site plan documents that identifies the fixture type, fixture location, light intensity level, and documentation that light levels do not negatively impact adjacent property.
7. Signage - Only monument and wall signs are permitted. No free-standing signage is permitted.
8. Access Management Ordinance Standards - Regardless if located within Access Management Overlay Zone, the applicant is required to meet traffic access management standards.
9. Public Utilities (Sewer and Water) - The Applicant is required to provide public utilities unless waived by the Board of Trustees based on a recommendation from the Planning Commission due to unique site conditions.
10. Sidewalks and Pedestrian Connections - The Applicant is required per Township Ordinance to provide sidewalks and shall conform to the DeWitt Charter Township Non-Motorized Plan.

3.29 ZONING DISTRICTS MAP.

- A. The boundaries of the respective districts are defined and established as depicted on the map entitled Zoning District Map of DeWitt Charter Township, Clinton County, Michigan, which is an integral part of this chapter and which is incorporated herein by reference together with the explanatory matter contained herein.
- B. The zoning district map of charter township shall be certified by the chairman of the planning commission and by the township clerk and said certification shall contain the following words:

“We hereby certify that the above map is the official zoning map of the DeWitt Charter Township Zoning Ordinance, said map being accurate as to the depiction of the various districts on the effective date of said ordinance.”
- C. If amendments are made in district boundaries or other matter depicted on the official zoning map, such changes shall not be considered final, and building permits shall not be issued until the appropriate amendments have been made on the official zoning map. Such amendments shall be made within five normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the map which shall refer to the official action of the township board. Two copies of the official zoning map shall be maintained and kept up to date, one of which shall be in the office of the township clerk and one in the office of the official.
- D. In order to avoid intrusion of undesirable uses and to foster all possible benefits for a continued high quality environment, all land and structure uses in these districts have been classified into three categories:
 1. Those uses permitted by right;
 2. Those uses permitted by special use permit.

The latter classification has been established to facilitate the inclusion within the district of certain uses that have been generally accepted as reasonably compatible, but that present potential injurious effects upon other property, unless authorized under specific and controlled conditions.



3.30 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the streets or highways, the centerlines of said streets or highways shall be construed to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township boundary lines shall be construed as following such township boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be mid-line of the right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.
- F. Boundaries following the shoreline of a stream, lake, or other body of water, shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the board of appeals shall have the jurisdiction to interpret lines of demarcation between districts by appeal of the interpretation of the official or at the request of the official as necessary to enable enforcement of the provisions of this chapter.

3.31 ZONING DISTRICTS SCOPE OF REGULATIONS

No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this article and with the regulations specified for the district in which it is located.

- A. The regulations applying to each district shall include specific limitations on the use of land and structure, height and bulk of structures, density of populations, lot area, yard dimensions, and area of lot that can be covered by each structure.
- B. The township board of appeals shall have the power to classify a use which is not specifically mentioned for the purpose of clarifying the use regulations in any district, by appeal of the official's interpretation, if disputed or by request of the official when a similar use is not clearly identifiable in any district.
- C. The following uses are not permitted in any district, except as conditioned herein:
 - 1. No conditions shall be allowed to exist which shall constitute a hazard to health, welfare or safety, or which are unsightly or in any way create a nuisance or damage to adjoining property.
 - 2. No junk or inoperable automobile or motor vehicle shall be kept or stored in any district within the township except in the agricultural, industrial, light, or industrial, heavy, districts upon compliance with [Section 4.72](#). For purposes of this article, the term "junk or inoperable automobile or motor vehicle" means any motor vehicle in a dismantled or partially dismantled state which is incapable of operation and/or does not display a current license plate registered to said motor vehicle.
 - 3. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allowed to remain, in any district, wrecked or inoperable farm machinery, unless hidden from view of the general public or screened by a screen approved by the official.

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Notes to District Standards	Residential Districts											
	A	R-1	R-2	R-3	R-4	R-5	R-6	M-1	M-2	M-3	M-4	MHP
1 (b.2)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2 (b.1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3 (m)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
4 (a)	✓											
5 (b)	✓											
6 (j)	✓	✓	✓	✓	✓	✓	✓					
7 (l)					✓	✓	✓					
8 (g)								✓	✓	✓	✓	
9 (3)								✓	✓	✓	✓	
10								✓	✓	✓	✓	
11												✓
12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Applicability of Notes to District Standards												
Notes to District Standards	Non-Residential Districts											
	PO	OP	POD	BL	BC	BSC	IL	IH	I-P			
1 (b.2)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
2 (b.1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
3 (m)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
4-11												
12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
16			✓									



3.32 NOTES TO DISTRICT STANDARDS

- A. Applicability. The notes contained in Section 3.32.B are additions, exceptions, and clarifications to the district standards contained in [Section 3.1 through 3.22](#). The applicability of individual notes to each district is provided in the tables on the following pages.
- B. Notes to District Standards.
1. In all zoning districts minimum lot size, as referred in the district, means lot area exclusive of dedicated road right-of-ways.
 2. The side yard setback for structures on corner lots from the road right-of-way of an adjoining side street shall be equal to the front yard setback listed in this table, unless otherwise specified; provided further that any setback required by this table which is applied from or to an existing county primary or secondary road right-of-way outside of platted subdivisions shall be as specified by this table, plus an additional 17 feet.
 3. One acre is required for residential structures built on agricultural land not principle to farming.
 4. Structures for agricultural operations such as barns and silos may be permitted up to 100 feet in height .
 5. Maximum front yard setback where public sewers are available as defined in chapter 40, pertaining to utilities, of the township: No structure from which sewage originates shall be permitted to setback in excess of minimum requirements unless said structure is connected to the public sewer system.
 6. Front yard setback exceptions. In any A, R-1, R-2, R-3, R-4, R-5 or R-6 district where on the effective date of the ordinance from which this article is derived there existed platted residential lots of record that supported dwelling units erected with front yard building setbacks less than those required by this article, such existing dwelling structures may be expanded and vacant lots in such plats may be developed for residential use without compliance with the current front yard setback of the district, provided the following conditions exist and are met:
 - a. Expansion of the dwelling structure shall not further diminish the front yard setback as established at the effective date of the ordinance from which this chapter is derived, and such expansion is for a principal or accessory use permitted by right in the district.
 - b. Except as provided in subsection c. of this section, the front yard setback required for a vacant lot of record shall be the minimum required for the district.
 - c. Where the average front yard setback of two or more existing buildings that are on the same side of the street and within 300 feet of the lot in questions is less than the minimum front yard setback prescribed for the district, the required front yard setback for such lot shall not be less than the average existing front yard setback of such nearby buildings.
 7. Duplexes are permitted by right subject to administrative site plan review in accordance with [Section 6.3](#), but shall be limited in number in platted subdivisions or phases thereof to no more than 15 percent of the lots therein and which lots are eligible for duplex development shall be so designated within the plat. Duplex, as used herein, means one structure containing two living units.
 8. Group housing developments consisting of two or more buildings, but not including such developments containing only duplexes, shall be a minimum of two acres in size and have a minimum of 200 feet of frontage on a dedicated road.
 9. The setbacks provided herein shall apply, except that no building side shall be closer than 50 feet to a local public or private street right-of-way, or 75 feet from a state or federal highway right-of-way, regardless of any other convention designating them front, rear, or side.
 10. Minimum required open space per dwelling unit applies to the following uses:
 - a. All duplexes,
 - b. Singular multiple-family buildings,
 - c. Group housing developments.

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11. The 5,500 square feet may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the site from 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirement be less than that required under R 125.1046, Rule 946 of the Michigan Administrative Code. A lot for an individual unit shall in no case be less in length or width than necessary to accommodate the unit including attachments or additions and still meet all required setbacks listed in [Section 3.13.D](#).

12. Corner lots and through lots.

- a. Corner lots shall have two front lot lines, two side lot lines, and no rear lot line.
 - (1) Required front yard setbacks shall be measured from both front lot lines.
 - (2) The minimum lot width of a corner lot shall be defined as the shorter of the two (2) front lot lines.
- b. Through lots shall have a front lot line, two side lot lines, and a rear lot line.
 - (1) The primary entrance to the principle building shall be considered the front lot line as evidenced by the principle driveway location or as identified if part of a platted subdivision.
 - (2) Secondary frontage shall be opposite from the designated front lot line and be considered a rear lot line.

13. Supplemental lot requirements.

- a. Lot area can be allocated once. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building or the alteration of an existing building.
- b. Residential lot area exceptions. Any residential lot of record created and recorded prior to the effective date of the ordinance from which this article is derived may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

- (1) That the other requirements of the district are met.
- (2) That any lot so excepted shall be no less than 50 feet in width at the street line.
- c. Supplementary yard regulations. The following shall be the supplementary yard regulations:
 - (1) For residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of the alley, provided no building shall be erected closer than five feet to the nearest alley right-of-way line.
 - (2) For lots of record 80 feet or more in width, the same side yard requirements as for lots in the R-3 District shall be required.
 - (3) For lots of record 60 feet to less than 80 feet in width, the least width of either side yard shall be eight feet; but the sum of the two side yards shall not be less than 18 feet.
 - (4) For lots of record 50 feet to less than 60 feet in width, one side yard shall be at least six feet; but the sum of the two side yards shall not be less than 13 feet.
- d. Rear yard reduction.
 - (1) When a lot of record in any residential district has a depth of less than 115 feet prior to the effective date of the ordinance from which this article is derived, the rear yard of such lot may be reduced one-fourth of the distance, provided that no rear yard shall be less than 20 feet in depth.
 - (2) When there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of the rear yard must be made to the right-of-way line of such alley.
- e. Permitted yard encroachments.
 - (1) Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, provided:



(a) paved area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure that connect the paved area to the principal building to form an enclosed area which appears functionally a part of the principal building.

(b) No portion of any paved area is closer than five feet to any lot line.

(2) Paved areas may have an open railing or fence not over three feet high, and may have non-continuous windbreaks or visual screen fences or walls not over six feet high and not enclosing more than one-half the perimeter of the paved area.

(3) Enclosed porches, either one story, two story, or an unenclosed porch having solid foundations, and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

(4) Special structural elements, such as cornices, sills, belt-courses, chimneys, gutters, eaves, pilasters, and similar structural features may project into any yard a maximum of 2½ feet.

(5) Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard area a maximum of five feet.

14. Supplemental height regulations

a. Permitted exceptions, structural appurtenances.

(1) The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

(a) Ornamental structures in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flag poles, provided that such structural elements do not exceed 20 percent of the gross roof area.

(b) Appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers.

(c) Commercial freestanding towers when not attached to a building or structure shall be constructed under applicable state and federal regulations and approved by the planning commission.

(2) The permitted structural exceptions in subsection (a) of this section shall not be used for human occupancy.

b. Permitted exceptions, residential districts. There shall be no exceptions permitted for residential structures; hospitals and church structures in residential districts may be permitted to exceed height limitations, provided each front, side and rear yard minimum is increased one foot for each additional one foot of height above the district maximum.

15. Depth shall be measured from the street right-of-way line to the rear property line. The width to depth requirements do not apply to a parcel larger than 20 acres and do not apply to the remainder of a parcel when such remainder is at least five acres in size. The remainder of the parent parcel shall be the largest parcel resulting from a land division and shall be limited to only one parcel.

In case of irregular shaped lots where the depth cannot be readily determined, the following formula shall be used:

$$\text{Depth} = \frac{A + B}{2}$$

A is the maximum length of a straight line or lines that can be created from any point along the front lot line to any other opposing point on the lot line.



B is the minimum distance of a straight line or lines between any point along the front line to the same opposing point determined from A. All points along lines A and B shall be within the boundaries of the lot.

16. For purposes of this section, the floor area of structures and portions of structures that are used for the parking of motor vehicles shall not be included in the floor area ratio. The total site area shall include the entire contiguous area of the planned office development POD, less any existing public road rights-of-way.

3.33 MULTIPLE FAMILY DISTRICT REGULATIONS

- A. Intent and purpose. It is the intent of this section to outline the development standards relating to the uses that are permitted in the various multiple residential districts.
- B. General standards. The following general standards shall apply to development within the M-1, M-2, M-3, and M-4 districts.
 - 1. Location. To facilitate orderly growth, to prevent the overburdening of public roads, and to ensure the public health, the following requirements shall be met:
 - a. Developments proposed to contain 24 dwelling units or more shall be located so that the means of egress and egress to the development is onto an improved hard-surfaced (paved) public roadway. This requirement may be waived by the planning commission if it is demonstrated that the roadway to be utilized by the residents of the development is or will be scheduled for such improvement within one year of the date that the project is scheduled for completion.
 - b. All multifamily and group housing developments shall be served by public sanitary sewer.
 - 2. Automobile parking.
 - a. Parking areas on multifamily and group housing development sites of five acres or less shall be behind the front building line.
 - b. Parking areas shall not be closer than ten feet from any adjacent property line.

- c. Carports and garages.
 - (1) Parking for multiple-family developments may be contained within carports, and/or attached or detached garages. Such structures shall be for the exclusive use of the occupants of the development and shall not be rented or otherwise utilized by persons living off-site.
 - (2) Garages and carports shall be considered accessory buildings and are subject to the standards listed in [Section 5.1](#), including the required setbacks from property lines and the distance between structures.

- d. Parking shall be provided in accordance with the applicable provisions of [Sections 5.9](#) and [5.10](#).
- 3. Curbs and gutters. Curbs and gutters must be provided for all drives and at the perimeter of all parking areas.
- 4. Sidewalks. Sidewalks shall be required on all public and private streets at a minimum of four feet wide. If the curb is being used as part of the sidewalk, the width must be increased to five feet in width.
- 5. Fencing. All proposed fencing shall be approved by the planning commission and the type, material, and location shall be designated on the site plan. Fencing of an appropriate height and extent may be required by the planning commission when in their discretion it is deemed necessary for the screening and/or protection of adjacent properties from trespass.
- 6. Distance to access. No structure in a group housing development shall be closer than 25 feet nor further than 150 feet from the street or private access drive from which it derives access.
- 7. Private streets. Private streets or private access drives may be permitted within group housing developments, provided that the following minimum requirements are met:



- a. All streets, roadways, or private access drives will be paved to a minimum width of 24 feet when parking is prohibited. Additional widths for streets may be required by the township planning commission based upon the particular density and building relationship proposals of the proposed multiple development.
 - b. No dead-end street or roadway shall serve more than 100 dwelling units as a means of vehicular access.
 - c. Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of 50 feet shall be required for all turnarounds; an additional width may be required by the township planning commission after consideration of the vehicular needs of a particular multiple housing development proposal.
 - d. Satisfactory arrangements shall be made with the township planning commission regarding the maintenance and repair of streets, roadways, or access drives.
8. Recreation area. For all group housing developments and singular multiple-facility dwellings exceeding four units per net acre, a minimum of 1,200 square feet or 50 percent of the open space required in the respective district, whichever is greater, shall be developed and maintained for recreational use. In providing the minimum required recreation areas, the following shall be required, as appropriate:
- a. A minimum of 1,200 square feet of contiguous area and the provision of items such as sand play area and swinging, climbing, sliding, and jumping apparatus.
 - b. Picnic areas including picnic tables, grills, etc.
 - c. For large developments, the planning commission, in its discretion, may require the provision of community recreation facilities such as field games (softball, etc.), court games (basketball, tennis), and swimming pools, as appropriate.
9. Landscaping. In addition to the requirements of [Section 5.12](#), acceptable landscaping shall be provided in open spaces, around buildings, and within parking areas. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the township. Said performance bond shall be forfeited if landscaping has not been completed one year after an occupancy permit has been issued for said building.
10. Utility service. Electric and telephone distribution lines shall be underground. Any utility installations remaining aboveground shall be located so as to have a harmonious relation to neighboring properties and the site.
12. Use of space below grade for dwelling purposes. Floor space below grade level may be used for dwelling purposes when the vertical distance from grade to the floor below is greater than the distance from grade to ceiling for more than 50 percent of the building's perimeter and all dwelling space is provided with ventilation and egress which meets or exceeds the township's building and fire codes.
13. Solid waste disposal. See [Section 5.6.A](#).

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C. Site Development Standards

3.33.C Multiple-Family (M-1 through M-4) Site Development Standards

Development Standard	Duplexes & Singular Multiple-family Buildings	All other group housing developments
Distance between buildings and between buildings and parking See notes below	20 ft.	30 ft.
Minimum net lot area	1 net acre	2 net acres
Minimum lot width	150 ft.	200 ft.

Notes

In all M-1 through M-4 multiple residential districts, the minimum distance between any two principal buildings, with the exception of duplexes as provided herein, shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet (see subsection (d)(8) of this section). Parking shall not be located closer than ten feet to any habitable building or 15 feet to any wall of such building containing windows.

Minimum distance between buildings in the M-1 to M-4 districts shall be determined as follows:

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

Where:

S = Required minimum horizontal distance - the distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A = Total length of building A - the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

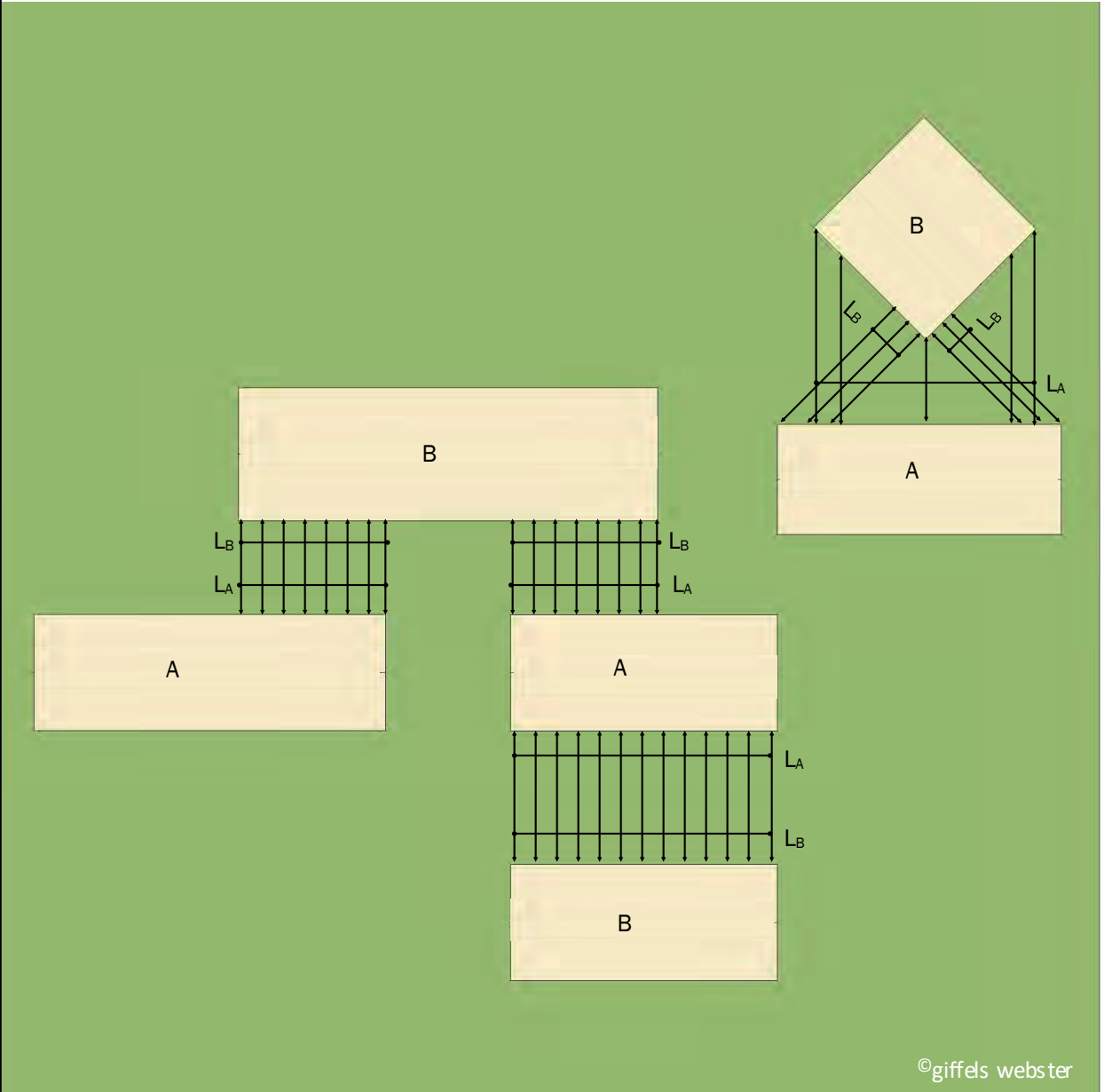
L_B = Total length of building B - the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H_A = Height of building A - at any given level is the height above natural grad level of any portion or portions of a wall or walls along the length of building A. Natural grad level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H_B = Height of building B - at any given level is the height above natural grad level of any portion or portions of a wall or walls along the length of building B. Natural grad level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



3.33.C.4 Minimum Required Distance Between Buildings in the M-1 to M-4 Districts



$$\text{Minimum Distance Between Buildings} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

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3.34 MHP DISTRICT REQUIREMENTS

- A. Mobile home parks shall be permitted by right in the MHP mobile home park zoning district provided it is constructed in accordance with the provisions of Public Act No. 96 of 1987 (MCL 125.2301 et seq.) and the provisions of this chapter, as approved by the mobile home commission under the provisions of said act, being MCL 125.2307 thereof.
- B. Mobile homes permitted to be placed in mobile home parks shall be designed and constructed in accordance with the standards set forth by the Department of Housing and Urban Development (HUD) or NFPA 501B 1974/ANSI 119.11975 if built prior to June 15, 1976.
- C. Required Buildings.
1. One permanent structure shall be provided within the park for equipment storage and maintenance purposes.
 2. A mobile home office or permanent building shall be provided for office purposes and shall be clearly marked and designated as to location in development plans. Said office shall be maintained and open to the park occupants for transacting business and tenants shall be immediately provided with a list of pertinent information, including office hours as required under Rule 704(C) of the Mobile Home Commission Rules.
- D. Development and Site Requirements
1. Park location. The mobile home park site shall have direct access to a paved designated thoroughfare. A designated thoroughfare, for the purpose of this section, shall be a state highway, federal highway, or a primary road as certified by the county road commission. The term "direct access" means that the ingress and egress to the park site shall be to this hard surfaced or paved frontage road.
 2. Outdoor storage sheds.
 - a. On each mobile home lot within the mobile home park an outdoor shed shall be permitted, not to exceed 96 square feet, whose height does not exceed the height of the mobile home on site, for the purpose of storing tools and outdoor lawn equipment. In lieu of permitting outdoor sheds on individual lots, the park may provide storage space elsewhere in the park.
 - b. Storage of goods and articles in the open is prohibited.
 3. Fire regulation. The mobile home park shall be subject to the rules and regulations of the state fire marshal and the uniform fire code of the township.
 4. Fire hydrants. Where public water is available, fire hydrants shall be provided so spaced that no mobile home site is further than 400 feet from said hydrant. Where public water is not available, a minimum number of hydrants shall be provided and located as specified by the township fire chief.
 5. Severe weather warnings; shelters. Immediately upon occupancy, each mobile home park tenant shall be provided by the park management with written information pertaining to the severe weather warning systems used by local government, if provided, which shall contain, but is not limited to, the following:
 - a. Signals used to alert the mobile home park population to impending severe weather.
 - b. In areas where local government has designated shelters, mobile home park management shall, in writing, provide each tenant with the location of the approved shelter designated by local government to serve the mobile home park.
 - c. The location of the park-owned shelter, if any. Shelter areas may be in conjunction with permanent buildings such as community or recreational buildings or park offices, provided they are constructed to the standards approved by the county director of civil defense, and certified for use as a shelter by the director, to include capacity limitations.
 6. Anchoring systems, installed. After the effective date of the ordinance from which this section is derived, all mobile homes moved onto new or existing mobile sites shall have installed, an anchoring system which complies with Rules 605, 606, and 607 of the Mobile Home Commission Rules, as amended.
 7. Skirting, installed. After the effective date of the ordinance from which this section is derived, all mobile homes moved onto new or existing mobile home sites shall have skirting installed which complies with Rule 604 of the Mobile Home Commission Rules as amended.



8. Signs. Signs are permitted as provided by [Section 5.4](#).
 9. Foundation system.
 - a. After the effective date of the ordinance from which this section is derived, no mobile home shall be placed on a mobile home site unless the pillars supporting a mobile home rest on foundations consisting of a minimum of 18 inches diameter piers that extend to a depth of 42 inches below grade and are a minimum of ten feet on center, except that where the axle interferes the distance may be increased to 13 feet in that area only, but in no case shall the number of piers be less than manufacturers recommendation for the number of pillars.
 - b. Pillars and crossbeam where used shall be in compliance with Rule R 125.1602 of the Mobile Home Commission Rules.
 - c. In lieu of the foundations requirements of subsections (u)(1) and (2) a park developer and/or owner may present alternative foundation design supported by engineering that will be permitted provided it is accepted by the mobile home commission.
- E. Internal roads/general requirements in the MHP district.
1. Shall be surfaced in accordance with AASHTO standards in accordance with rule 922 of the Mobile Home Commission Rules.
 2. The road shall have access to a public thoroughfare or be connected to a public thoroughfare by a permanent easement. Sole access by an alley is prohibited.
 3. A dead-end road shall terminate with an adequate turning area. A blunt end road is prohibited.
 4. An adequate safe-sight distance shall be provided at intersections of ingress/egress roads as determined by the township traffic safety officer.
 5. An offset at an intersection of less than 150 feet measured from center line to center line and an intersection of more than two streets is prohibited.
6. An intersection of roads shall be clearly marked with appropriate traffic signs.
 7. A road or street shall be named and so identified by street signs located at all road intersections.
 8. A name for an internal road shall be approved by the municipality.
 9. A road shall have a driving surface of not less than the following:
 - a. One way, with no parking: 20 feet.
 - b. Two way, with no parking: 22 feet.
 - c. At access points where general traffic enters or leaves the park, the widths shall be sufficient to permit free movement from or to the stream of traffic on the public roads as determined by the county road commission or the state highway department, whichever is applicable.
- F. Internal roads; curbing. In the MHP district. Curbing shall be installed on all internal roads. Approved curbing types include but are not limited to straight battered curb, rolled curb and integrated curb. Curbing shall be constructed as follows:
1. Curbing shall be concrete with the exception of the integral valley curb and gutter (gravity drains), which may be either concrete or asphalt.
 2. If integral valley curbing and gutter or mountable curb and gutter is used, the height of the curb measured from the gutter line shall be between three and five inches.
 3. Crosswalks shall conform to Public Act No. 8 of 1973 (MCL 125.1361).
- G. On-site mobile home inspections. An on-site mobile home inspection of proper installation of individual mobile home units prior to occupancy shall be required in accordance with Public Act No. 230 of 1972 (MCL 125.1501 et seq.), Rule 408.31142(1) and (2).
- H. Landscaped buffer requirements. See [Section 5.12.C.9](#).
- I. On-site vehicle parking. See [Section 5.10](#).



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J. Compliance/penalties. It shall be the duty and obligation of the owner and operator of any mobile home park development to require that the continued use of said property shall be at all times in compliance with the provisions of this section and [Section 3.13](#). Failure thereof shall be a violation of Mobile Home Park Development, subject to the penalties and remedies specified herein and the continuance thereof is hereby declared to be a nuisance per se.

3.35 OP DISTRICT REGULATIONS

- A. The development shall include a minimum of four individual lots, parcels or building sites, each capable of being developed for a separate use under uniform standards.
- B. Not more than 50 percent of all sites shall be located with direct access to an arterial street. This provision being necessary to discourage linear development along existing materials and to encourage the development of interior tracts of land having access from improved local streets developed as part of the office park. All development within the office park district shall conform to the requirements of this section.
- C. Unless the use is a special use enumerated in [Section 3.15.C](#) and is approved under [Section 6.1](#) of this chapter, all activities shall be within a completely enclosed building. The overnight outdoor parking of more than two trucks and five company passenger vehicles shall be prohibited. Exceptions are permitted for employee parking and shipping and receiving activities, as determined by the planning commission.
- D. Where appropriate, the planning commission may require the use of marginal access streets.

- E. Where a platted or site condominium office park subdivision is proposed, a landscaping plan, shall be submitted as part of the preliminary plan or plat and shall be part of the preliminary plan or plat approval. The landscape plan shall represent a master design proposal for the plat and show how open space, right-of-way and common areas shall be treated. The master landscape plan also shall establish minimum standards for individual lot landscaping in required yards, screening planting details for loading areas and yards which abut residential zones and general planting standards to ensure a continuity of development. This master landscape plan shall include a planting schedule, where applicable. The landscape plan for individual lots within the office park district shall meet the minimum requirements of [Section 5.12](#).
- F. All yards within the office park district which abut a street shall have a minimum front yard buffer yard with a depth of 30 feet as measured from the outside edge of the existing or future right-of-way. The green strip must be provided on the site and no parking or drives, other than for access to the site, are permitted within this yard unless approved by the planning commission.
- G. Subject to the additional provisions of [Section 5.9](#) and [5.10](#) loading areas may be located in side or rear yards; however, side yard loading areas shall not face public or private streets outside of the office park district and shall be screened from view within the front yard where practical through the use of berms, landscaping and/or screening walls.
- H. All mechanical and roof-mounted equipment shall be screened.
- I. Preliminary site condominium subdivision plans and plat subdivisions in accordance with the provisions of the township subdivision regulations shall include covenants which indicate minimum architectural standards to be incorporated in any site plan for lots within the plat. This requirement is necessary in order to accomplish a consistency of development throughout the office park as well as to allow flexibility for individual architectural expressions. The planning commission shall review the design of buildings in terms of color and materials, and the site in terms of circulation (i.e., linking of parking areas and service drives) and compatibility to the total development.



3.36 POD DISTRICT REGULATIONS

This section establishes regulations to allow for the development of corporate office developments, including the supporting uses provided for in [Section 3.16](#).

- A. Purpose. These regulations are intended to accomplish the following purposes:
1. To encourage innovation in land development.
 2. To encourage the use of land in accordance with its character and adaptability.
 3. To achieve integration of the proposed land use with the characteristics of the land and surrounding area.
 4. To enable and encourage developments that utilize substantial landscaped buffers and open spaces to preserve and enhance existing natural features and to minimize impacts on surrounding uses.
 5. To promote and ensure greater compatibility of design and use between neighboring properties, and to coordinate architectural styles, building form, and structural relationships within developments.
 6. To minimize the impacts that large-scale developments have on public services, infrastructure, and the character of the community.
 7. To provide regulations for and enable the development of land uses not otherwise authorized in this chapter.
- B. Qualifying conditions. An application must meet the following criteria to be considered eligible for approval as a POD Planned Office Development zoning district:
1. The planned office development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
 2. The planned office development site shall consist of a minimum of 150 acres of contiguous land.
 3. The subject site and its primary vehicular access shall be located no more than one mile from an expressway interchange. Said distance shall be measured from the edge of pavement of an expressway entrance or exit ramp to that portion of the site having frontage on an existing road right-of-way that will serve as the primary vehicle access point.

4. The proposed development shall be under the perpetual ownership and control of a single entity. Such an entity may include any single corporation, partnership, or other legally formed institution, including wholly owned subsidiaries and sole proprietorships. The applicant shall provide legal documentation to substantiate single entity ownership and control.
 5. A request to establish or amend a planned office development zoning district may be initiated only by the owner of the subject site, or the property owner's legal representative.
 6. The proposed type and density of use shall be adequately served by necessary public services, facilities, and utilities.
 7. The proposed planned office development zoning district shall be harmonious and in accordance with the principles and objectives of the comprehensive development plan for the township.
- C. Site Development Requirements
1. Building Height. The height of buildings and structures may be increased above 35 feet by one foot in height for each three feet they are setback beyond the minimum setback distances, provided that buildings shall not exceed the following maximums:
 - a. Any building primarily occupied by the executive and administrative offices of a single entity, as described in [Section 3.36.B.4](#), shall not exceed a height of 95 feet.
 - b. Any building primarily occupied by a use or uses that are accessory to the executive and administrative offices of a single entity, as described in [Section 3.36.B.4](#), shall not exceed a height of 35 feet, with the exception where such a building will be equipped with an automatic sprinkler system that is designed and installed in accordance with the requirements of the state construction code, or with an alternative automatic fire extinguishing system, as may be allowed by the state construction code and approved by the building official, the height of the building shall not exceed 50 feet.

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- c. Parking structures, whether attached or unattached to another structure shall not exceed a height of 50 feet. The height shall be measured from the lowest finished grade around the parking structure, excluding below grade vehicle entrances and/or exits and the slopes to accommodate them, provided that such excluded areas shall not exceed a total of ten percent of the entire perimeter of the parking structure. Height shall be measured to the top deck.
- 2. Open space. The location of buildings and vehicular circulation shall be coordinated with the open space to minimize the visual impacts of the development. The following shall not be considered open space:
 - a. Any portion of the site covered by buildings or structures.
 - b. Portions of the site devoted to vehicular circulation and/or parking.
 - c. Portions of the site covered with above-ground public utilities or an easement area for an above-ground utility.
- 3. Landscaping. An overall landscaping plan shall be developed for the POD Planned Office Development; except as modified by this section, the landscaping shall meet the requirements of [Section 5.12](#) of this chapter. The landscaping plan shall comply with the following requirements:
 - a. In addition to the buffer yard and surface parking lot landscaping requirements in [Section 5.12](#) of this chapter, landscaping will be provided around buildings and in open spaces.
 - b. The buffer yard requirements listed in [Section 5.12](#) shall be considered minimum requirements. Alternate landscape plans proposed by the applicant that meet the general intent and accomplish the aesthetic and utilitarian objectives of that section may be considered. The use of additional evergreen plantings to screen uses and earth berms to minimize the appearance of surface parking areas are particularly encouraged.
 - c. Efforts shall be made to incorporate natural features into the site landscaping.
- 4. Internal roadways. Roadways shall be provided as needed within the POD Planned Office Development to allow for the safe and efficient movement of automobiles. Roadways shall be exclusive of parking areas and shall serve to link buildings and parking areas to one another and to existing public and private roads. Roadways may be public or private and, in either case, shall comply with the design and construction standards of the county road commission.
- 5. Off-street parking and loading. Off-street parking and loading shall comply with the requirements of [Section 5.9](#) and [5.10](#). Provided, however, that the planning commission may permit a reduction in the number of parking spaces required by [Section 5.10.G](#), upon review of a parking plan submitted by the applicant. Said plan shall be prepared by a competent and qualified professional. The plan will ensure that the parking needs of the uses allowed in the district will be adequately met, while reducing the likelihood that portions of the site will be paved unnecessarily. The plan shall include a parking needs assessment and recommended parking strategy that identifies how the parking demand will be met with surface parking, parking structures, and/or public transportation. The plan shall include all of the following:
 - a. The square footage of all structures under review, broken down by individual land use. Estimates shall then be provided for the parking need generated by each use.
 - b. Estimates of the employee transportation demand that may be met by public transportation.
 - c. If the plan recommends the deferred construction of any portion of the required parking, the threshold or trigger for the construction of the additional required parking shall be identified, along with its proposed location.
- 6. Signs. A sign plan shall be provided for the POD Planned Office Development. The plan shall indicate the size, height, and location of all proposed signs. Signs shown on the plan shall comply with the minimum requirements of [Section 5.4](#).
- 7. Sidewalks. Sidewalks shall be constructed in accordance with [Section 5.3](#).



8. Surface water management. In developing a plan, for managing surface water and storm drainage on the site for review and approval by the county drain commissioner, the applicant is encouraged to consider innovative techniques, such as bio-retention, aquatic buffers, and native landscaping to improve surface water quality and further minimize downstream impacts.
9. Applicable regulations. Except as may be varied by this section, the approved development district map, and/or the approved development district text, all regulations of township ordinances relative to structure height, setbacks, signs, parking and loading, landscaping, and other applicable regulations shall apply.

3.37 BSC DISTRICT REQUIREMENTS

The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. In recognition of these unique characteristics, the requirements of this district have been designed to provide for the flexible application of protective standards so that an efficient, attractive and pleasing shopping environment can be created for both the business owner and the customer.

- A. Additional BSC submittal requirements.
 1. The owner or owners of a tract of land which comprises five acres or more may submit to the township planning commission a request for an amendment to the official zoning map which would establish a planned shopping center district, provided:
 - a. The site requested shall be located upon a major arterial street.
 - b. Such request shall also be accompanied by the following evidence and supporting data. The purpose of these requirements is to protect the township from the over-development of retail sales and service establishments which could prove highly injurious to the community welfare. Without such evidence and supporting data an application shall not be accepted by the township planning commission.

- (1) A site plan defining the areas to be developed for buildings; the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; the location of walls, landscaped areas, terraces and other open spaces; the provision of spaces for loading, unloading, and servicing; the location, size and number of signs; and the treatment proposed for required buffer strip area to protect abutting land uses and zoning districts.
 - (2) A traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin, direction and amount of traffic flow to and from the proposed center.
 - (3) A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space.
- B. Site development requirements.
 1. Types of structures. All permitted activities shall be conducted entirely within a wholly enclosed permanent building, except as noted in the following:
 - a. The parking of customers' and employees' automobiles.
 - b. The loading and unloading of commercial vehicles, which must take place directly into or out of a building.
 - c. Temporary exhibitions and special quasi-civic events provided they are conducted in spaces designated for such possible purposes on the final plans submitted with the application for a building permit.
 - d. Recreational facilities, incidental to the center's principal operations or of a nature normally conducted out-of-doors.
 2. Parking areas and circulation. All automobile parking areas and interior circulation for motor vehicles shall be designed in accordance with the following requirements:

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- a. Notwithstanding the parking space requirements specified in [Section 5.9](#) and [5.10](#), there shall be provided one square foot of parking space for every four square feet of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purposes of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.
 - b. Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Such walkways shall not intersect with a vehicular way more than once.
 - c. Pedestrian travel from any establishment in the center to any other establishment shall be possible without crossing a vehicular way.
 - d. Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.
 - e. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up of traffic into any external street under conditions of anticipated maximum center-destined traffic.
 - f. All areas accessible to vehicles or pedestrians shall be illuminated.
3. External access. Access to the shopping center shall be provided by at least one direct access from a major arterial street. Further, the owners or developers of the center shall show, to the complete satisfaction of the township planning commission that all access points to an external street or streets shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the street or streets.
4. Surface improvements. All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dustless surface and shall be so graded and provided with adequate drainage facilities that all collected surface water is effectively carried away from the site.
5. Transition strips. All planned shopping center districts, when located in or adjacent to an agricultural district, residential district, or when adjacent to a school, hospital, or other public institution, shall include as an integral part of the site development a strip of land 100 feet or more in width on all those sides of the site except on the side fronting a major arterial. No part of such land may be used for any shopping center functions. The strip shall be occupied by plant materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangement of such plantings and structures and such proposals shall be subject to the approval of the township planning commission. Notwithstanding transition strip requirements stated herein, the requirements for landscaping and buffer yard shall comply with [Section 5.12](#).

3.38 I-P DISTRICT REQUIREMENTS

- A. The development shall include a minimum of four individual lots, parcels or building sites each capable of being developed for a separate use under uniform standards.
- B. Not more than 50 percent of all sites shall be located with direct access to an arterial street. This provision being necessary to discourage linear development along existing arterials and to encourage the development of interior tracts of land having access from improved local streets developed as part of the industrial park. All development within the industrial park district shall conform to the requirements of this section.
- C. All activities shall be within a completely enclosed building. The overnight outdoor parking of more than two trucks and five company passenger vehicles shall be prohibited. Exceptions are permitted for employee parking and shipping and receiving activities, as determined by the planning commission.
- D. Where appropriate, the planning commission may require the use of marginal access streets.



- E. Where a platted or site condominium industrial park subdivision is proposed, a landscaping plan shall be submitted as part of the preliminary plan or plat and shall be part of the preliminary plan or plat approval. The landscape plan shall represent a master design proposal for the plat and show how open space, right-of-way and common areas shall be treated. The master landscape plan also shall establish minimum standards for individual lot landscaping in required yards, screening planting details for loading areas and yards which abut residential zones and general planting standards to ensure a continuity of development. This master landscape plan shall include a planting schedule, where applicable. The landscape plan for individual lots within the industrial park district shall meet the minimum requirements of [Section 5.12](#).
- F. All yards within the industrial park district which abut a street shall have a minimum front yard buffer yard with a depth of 40 feet as measured from the outside edge of the existing or future right-of-way. The buffer yard must be provided on the site and no parking or drives, other than for access to the site, are permitted within this yard unless approved by the planning commission.
- G. All mechanical and roof-mounted equipment shall be screened.
- H. The open storage of any equipment, vehicles and all materials, except as otherwise provided herein, is expressly prohibited.
- I. Preliminary site condominium subdivision plans and plat submissions in accordance with the provisions of the township subdivision regulations shall include covenants which indicate minimum architectural standards to be incorporated in any site plan for lots within the plat. This requirement is necessary in order to accomplish a consistency of development throughout the industrial park as well as to allow flexibility for individual architectural expressions. The planning commission shall at least review the design of buildings in terms of color and materials, and the site in terms of circulation (i.e., linking of parking areas and service drives) and compatibility to the total development.

3.39 IL AND IH DISTRICTS REQUIREMENTS

- A. Yard use restrictions.
 - 1. Front yards. Front yards shall remain clear and shall not be used for loading, storage, or accessory structures, except for landscape improvements and necessary drives and walks. Parking will be permitted in a front yard but, not within 40 feet of the road right-of-way.
 - 2. Side and rear yards. Side and rear yards, except for a ten foot buffer strip along property lines may be used for parking and loading. Side and rear yard storage shall be allowed provided there is compliance with the provisions of [subsection 4, below](#)).
 - 3. Yards abutting residential. Where side and rear yards abut a residential district and are to be used for parking, loading or servicing, a solid uniformly finished fence or wall capable of screening the activity shall be installed not less in height than is required to effectively screen said activity. All screening plans shall be subject to the approval of the township planning commission and if not part of a rezoning or a special use permit application then it shall be submitted as a separate application for site plan review.
 - 4. Open storage. No open storage shall be permitted in front yards. All outdoor storage shall be fenced to prevent unauthorized access thereto and shall be screened from view by means of solid walls, fencing, and/or landscaping. Fencing cannot exceed a height of ten feet and plans for screening shall be subject to approval by the township planning commission.
- B. Review of site development requirements. Review of all site development requirements shall be required as outlined in [Section 6.1](#) of this chapter special use permit application and procedure.
- C. Prohibited activities in the IH district.
 - 1. Aboveground storage of flammable liquids, gases and explosives.
 - 2. Open storage of rags, waste and similar combustibles.
 - 3. Open storage of industrial waste products

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3.40 ESSENTIAL SERVICES; IMPROVEMENTS

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intent hereof to exempt such essential services from the application of this chapter with the following exceptions. Improvements having a height in excess of 32 inches and a maximum horizontal width in excess of 48 inches shall be subject to the approval of the township board or their designee with respect to location, design, and buffering to ensure that such improvements are compatible with the surrounding land uses.



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4.1 RAISING AND KEEPING OF FARM ANIMALS

In the A district, raising and keeping of farm animals, such as cattle, hogs, goats, sheep, horses, ponies, rabbits, poultry, aviaries and apiaries, are permitted by right, provided that such are raised on a farm having an area of not less than 20 acres of land. Farm animals are permitted by right on parcels 2 to 19.9 acres. The raising and keeping of farm animals is subject to the following regulations:

- A. **Parcels less than 2 acres.** Farm animals of any type shall not be permitted.
- B. **Parcels 2 acres or greater.**
 - 1. The housing of farm animals shall be prohibited within 100 feet of residentially zoned land.
 - 2. All farm animals and/or all types of domestic fowl shall be fenced to prevent their roaming at large and shall be confined to the owner's premises.
- C. **Parcels 2 to 19.9 acres.**
 - 1. On parcels ten to 19.9 acres, livestock shall be limited in number on the basis of one animal per acre of site area. The keeping and raising of domestic fowl, aviaries and apiaries without regard to number is permitted subject to compliance with [subsection B.2](#) of this section.
 - 2. The keeping and raising of farm animals on sites less than ten acres shall be permitted and limited on the basis of one animal per acre, except that livestock shall not be permitted on less than two acres. Further, the keeping and raising of domestic fowl, aviaries and apiaries without regard to number is permitted subject to compliance with [subsection B.2](#) of this section on parcels over three acres, but shall not be permitted on parcels of three acres or less.
 - 3. Customary household pets, excluding farm animals, are permitted without regard to number except that they must be confined to prevent their running at large and except further that the keeping of dogs over six months of age in excess of four in number shall require a kennel license and shall only be allowed as provided under [Section 4.16](#).

- 4. Apiaries. Bees may be kept on parcels less than 20 acres, but may not be placed within 100 feet of a residentially zoned property. In addition, hives within 500 feet of a residence, regardless of the zoning of the parcel on which the residence is located, shall be securely fenced to a minimum height of four feet to discourage and hopefully prevent inadvertent access by animals and/or persons unaware or incapable of appreciating the danger of disturbing them.

4.2 ADULT FOSTER CARE GROUP HOME

- A. Adult foster care homes are subject to the site development requirements set forth in this chapter and site plan review approval in accordance with [Section 6.1.B](#).
- B. Adult foster care small group homes⁴³ are permitted as follows:
 - 1. By right in the A and R-1 through R-6 districts when accommodating 8 or less residents.
 - 2. By special use permit in the A and R-1 through R-6 districts when accommodating 9 to 12 residents.
- B. Adult foster care large group homes⁴³ are permitted by special use permit in the A and R-1 through R-6 districts and permitted by right in the PO district when accommodating 13 to 20 residents.

4.3 HOME OCCUPATIONS⁴³

In the A and R-1 through R-6 districts, home occupations are permitted by right, provided that prior to commencing with a home occupation, an applicant shall submit a completed application form and an application fee, as established by resolution of the Township Board, to the Community Development Department for review and approval. Home occupations are subject to the following :

- A. A home occupation may be operated within a single-family dwelling, or in an accessory building incidental thereto, and only by the person, or persons, maintaining the dwelling, except that the use of accessory buildings shall be subject to the following conditions:



1. The use of an accessory building shall not permit the total amount of space utilized for a home occupation on any given property to exceed the limits set forth in [subsection G](#) of this section.
 2. No part of any accessory building whether attached or detached shall be eligible for use for home occupation purposes if any part of that accessory structure is 50 feet or less from any part of a structure on an adjacent parcel which is used for residential dwelling purposes.
 3. No part of an accessory building may be used for home occupation purposes that generate any level of noise that is audible beyond property lines.
 4. A home occupation utilizing an accessory building shall not be permitted to be conducted therein prior to 7:00 a.m. or after 7:00 p.m.
 5. No outdoor storage of any equipment or materials incidental to a "home occupation" shall be permitted.
- B. A home occupation cannot have any employees or regular assistants that do not reside in the dwelling.
- C. A home occupation operated within a dwelling or accessory building incidental thereto cannot have any exterior evidence, other than a permitted sign, to indicate that the structures are being used for other than residential dwelling or storage purposes.
- D. A home occupation cannot involve the sale of goods or the provision of services which are not created (produced) or rendered by individuals residing in the dwelling on the premises.
- E. Group dancing instruction, restaurants and the servicing, repair and/or testing of any type of internal combustion engine or any use authorized by ordinance by special use permit shall not be considered a home occupation unless specifically authorized by this Article.
- F. A home occupation shall not create noise, dust, smoke, odor and/or fumes which are visible, audible or discernable beyond the property lines of the parcel on which it is conducted.
- G. A home occupation cannot utilize an area in that dwelling and/or accessory building in excess of 20 percent of the gross floor area of the dwelling (attached garage excluded) and in no instance shall be in excess of 300 square feet.
- H. No home occupation shall be permitted in any structure which, because of that use, renders the structure no longer in compliance with the state construction code unless said structure is brought into compliance with these codes as applicable to that use.
- J. Medical marihuana primary caregiver. A primary caregiver, subject to the restrictions set forth in the definitions and requirements of the Michigan Medical Marihuana Act and the general rules of the Michigan Department of Public Health and this chapter may furnish and provide the services of a registered primary caregiver as a home occupation, subject to the following restrictions:
1. The existing home occupation provisions of this section shall be applicable to this use. No signs or advertisements of any kind shall be permitted on the exterior of the property or structure.
 2. A registered primary caregiver's marihuana growing operations shall be limited to the number of plants allowed by law subject to application for and issuance of a home occupation permit for such growing operation issued by the township.
 3. A registered primary caregiver functioning as such from a dwelling shall not be located within any multiple-family dwelling or within a radius of 1,000 feet from any school, including child day care facilities, church or drug rehabilitation facility.
 4. The use of a dwelling as a home occupation under this section shall be limited to one registered primary caregiver providing usable marihuana to not more than five qualifying patients; provided, however, that transfers of medical marihuana from the registered primary caregiver to his or her qualifying patient shall be accomplished only by the delivery of medical marihuana by the primary caregiver at the home of the qualifying patient.
 5. Marihuana growing facilities shall be subject to mechanical, electrical and fire department inspections, and no permit for a growing operation as a home occupation shall issue until satisfactory completion of such inspections.



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6. All medical marihuana, whether in plant form or "usable marihuana," shall be contained within the dwelling within a secure, enclosed, locked facility, accessible only by the registered primary caregiver or registered qualifying patient. The storage facility and marihuana shall be subject to periodic inspections by authorized township personnel.
7. There shall be no change in the exterior appearance of the dwelling.
8. Lighting for medical marihuana growing operations shall not be visible from the building exterior.
9. A qualifying patient list shall be kept current by the registered caregiver.

4.4 CEMETERIES

In the A and M-1 through M-3 districts, public or private cemeteries are permitted as by right. In the R-1 through R-6 districts, they are permitted by special use permit. Cemeteries in all districts shall be subject to the following:

- A. The site shall be so designed as to provide all ingress and egress directly onto or from a major arterial.
- B. The location of proposed service roads, entrances and driveways shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.
- C. No principal or accessory building shall be closer than 50 feet from any abutting residentially zoned property line.
- D. Minimum site area shall be 20 acres.

4.5 ROADSIDE STANDS

In the A district, roadside stands selling products grown on the premises are permitted by right, subject to the following:

- A. Adequate parking is available off the road right-of-way and that the stand or display is not closer than ten feet to the road right-of-way.
- B. The sale is temporary and/or is seasonal.
- C. The sale is of produce grown on the land from which the sale takes place.
- D. All temporary displays and signs advertising temporary sale are removed from the roadside when the stand is not in use and sales are not currently taking place.

4.6 CONSERVATION AREAS AND STRUCTURES

In the A district, public and private conservation areas and structures for the conservation of water, soil, open space, forest preserves, wildlife preservation, and similar passive recreational areas are permitted by right, subject to the following conditions:

- A. The site shall be at least two acres in area.
- B. The site shall have at least one side abutting a major or secondary street. All ingress and egress to the site shall be directly from said street.
- C. All buildings and structures shall be set back at least 200 feet from any property or street line. Whenever the installation abuts a residential district, this setback shall be landscaped with trees, grass and structural screens of a type approved by the planning commission.

4.7 SWIMMING POOLS AND OTHER OUTDOOR RECREATION

In the A, R-1 through R-6, M-1 through M-4, and POD districts, swimming pools are permitted by right. In the BC district, swimming pools and other outdoor recreation are permitted by right. In all districts, the following standards apply:

- A. Construction standards.
 1. Swimming pools shall be located at least five feet from any side or rear lot line. For a secondary street frontage area of a corner lot, a pool that is contained within a privacy fence area may be located closer to the right-of-way than the principle residential structure as permitted in [Section 5.15.B.4](#).
 2. All electrical wiring used on, in or about the premises upon which the pool is located, shall conform in all respects with the state construction code.
 3. Pool construction shall be such that all scum, splash, and deck water shall not return to the pool except through a filter system.



B. Water supply.

1. Swimming pools shall be filled with potable water and if equipped with a potable water supply line directly to the pool, the line shall be situated so that it doesn't present a hazard to swimmers. In addition, it shall be installed so that there is a minimum six inch air space between the end of the supply line and the highest possible water level to protect against backflow or the back siphoning of water into the main water supply.
2. Wherein a swimming pool is not provided with a water supply line directly to the pool, the nearest outdoor water supply source capable of being used to supply water to the pool via a hose, shall be protected by an approved vacuum breaker device to prevent or protect against backflow or the inadvertent siphoning of pool water into the water supply.

C. Fencing.

1. All swimming pools now or hereafter constructed outside of a building shall be completely enclosed by a fence or wall extending from the ground to a point at least four feet and not to exceed eight feet above any ground or climbable stationary object within three feet of the fence. Such fence shall be one of the following types:
 - a. Chain link with mesh not exceeding 2¼ inches or like material or fabric that does not contain openings which are greater than 2¼ inches wide as shall be determined acceptable by the zoning official at time of application for permit.
 - b. Vertical board or pole fence with boards or poles spaced not greater than two inches and all horizontal members shall be on the pool side of the fence.
 - c. Solid fences having a flush exterior shall be acceptable.
 - d. A dwelling or accessory building may be used as part of the enclosure.

- e. The exterior wall of an above ground pool shall be deemed as having met the requirement of a four-foot barrier except at all points of entry or at any other point that the pool, because of installation or topography such as a hill, does not meet the four foot requirement. At all such points, the pool will be fenced in accordance with the requirements herein. The minimum enclosure size around the point of entry into an aboveground swimming pool, not otherwise required to be fenced, shall be four feet by four feet and shall be equipped with a gate meeting the requirements set forth in [Section 4.7.C.2](#).

2. All gates or doors shall meet the requirements for fence construction, shall be equipped with a self-latching device and the self-latching device shall be located at least 42 inches from the bottom of the gate and be capable of securely holding the gate closed. The door of any dwelling which forms a part of the enclosure need not be so equipped. Gates are to be closed and secured (locked) at all times the pool is not in actual use so the pool is inaccessible to trespassers.
3. For the purpose of determining suitable alternative types of fences and gates, the board of appeals is hereby granted the authority to make such ruling.
4. Preexisting nonconforming fences enclosing swimming pools installed prior to August 10, 1977, at time of replacement shall be brought into compliance with regulations currently in effect.
5. Individual private spas or hot tubs shall be exempt from fencing requirements in [Section 4.7.C.1 through 4](#) of this section, provided the individual private spas or hot tubs are protected by rigid covers capable of effectively preventing unauthorized entry of small children. Said protective covers shall be in place and secured at all times when the spa or hot tub is unattended and/or not in use.

Compliance with conditions of exception are subject to verification by inspection and shall require a separate permit when not included as part of a new dwelling construction permit.

D. Standards of operation.

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1. All equipment, construction and apparatus before-mentioned shall be maintained, operated and used as intended in a safe and sanitary manner, and all reasonable precaution shall be taken to protect all persons in the area from any hazard.
2. All lighting shall be so shielded, arranged and operated so as to prevent annoyance to neighboring premises.
3. No loud, offensive or unnecessary noise or sounds shall be permitted to emanate from said pool or area in such a manner as to disturb neighboring residents.
4. The pool, its environs and its operations shall be clean and sanitary at all times, and the pool shall be kept free of floating material, sediments, scum and debris.
5. The pool should be equipped for safety, rescue and first aid with a lightweight pole (bamboo or other) with blunted ends, ring buoys, and a standard first aid kit. Also, a select number of telephone numbers should be convenient for:
 - a. Nearest doctor;
 - b. Nearest ambulance service; and
 - c. Nearest police or fire department rescue squads.
- E. Inspection. The building official, or the building official's duly appointed agents, shall inspect or cause to be inspected all swimming pools within the township at such times as may be deemed necessary to carry out the intent of this chapter. They are hereby authorized to enter upon any premises, private or public at such times as they may deem necessary and to require the owner, lessee, operator, licensee, tenant, proprietor, possessor or renter to comply with the requirements of this section.
- F. In the BC district, swimming pools and other outdoor recreational uses shall be accessory to a permitted use within the district and located on the same site as the principal use to which they are accessory.

4.8 TEMPORARY USES

- A. **Temporary seasonal sales of Christmas trees** shall be permitted in the A district by right between October 31 and December 25 of a calendar year provided that the vendor shall register the vendor's name, address and telephone number with the community development department and provided further that said vendor shall submit a site plan for approval of the community development department. Said site plan shall clearly demonstrate that no traffic hazard will be created by the location of the trees or operation of said enterprise and that adequate off-street parking exists on said proposed site. All trees remaining on site shall be removed on or before December 31 of that year. All signs are subject to the sign permit requirements of [Section 5.4](#).
- B. **Temporary buildings for uses incidental to construction work**
 1. In the R-1 through R-6 districts are permitted by right, provided such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period.
 2. In the M-1 through M-4 districts are permitted by right, provided such buildings shall be removed upon the completion or abandonment of the construction work and further, no occupancy permit shall be issued until the temporary buildings are removed.

4.9 BED AND BREAKFAST

- A bed and breakfast shall be permitted in the A and by right and in the R-1 through R-5 zoning districts by special use permit, subject to the following:
- A. [Section 4.3.A through E](#) and [G](#), home occupations.
 - B. Does not use more than 30 percent of the total actual floor area of the dwelling for accommodations for sleeping for guests.
 - C. Each operator shall keep a list of the names of all persons staying at the bed and breakfast operation. Such list shall be made available for inspection by township officials at any time.
 - D. The maximum stay for lodging at the bed and breakfast shall not exceed 29 days.



- E. The floor plan for the bed and breakfast operation shall be reviewed by the building inspector for compliance with current township fire and state construction code, as well as state and federal codes or ordinances.
- F. The structure shall be erected or retained as a single-family structure. Commercial food preparation equipment and eating or bathroom facilities shall not be installed within individual sleeping quarters.
- G. Meal service shall be limited to during normal and customary breakfast hours and shall be provided only to lodgers registered at the establishment.
- H. If the establishment has nine to 14 rooms, only continental breakfasts shall be served.

4.10 ROOF AND GROUND MOUNTED COMMUNICATION ANTENNAS

In the A, PO, BC, I-P IL and IH districts, roof and ground mounted communication antennas are permitted by right, subject to the following:

- A. A site plan shall be submitted, drawn to scale, showing the proposed location and elevation of the antenna, buildings located on the site, roads, and natural features. The site plan shall also provide foundation and/or mounting detail as appropriate for the building inspector to determine safety and state construction code compliance.
- B. All antennas shall be located on the same lot or premises as the use to which it is accessory.
- C. Ground mounted antennas.
 - 1. No antenna shall be constructed in any front yard area, and where possible shall be constructed to the rear of the principal structure.
 - 2. No antenna shall be located closer to any property line than a distance equal to its height as measured from the ground elevation at the base of the antenna structure.
 - 3. All antennas not mounted on a principal or accessory building shall be permanently anchored to a foundation located on the ground.

- 4. All antennas-towers which are visible from adjacent properties and/or by pedestrian and vehicular passersby shall be provided with eye level screening or landscaping around the structure in such a manner that the antenna-tower, at eye level, is reasonably concealed as determined and required by the building inspector.
- D. Roof and/or building-mounted antennas.
 - 1. Antennas mounted on the roof or side of a building shall not exceed the height limitations for the district and, further, no satellite dish antenna shall extend higher than four feet above the ridge or peak of the building's roof.
 - 2. An antenna mounted on the roof of a building shall be located at the center or to the rear of the building, unless it is demonstrated that an alternative location is as safe or safer and the visibility of the antenna from the adjacent properties and by pedestrian or vehicular passersby is reduced or equal in comparison to a rear orientation/location.
- E. In granting such approval of transmitting satellite dish antennas, the planning commission shall consider the following standards:
 - 1. The potential danger presented by the proposed transmitting satellite dish antenna.
 - 2. The measures proposed for protection of the safety of the public from injury or harm from the proposed transmitting satellite dish antenna.
 - 3. The proximity of the proposed transmitting satellite dish antenna to adjoining properties.

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4.11 WIRELESS COMMUNICATION TOWERS AND APPURTENANCES

A. Intent. It is the intent of this section to provide regulations controlling the placement, design, and construction of commercial communication towers including their accessory uses and attached communication antennas. Changing technologies in the fields of communications has resulted in reliance upon more versatile convenient forms of communication. Businesses, individuals and government have all developed a dependence upon the capability to contact others. The demand for this communication service has placed a burden on local communities in their ability to regulate communication towers, support structures, and attached communication antennas. This section intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

B. Placement. The following regulations shall govern the placement of communication towers including their accessory structures and, attached communication antennas.

1. **Uses permitted by right.**
 - a. General. The uses listed in this section are deemed to be uses allowed in all districts subject to a building permit and are exempt from zoning approval but are subject to an administrative review by the Community Development Department to determine if the following conditions are satisfied within this section:
 - b. Permitted uses. The following uses are specifically permitted:
 - (1) Antennas on nonresidential structures and multifamily structures of eight or more dwellings, in conformance with the following:
 - (a) Structures must be at least 40 feet in height.
 - (b) Antennas shall not exceed the height of a structure by more than 25 percent.

- (c) Antennas shall not have a surface area greater than five percent of the area of the front face of the structure.
- (d) Antennas shall be of a color and design which compliments the structure as much as practical.
- (e) Accessory structures shall be visually buffered from the street or any abutting residentially zoned area.
- (f) Submission of a permit application to the community development department.

(2) **In the A district,** co-location on existing wireless communications support structures or compounds are exempt from zoning approval but are subject to administrative review by the Community Development Department to determine if the following conditions are satisfied within this section:

- (a) The existing wireless support structure or equipment compound is in compliance with previous approvals by the Township.
- (b) The proposed co-location will not do any of the following:
 - [A] Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - [B] Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - [C] Increase the area of the existing equipment compound to greater than 2,500 square feet.



- (c) The proposed co-location complies with the terms and conditions of any final approval of the wireless communications support structure or equipment compound by the Township.
2. **Administrative review procedures.**
- a. The Community Development Department may administratively approve the uses listed in this section.
 - b. Each applicant for administrative approval shall apply to the Community Development Department, providing the information set forth on the application form, a site plan in accordance with [Sections 6.1.A and B](#), any supplementary documentation needed to verify compliance with the provisions of this section and a nonrefundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.
 - c. The community development department shall review the application information for compliance with the provisions of this section.
 - d. The Community Development Department shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Community Development Department fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
3. **Uses permitted by special use permit.**
- a. General. The uses permitted in this section may be allowed by special use permit subject to the regulations set forth in [Section 6.1](#) and the conditions described in this section.
 - b. Permitted uses.
 - (1) Towers less than 75 feet in height in nonresidential zoning districts, subject to the requirements of [Section 4.11.C](#).
 - (2) Towers greater than 75 feet in height in A, IL, IH, and IP zones, subject to demonstration that

- antennas cannot be co-located on an existing tower.
- (3) Towers greater than 75 feet in height in BC and BSC districts, subject to both of the following:
 - (a) Demonstration that antennas cannot be co-located on an existing tower.
 - (b) Demonstration that antennas cannot be located on a new tower in an A, IL, IH, or IP district.
- c. Special Use Permit Timelines. The following conditions shall be met in order to be compliant with state law:
- (1) Upon receipt of a Special Use Permit application, the Community Development Department shall make a determination of completeness of materials and notify the applicant in writing or by email within 14 business days if there are deficiencies.
 - (2) Upon a determination of a complete application being received, the Township Board shall make a determination within 60 days if it is a permit that is for collocation.
 - (3) Upon a determination of a complete application being received, the Township Board shall make a determination within 90 days if it is a permit that is not for a collocation on an existing wireless communications support structure or existing equipment compound.
- C. General requirements. The following regulations and conditions shall be applicable to any communication tower or antenna, unless specified otherwise by ordinance.
- 1. Amateur radio station and antennas capable of reception only. This section shall not be deemed to be applicable to any tower or installation of any antenna that is owned and operated by a federally-licensed amateur radio station operator, or is used exclusively for receive only antennas.

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2. AM array. For purpose of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
3. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
4. Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
5. Aesthetics. Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
6. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
7. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regular towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
8. State construction code; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the applicable state construction code and the applicable standards for towers that are published by the electronic industries association, as amended from time to time. If, upon inspection, the township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
9. Not essential services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities or private utilities.
10. Signs. No signs shall be allowed on an antenna or tower.
11. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the township reviewing body may waive such requirement as it deems appropriate.
12. Landscaping. The following requirements shall govern the landscaping surrounding towers and antenna equipment structures:
 - a. Tower facilities and equipment structures shall be landscaped with a buffer of dense evergreen plant materials that effectively screens the view of the tower compound and/or antenna structures from property used for residences and the street. The standard buffer shall consist of a landscaped strip of dense evergreen plantings along the outside perimeter of the compound and of sufficient height to effectively screen the fencing and structures.



- b. In locations where the visual impact of the tower and structures is not readily visible from the road or adjoining residential uses, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
13. Buildings or other equipment storage. The equipment cabinet or structure used in association with antennas mounted should be at the center or to the rear of the building so as to not be readily visible from an adjoining road or adjoining properties.
14. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the property owner of record of such antenna or tower shall remove the same within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense.
15. Final determinations; written decision. No determination rejecting a request to place, construct or modify personal wireless facilities, including wireless communication towers, shall be final until a written decision is rendered by the township entity which made the decision.
16. Inventory of existing sites. Each applicant for a tower shall provide to the community development department an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The community development department may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the township; provided, however, that the community

development department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

17. Co-location. All communication towers greater than 75 feet in height shall provide for co-location in accordance with the following:
- a. Towers shall be designed and constructed to accommodate at least three separate mounting areas for antennas.
 - b. Construction shall include standardized mounting brackets with a separation between mounting areas of at least ten feet.
 - c. All antennas shall be placed on the tower at the lowest mounting height available at the time.
 - d. No service provider desiring to co-locate on a tower permitted hereunder shall be charged an unreasonable fee for such co-location. In determining whether a fee is unreasonable, the entity establishing said charge shall provide copies of other co-location agreements or subleases pertaining to the same or similar towers and/or such other information relating to market rates for such co-location as the township may request. Failure to provide the requested information within 20 business days will be grounds for revocation of all permits or other authorizations for placement and utilization of said tower within the township.
18. Separation.
- a. All towers in excess of 75 feet in height shall be located a distance of at least two miles from any other tower which exceeds 75 feet in height.
 - b. All towers less than 75 feet in height shall be located a distance of at least one half mile from any other tower.
19. Setbacks. A tower must be set back:
- a. From any adjoining lot line, street right-of-way line and any dwelling a minimum distance equal to the height of the tower; and
 - b. At least 200 feet from a residential district.

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- 20. Guyed wires. The use of guyed wires shall be prohibited.
- 21. Height. Communication towers shall not exceed a height of 190 feet.
- D. Radio and television towers, microwave towers, and other commercial towers. Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.
- E. Wireless communication towers less than 75 feet in height shall be permitted in nonresidential districts, subject to the following:
 - 1. Compliance with [Section 4.11.C](#), pertaining to general requirements.
 - 2. Monopole construction.
 - 3. Demonstration that antenna cannot be served by a system of towers over 75 feet in height, with a two-mile separation.
 - 4. Not within 200 feet of a residential district.

4.12 GREENHOUSES AND NURSERIES

In the A district, greenhouses and nurseries which sell products at retail from the premises are permitted by special use permit, provided inventory is cultivated on site. In the BC district, greenhouse and nurseries are permitted by right. All greenhouses and nurseries are subject to the following:

- A. No plant or inventory storage or display shall be permitted within the minimum setback or yard requirements for primary structures of the zoning district in which this use is located.
- B. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing or leaching.
- C. The nearest edge of any entrance or exit drive shall be located no closer than 60 feet from any street or road intersection as measured along the intersection right-of-way line.
- D. All loading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.
- E. A 20-foot-wide obscuring greenbelt or a five-foot-high fence shall be provided along all sides of such greenhouse or nursery facilities which abut property zoned for residential purposes and may be required when the facility abuts a residential use.

4.13 PUBLIC RIDING STABLES

In the A district, a public riding stable, for the keeping of horses for remuneration, hire, or sale is permitted by special use permit, subject to the following:

- A. Public riding stables shall be a minimum of 20 acres in size.
- B. All buildings in which animals are kept shall be located no closer than 100 feet to any property line.
- C. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
- D. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent animals from trespassing on adjoining property or roadways.
- E. The premises for the keeping of horses shall be kept in a sanitary condition to minimize objectionable odors, dust, noise, or other nuisances which would have an adverse affect on adjoining properties.
- F. The concentrated storage or stockpiling of manure shall be a minimum of 200 feet from any property line.

4.14 RAISING OF FUR BEARING ANIMALS

In the A district, the raising of fur bearing animals is permitted by special use permit, subject to the following:

- A. Such enterprises shall be located on property at least five acres in size.
- B. Cages, shelters, or buildings sheltering such animals shall be located no closer than 200 feet from any property line, road right-of-way line, or dwelling intended for human use; and no closer than 500 feet to any property zoned for residential purposes.

4.15 GAME HUNTING PRESERVES

In the A district, game hunting preserves are permitted by special use permit, subject to the following:

- A. Game hunting preserves shall be a minimum of 40 acres in size.
- B. Game preserves shall not be located within 1,000 feet of property zoned for residential purposes.



- C. Around the entire perimeter of such preserves, signs shall be posted at a minimum of 100-foot intervals to warn of game hunting activities. Such signs shall be clearly visible throughout the year and maintained on a regular basis.
- D. Adequate off-street parking shall be provided for persons visiting hunting preserves. Off-street parking shall be setback a minimum of 40 feet from all road right-of-way and adjacent property lines.

4.16 ANIMAL HOSPITALS[Ⓜ], ANIMAL CLINICS[Ⓜ], KENNELS[Ⓜ], DOG OBEDIENCE TRAINING

In the A and BC districts, animal hospitals or clinics are permitted, and in the A district, kennels, and dog obedience or training schools are permitted by special use permit, subject to the following:

- A. Animal hospitals, clinics, kennels and dog obedience training schools shall be subject to all permit and operational requirements established by Clinton County and the State of Michigan and/or the guidelines of the Michigan Department of Agriculture for proper health of animals housed in an enclosed structure.
- B. Animal hospitals and clinics. All hospital or clinic medical treatment or surgery shall be conducted within a completely enclosed building which may have living quarters in conjunction therewith provided the same is for the sole use of individuals in the employ of the hospital or clinic and who are engaged in providing 24 hour or extended care to patients of the hospital or clinic. Said quarters shall, however, be required to be an integral part of or incorporated into the clinic or hospital and shall have direct interior access to the same.
- C. Animal hospitals and clinics.
 - 1. Animal hospitals and clinics shall be located on not less than one acre and may provide pet grooming and pet boarding services. These activities when offered, however, must occur or be offered from within the confines of the primary animal hospital or clinic structure and shall not be permitted to be offered from a separate ancillary structure on the same property. In addition, the area in square footage devoted to these services cannot exceed the area in square footage that is devoted to the primary use of a hospital or clinic.

- 2. Animal hospitals or clinics may also have a small outdoor confinement area for supervised airing of pets provided the same is not closer than 30 feet to a property line, however, outdoor runs shall not be permitted.

- D. Animal hospitals or clinics with outdoor runs and/or exercise areas shall be located on not less than two acres and shall be limited to the A Agricultural District.
- E. Kennels (with or without outdoor runs/exercise areas) and dog obedience training schools shall be limited to the A Agricultural District and shall be located on not less than four acres.
- F. Pet grooming services shall be permitted incidental thereto

4.17 FARM[Ⓜ] LABOR HOUSING

In the A district, farm labor housing of any size shall be permitted by special use permit as an accessory use to an agricultural enterprise, subject to the following:

- A. Compliance with the Public Health Code, Public Act No. 368 of 1978 (MCL 333.1101 et seq.), including any rules promulgated pursuant thereto.
- B. The occupants are employed for farm labor by the owner of the property, while they occupy the housing.
- C. Farm labor housing must be at least 100 feet from all side and rear property lines and must be at least 75 feet from the street right-of-way on which the property fronts. Farm labor housing must also be at least 150 feet from any single-family residence located on a separate parcel of property. Farm labor housing existing as of June 21, 1993, that does not meet these setback requirements may be expanded or enlarged provided such expansion or enlargement does not reduce the existing distance of such farm labor housing from said property lines and single-family dwellings.
- D. Change of use or occupancy of farm labor housing to that not associated with a farming activity, shall be prohibited unless the housing is shown to meet the minimum standards of this chapter for single-family dwellings in the district.

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4.18 SAWMILLS, FIREWOOD PROCESSING

In the A district, sawmills and firewood processing, storage, and sales are permitted by special use permit, subject to the following:

- A. The minimum lot area shall be 20 acres.
- B. All structures and storage yard areas shall be set back a minimum of 100 feet from any side or rear property line and street right-of-way.
- C. Stockpiles of sawdust, slab-wood and other wood products shall be held to a minimum so as not to create a fire hazard or public nuisance. All storage areas shall be accessible by emergency vehicles.
- D. To reduce noise emissions, the sawmill, including carriage, headgear, and power source, shall be in an enclosed structure and the outlets of blower pipes shall be oriented downward and away from any habitable structures located on adjacent properties.
- E. Adequate off-street parking shall be provided for employees and customers as shall be determined by the planning commission.

4.19 COMMERCIAL GRAIN AND SEED ELEVATORS AND SALES, AND COLD STORAGE

In the A district, commercial grain and seed elevators and sales, and cold storage for cooperatives or wholesale agricultural products are permitted by special use permit, subject to the following:

- A. Ingress and egress from such facilities shall be directly to a paved all-season roadway, and shall be located no closer than 100 feet to the intersection of two roads as measured along the road right-of-way line.
- B. Sufficient off-street parking and loading areas shall be provided. Except for ingress and egress drives, no part of any parking, loading or maneuvering areas shall be located within 40 feet of any road right-of-way.
- C. Such facilities shall be located no closer than 100 feet to any residentially zoned property. Along those sides of the property where such facility abuts residentially zoned or used property, a 20-foot-wide obscuring greenbelt or five-foot-high screening fence shall be provided.
- D. All grain or seed elevator structures shall be located no closer to any property than a distance equal to the height of such structure.
- E. Canning and freezing activities shall be prohibited.

4.20 AMUSEMENT CENTERS, SPECIAL OPEN SPACE, MINIATURE GOLF AND OTHER OUTDOOR PUBLIC AMUSEMENT USES

In the A district, amusement centers such as sports centers, similar outdoor recreation areas and ancillary uses and support facilities; and special open space uses, public beaches, bath houses, private resorts, recreation camps, and other open space uses operated for profit; and in the A and BC districts, miniature golf and outdoor public amusement are permitted by special land use, subject to the following:

- A. Ancillary use and support facilities for outdoor recreation areas.
 - 1. Ancillary indoor uses shall only be permitted when they are ancillary to an established permitted outdoor recreation use.
 - 2. All such ancillary or support uses shall be clearly related in nature to the principal outdoor recreational use of the site and they must be uses commonly associated with the principal outdoor recreational use of the site.
 - 3. Ancillary indoor retail sales shall only be permitted when they are clearly related to the principal outdoor recreational use on the site and the area of any building devoted to such retail sales shall not be permitted to exceed 1,600 square feet.
- B. Special open space uses such as beaches, bathhouses, private resorts, or recreational camps.
 - 1. All ingress and egress from the site shall be directly to a paved county primary road or state highway, unless waived by the planning commission. The commission, in making a determination to waive the requirement for access to a paved road, shall consider, but not be limited to the following:
 - a. Location of the site;
 - b. Type of use;
 - c. Existing traffic volumes on the road in question;
 - d. Anticipated increased traffic volumes that will occur as a result of the use; and
 - e. Size of the project.
 - 2. All principal and accessory buildings and structures shall be set back a minimum of 100 feet from perimeter property lines.



3. No parking facilities shall be located closer than 40 feet from any public right-of-way line.
 4. Where the site abuts property zoned for residential purposes or within 100 feet of an existing dwelling, an obscuring greenbelt or five-foot-high screening fence shall be provided.
- C. Miniature golf, golf driving ranges, go-cart tracks, and other outdoor public amusements.
1. The minimum site area for outdoor amusement facilities shall be five acres with a minimum dedicated road frontage of not less than 200 feet.
 2. All access to such site shall be from a paved county primary road and/or state highway.
 3. All sides of the development not abutting a major thoroughfare shall be provided with a six-foot-high wall or fence and/or landscaped as shall be determined by the planning commission depending on adjacent land uses.
 4. Such use shall not cause or create unreasonable site pollution, noise, nuisances, or other disturbances on adjacent or surrounding properties. (Consider finding all of these and turning them into performance standards)
 5. For miniature golf and driving ranges, all points of entrance or exit shall be located no closer than 100 feet from the intersection of any two streets or highways.
- D. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the planning commission.
- E. Swimming pools must comply with the standards in [Section 4.7.A through 4.7.F](#).

4.21 GOLF COURSES AND COUNTRY CLUBS, OTHER THAN GOLF DRIVING RANGES AND MINIATURE GOLF COURSES

The purpose of this section is to provide for the use of certain lands for use as golf courses and country clubs and to regulate their location and development in such a way that detrimental impacts to surrounding lands and their uses will be minimal and to ensure that such use will not result in any threat to the public health, safety and welfare.

- A. The site area shall be 50 acres or more and shall be so designed as to provide all ingress and egress directly onto or from a major arterial.
- B. A site plan of the proposed development shall be reviewed and approved by the township planning commission. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.
- C. Development features shall be shown on said site plans, including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than 200 feet from any property line of abutting residentially zoned lands.
- D. Whenever a swimming pool is to be provided, said pool shall be located at least 100 feet from abutting residentially zoned property lines and shall be provided with a protective fence six feet in height and entry shall be by means of a controlled gate. Additional provisions in [Section 4.7](#) shall apply.
- E. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

4.22 INSTITUTIONAL USES

The following principles shall be utilized to evaluate the proposed location of any institutional use within any allowed district. Any institutional structure or use shall be located at the edge of those districts, wherever possible. Vehicle entrances shall be made on a major thoroughfare or as immediately accessible from a major thoroughfare. Site development requirements: A special use permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless there is compliance with the following provisions:

- A. Institutions for human care.
 1. The proposed site shall be at least ten acres in area.
 2. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to off-street parking shall be directly from the major thoroughfare.

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3. All two-story structures shall be at least 100 feet from all boundary or street lines. Buildings less than two stories shall be no closer than 50 feet to any property or street line. For buildings above two stories, the building shall be set back an additional one foot for each foot of height above two stories.
 4. No more than 25 percent of the gross site shall be covered by buildings.
 5. Ambulance and delivery areas shall be obscured from residential view by a solid wall six feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
 6. In the A and R-1 through R-6 districts, institutions for human care must also comply with [Section 4.23](#)
- B. Religious institutions.
1. The proposed site shall be at least one acre in size plus one-half acre per 100 seats in the main auditorium.
 2. The proposed site shall be so located as to have at least one property line on a major or secondary thoroughfare. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.
 3. No building shall be closer than 50 feet to any property or street line. 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 foot for each foot of additional height above the district height limitation.
 4. No more than 25 percent of the gross site area shall be covered by buildings.
- C. Public buildings and public service installations including public utility transformer stations and substations, gas regulator stations, radio, television and microwave transmitter towers.
1. The lot area and width shall be not less than that specified for the district in which the proposed use is located.
 2. The yard and setback requirements shall be not less than that specified for the district in which the proposed use is located.
3. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located, with the exception of commercial free-standing towers.
4. Not more than 30 percent of the lot area may be covered by buildings.
5. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to other buildings on the same site development.
6. Where mechanical equipment is located in the open it shall be screened from the surrounding residential area by suitable plant material and shall be fenced as approved by the planning commission in site plan review.
7. In the BL district, public buildings, such as post offices, libraries, or similar public office buildings, shall be permitted by right provided that such public uses serve primarily persons living within adjacent residential areas. Any other public building and public service installation shall be permitted by special use permit. All public buildings and services in the BL district, shall also meet the requirements of [Section 4.22E](#).
- E. All other institutional uses.
1. The proposed site shall be at least two acres in area.
 2. No building shall be closer than 50 feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located without the approval of the planning commission and unless the building is set back an additional foot for each foot of height above the district height limitations.
 3. No more than 25 percent of the gross site area shall be covered by buildings.
 4. All buildings shall be of an appearance that shall be harmonious and unified as a group and shall blend appropriately with the surrounding area.
 5. No parking shall be allowed in the minimum front yard and the parking area shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four feet in height.



F. Adaptive Reuse. In the A district, adaptive reuse of functionally obsolescent public, quasi-public, and religious structures for human care, institutional residential uses, offices and their accessory uses are permitted by special use permit, subject to the following:

1. That the applicant can demonstrate that the proposed use is not more intense than the existing use in terms of hours of operation, vehicular traffic, lighting, noise, odor, and vibration;
2. That the applicant can factually demonstrate that the structure cannot functionally and/or economically sustain the land use for which it was originally approved;
3. Accessory commercial uses shall be limited to retail and personal service uses which are incidental to the principal uses on site, and shall only serve those which are housed and/or employed by the principal use;
4. Structures with dimensional non-conformities may be allowed to be adaptively reused without obtaining a formal variance, provided all other requirements of this section are met;
5. Any other practical and reasonable conditions which the applicant and/or the planning commission may recommend which have the objective of making the proposed use compatible with the surrounding land uses.

4.23 HOSPITALS, MEDICAL CLINICS AND AMBULANCE SERVICES

Hospitals in the R-1 district are permitted by special use permit, medical clinics in the A and, R-1 through R-6 and OP districts are permitted by special use permit, and ambulance services in the A district are permitted by special use permit. All are subject to the following:

- A. All hospitals, medical clinics and ambulance services shall be operated and maintained in conformance with applicable state and federal laws.
- B. Any ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall.

- C. When located within an office complex, medical clinics shall be located in close proximity to a major thoroughfare. Adequate signage shall be posted to direct patients to such facilities.
- D. Adequate off-street parking shall be designated for medical patients, located no further than 200 feet from the building entranceway to the clinic.

4.24 LANDS WITH MINERAL DEPOSITS

The purpose of these provisions is to provide for the use of lands which have significant mineral deposits, such as gravel and sand, and, which if mined for such deposits under regulations of this section, ensures that doing so will not constitute a hazard to the public health, safety and welfare. Also to ensure that said operations will result in the reclamation of said lands so that they will be suitable for other uses upon expiration of the mining activity.

- A. Site development requirements.
 1. Ingress and egress. Setbacks in which no part of mining operation may take place excepting ingress and egress shall be as follows:
 - a. A setback of not less than 75 feet from any road right-of-way bounding the site.
 - b. A setback of not less than 50 feet from any lot line common to undeveloped property and 75 feet from lot lines common to residentially zoned land.
 2. Screening. Site screening shall be provided where deemed practicable after consideration of natural buffers and adjoining land uses. The use of berms/fencing and/or plantings may be deemed necessary to achieve aesthetic and/or utilitarian objectives as shall be determined from detailed plans that shall be submitted by the applicant.
 3. Fencing. Fencing shall be required around the perimeter of the site and shall consist of a five-foot fence with barbed wire until the site or area is reclaimed. The work area enclosed by said fencing shall be provided with gates at any point of ingress or egress and shall be secured at any time the site is unattended by personnel.

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4. Signage. The fence in [subsection A.3](#) of this section enclosing the mining operation must be maintained and be posted at a minimum of 200-foot intervals by durable, weather proof signs not less than two square feet in size with a minimum of two inch lettering, containing the following in large print:

“DANGER
 KEEP OUT
 EXCAVATION IN PROGRESS “

5. Slopes. At no time shall slopes on previously excavated areas outside the fenced working area be left at greater than 30 degrees pending rehabilitation, and no finished grade shall exceed three feet horizontal to one foot vertical, respectively. For areas excavated into the water table or retaining water, a safety shelf around the perimeter of the water body shall be provided at a slope no greater than five feet horizontal to one foot vertical, with a minimum width of seventy-five feet that shall include a minimum width of fifty feet immediately above the water line and a minimum width of twenty-five feet below the water line. The safety shelf shall be required for all new mining operations or for operations that have not received prior Township approval.

6. Erosion. In areas that have been completed or abandoned, all slopes shall be adequately seeded or planted with appropriate vegetation to prevent erosion. Said re-establishment of vegetation shall take place within one year of completion or on abandoned areas of the site and shall be accomplished prior to renewal of the special use permit. To ensure the permanence of the re-established vegetation of rehabilitated areas, the permit holder will be released from such care and maintenance only after inspection and approval of the Community Development Department or Township Engineer.

7. Permitted installations. Shall be maintained in a neat and orderly condition.

8. Topsoil. Shall be replaced to a depth of four inches in establishing finish contours for rehabilitation. If the permit being granted is for a stripping operation involving the removal and sale of topsoil or dirt, sufficient topsoil to cover the stripped area to a depth of not less than four inches shall be left intact and stockpiled, or imported so that the entire site can be restored. The replacement of topsoil and revegetation shall be made immediately following the termination of the extraction operations.

B. Development Procedures. See [Section 6.7](#) for Earth Change Development Procedures.

4.25 PUBLIC RECREATION

In the A district, parks, recreation facilities, and playgrounds such as, but not limited to, ballfields, soccer fields, swimming pools, and parks are permitted by special use permit. In the R-1 and R-2 districts they are permitted by right. All are subject to the following:

- A. Principal and accessory buildings shall be set back at least 75 feet from all property lines, unless otherwise specified herein.
- B. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The planning commission may specify the hours of operation to assure compatibility with adjacent uses.
- C. Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
- D. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility; unless otherwise listed as a permitted use in the district in which the facility is located.
- E. A 20-foot-wide obscuring greenbelt or a five-foot-high obscuring fence shall be required wherever an outdoor recreation facility abuts directly upon land zoned for residential purposes and may be required when the facility abuts land used for residential purposes.



4.26 AIRPORTS

In the A district, airports are permitted by special use permit, provided that all applicable state and federal aviation safety requirements are complied with and that lodges, schools, churches or other public meeting places shall not be located adjacent to any airport

4.27 LANDSCAPE/NURSERY FARM CONTRACTOR YARDS

In the A district, landscape/nursery farm contractor yards are permitted by special use permit. These provisions recognize that landscape contracting can be where nursery stock is maintained and cultivated as an integral part of the business closely related to agriculture or farming. As an agribusiness this section is to provide for this contractor in the agricultural district provided he demonstrates a need for agricultural land through actual cultivation of stock on a minimum percentage of the land occupied and complies with the site standards as follows:

- A. Minimum site area of five acres.
- B. No retail sales of landscape materials or products on site.
- C. At least 40 percent of the site shall be utilized for the cultivation and/or maintenance of nursery stock.
- D. Inside storage shall be provided for all equipment incidental to the business activity.

4.28 TACK SHOPS

In the A district, tack shops incidental to the raising, training, stabling and/or other facilities provided for equestrian pursuits are permitted by special use permit, subject to the following:

- A. The parcel on which the tack shop will be an incidental use is not less than 20 acres.
- B. Not more than 500 square feet used in conjunction with an equestrian related agribusiness use may be utilized for tack storage and sales.
- C. The use must be clearly incidental to an active, on going agricultural pursuit involving horses, the discontinuance of which shall void all rights to maintaining a tack shop within 60 days of the termination of the use it is incidental to.

4.29 PRIVATE LANDING STRIPS

In the A district, private landing strips are permitted by special use permit, subject to the following:

- A. Such use will not adversely affect existing or future development of the district.
- B. Such facility complies with all applicable state and federal aviation safety requirements.
- C. Such facility shall be located no closer than 1,000 feet to any schools, churches, hospitals, lodges, civic buildings, or other public meeting place.
- D. The takeoff and landing pattern within 1,000 feet of the end of the runway does not pass over an occupied structure and is secured by right of ownership or easement to ensure that future structures shall not be located within the prescribed 1,000-foot area.
- E. The landing strip is used by no more than two airplanes, one of which is owned by the owner of the premises.
- F. The landing strip is at least 200 feet from any property line.
- G. Hangars and maintenance facilities shall meet the minimum setback and yard area requirements for the IL District.
- H. The safety of the citizens of the township is not adversely affected.

4.30 FISH HATCHERIES/AQUACULTURE

In the A district, fish hatcheries and other aquaculture enterprises are permitted by special use permit, subject to the following:

- A. Site plans shall show the location of all ponds, storage areas, related structures, fencing, parking and loading areas, and access drives. Information shall be provided regarding the size, depth, and capacity of all ponds; method of filtration or treatment of water, if required; the source of water and method of water discharge; and safety precautions to be taken to protect those using the facilities or who might be endangered by them.
- B. Such enterprises shall be located on property at least 20 acres in size.
- C. All ponds, storage, buildings, equipment, and other related facilities shall be located no closer than 100 feet from any property or right-of-way line and 200 feet from any land zoned for residential purposes.

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- D. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- E. No ponds shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is prohibited. No public water shall be used in connection with the filling or operation of a pond when limitations on the consumption and use of public water are in effect.
- F. If the planning commission determines in the course of its approval of a fish hatchery that the protection of the general public requires that a pond be enclosed, the planning commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure. Such enclosure shall be designed so that a child cannot pass through, or under, or climb over the fence, wall, or other enclosure except through a gate or doorway.
- G. No fish hatchery or aquaculture facility shall be used or maintained unless adequate public health measures are periodically taken to ensure that the ponds or use thereof does not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to public health.
- H. Sale of live fish at retail shall be specifically reviewed and approved by the planning commission.

4.31 CHILD CARE FACILITIES

Group child care homes in the A, R-1 through R-4, and M-1 through M-3 districts are permitted by special use permit. Child care centers are permitted in the A and M-1 through M-4 districts by special use permit and permitted by right in the BL and BC districts. Group day care homes and child care centers shall be permitted, subject to all applicable regulations of the State of Michigan, the applicable Site Development regulations stated elsewhere in this Ordinance, and the following.

A. **Group Day Care Homes.** Group Day Care Homes shall be subject to the following conditions:

1. A Group Day Care Home, unless it is separated by a major or minor arterial and/or adjacent to a more intensive non-residential land use as defined by the Planning Commission, shall be located no closer than 1,500 feet to any of the following facilities:
 - a. Another licensed Group Day Care Home
 - b. A licensed small or large Adult Foster Care Facility
 - c. A licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
2. An outdoor play area shall be provided and enclosed by appropriate fencing for the safety of children in the Group Day Care Home. Said fencing shall be a minimum of four (4) feet in height, but no more than six (6) feet in height and designed to discourage climbing.
3. The property shall be maintained in a manner that is consistent with the visible characteristics of the neighborhood. The Planning Commission may impose appropriate conditions related to landscaping, fencing, and the like to assure that this condition will be met.
4. The hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the Group Day Care Home is not disruptive to neighboring residents.
5. Not more than one (1) person may be employed at the facility who is not a member of the resident family.

B. **Child Care Centers.** Child care centers, including day nurseries, nursery schools, preschools, and child care centers, shall comply with the following requirements, together with any other applicable requirements of this chapter:



1. Minimum site and/or facility size.
 - a. Indoor play area. 35 square feet per child exclusive of hallways, bathrooms, reception and office areas, kitchens, storage and cloakroom areas and any area used exclusively for rest or sleep.
 - b. Outdoor play area. A minimum of 1,200 square feet except that a center or facility operated with children enrolled five or more continuous hours a day shall provide not less than 50 square feet of outdoor play area per child the facility is capable of attending, based on subsection A. of this section. An outdoor play area shall be provided exclusive of front yard, side yard, driveway, and parking areas. In addition, the play area shall be fenced and may be required to be screened from adjoining properties when deemed necessary as a condition of site plan review approval under the requirements of [Section 6.1](#). The requirements for outdoor play areas may be waived when it can be demonstrated that public parks or other outdoor facilities are readily available and accessible by walking or transportation within 500 feet of the child care center.
2. Yards. Front, side and rear yards shall be in compliance with the provisions of [Article 3](#).
3. Maximum building height and lot coverage. Maximum building height and maximum lot coverage shall be no greater than that permitted by [Article 3](#).

4.32 BEAUTY AND BARBERSHOP HOME OCCUPATIONS

Beauty shop and barbershop home occupations are permitted by special use permit in the A, R-1, R-2, R-3, R-4, R-5, R-6, M-1, M-2 and M-3 zoning districts, but shall be subject to the following:

- A. [Section 4.3.A through E](#) and [G](#), home occupations.
- B. The owner registers the use by filing their name and address with the community development department of the township annually.
- C. The facility is licensed by the state and a copy of that license is filed with the township building and zoning office.

- D. That the use be operated within a multiple-family unit or single-family residence and not within a basement or accessory building whether attached or detached. A basement shall be construed as any level below grade, not providing direct access via a door at or above grade.
- E. That the use permitted is subject to site plan review to ensure compliance with site development requirements for parking and possible screening if deemed necessary by the planning commission.
- F. Upon approval of site plan review that property shall be subject to additional sewer factors as provided by the table of equivalent factors currently in effect.
- G. Two additional parking spaces shall be provided for a barbershop and/or beauty shop in addition to the two required for a residence or apartment unit and parking shall be paved in accordance with the provisions of [Section 5.9](#) and [5.10](#).
- H. The use cannot have outside employees or assistants that do not reside at the residence or apartment unit in which the use is conducted.
 - I. The sale of goods at wholesale or retail shall not be permitted unless those goods are produced or manufactured within the residence or multiple unit in which the use is conducted and by persons residing therein.
 - J. That not more than 30 percent of the gross floor area, (not to exceed 500 square feet of the dwelling unit) be permitted to be utilized, provided further that the remaining floor area for dwelling purposes must still meet minimum floor area requirements for dwelling purposes by zoning district as set forth in [Article 3](#).
 - K. That no more than one beauty or barber chair and no more than two dryers shall be permitted.
 - L. Upon compliance with all the provisions of [subsections A-K](#) of this section, the uses permitted shall be subject to the issuance of a certificate of occupancy certifying the same, which shall be nontransferable and the premises to which it is issued shall be subject to annual inspection for compliance to remain effective.

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4.33 SPORT SHOOTING RANGES

The purpose of this section is to specify standards for sport shooting ranges for indoor and outdoor facilities. Such uses shall be permitted only if they comply with the following:

- A. General Standards
 - 1. Noise shall be consistent with standards set forth in Section 5.2.B.1 at the property line. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels along a common wall unless specific authorization is provided from the owner of the building waiving the requirement.
 - 2. The facility shall be designed to meet and comply with applicable federal and state laws, county, and local ordinances and guidelines, such as but not limited to, the Environmental Protection Agency (EPA), Occupational Safety & Health Administration (OSHA), and National Rifle Association (NRA) Range Source Book (current edition), the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) registration requirements, local health department, and building code requirements and the generally accepted operation practices adopted by the Commission of Natural Resources.
 - 3. The range facility shall not be within 1,000 feet of a school and shall not be located directly adjacent to a residential zoned district (R1-R6), church, or childcare facility.
 - 4. The range owner/operator shall submit to the Township prior to operation, and maintain as a condition for operation, a Range Safety Plan that addresses the following items at a minimum and all rules and regulations must be complied with:
 - a. Firearm Handling Rules
 - (1) Address how firearms will be handled on site in a safe manner.
 - (2) Guns shall be stored where they are not accessible to unauthorized persons.
 - b. General Range Rules
 - (1) Range commands.
 - (2) Designated range officer.
 - (3) Downrange safety measures.
 - c. Specific Range Rules based on type of facility
 - (1) Types of firearms permitted on site.
 - (2) Types of activities permitted on site.
 - (3) Caliber restrictions.

- d. Administrative Rules and Regulations
 - (1) Who is authorized to use the facilities? (members, public, law enforcement, etc.)
 - (2) How are authorized personnel identified?
 - (3) Who will enforce rules and penalties?
 - (4) What type of targets will be used?
 - (5) Hours of operation?
 - (6) Barrier free accessibility shall be provided for use of the facility.
 - (7) What shooting activities are allowed and not allowed?
 - (8) Alcohol and controlled substances shall not be permitted at the facility.
 - (9) What age restrictions will be utilized for the facility or what safety procedures will be in place for minors?
 - (10) How will firearms be transported into the facility?
 - (11) What procedures will be utilized to protect patrons and employees from health hazards such as lead contamination that includes but is not limited to, lead contamination monitoring, disposal methods, etc. to ensure a safe environment?
 - (12) Will food be served on site?
- e. The facility must be under its ownership's supervision and control while open and in use.
- f. No sport shooting range shall create a nuisance that interferes with others' rights to safety and enjoyment of their own property.
- g. The DeWitt Charter Township Chief of Police or his designee shall be made available a minimum of two times a year at a time of their choosing to perform an inspection of the facility to make sure the firearm range safety plan is being followed and that the facility is safe for use.



B. **Indoor Sport Shooting Ranges** when conducted within a permanent, fully enclosed building:

1. Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Lead exposure shall follow EPA and OSHA guidelines to make sure that the facility is properly ventilated.
2. Walls and partitions shall be designed to stop all projectiles fired on the range by containing or redirecting bullets to the backstop.
3. Floors, walls, backstops, and ceilings must be able to contain the sound in addition to the bullet fired and be made of an acceptable engineering standard compliant with standards applicable under [Section 4.33.A.2](#).
4. Fully automatic firearms are prohibited. Firearm use shall be limited to .45 caliber or less, provided that the facility is designed to meet all standards listed in this section.

C. **Outdoor Sport Shooting Ranges** are permitted under the following conditions:

1. Activities are limited to archery use only.
2. An applicant is encouraged to provide a recommendation for reasonable hours of operation for use of the facility. However, the hours of operation shall be determined by the Planning Commission. In no event, shall exterior lighting be provided on the range area that encourages shooting activities after dusk to protect the rural character of the Agricultural zoning district.
3. A minimum of forty-eight (48) square feet shall be provided for each shooting station with a dimension of eight feet wide by six (8x6) feet deep.
4. Target areas and shooting line areas shall be identified on a site plan for target archery.
5. Spectator areas shall be separated from the range to prevent anyone from entering the down range area and shall be placed behind the shooting line.
6. Backstops shall be placed immediately behind targets that consist of bales of excelsior, straw bales, netting, or similar materials to keep arrows on-site.
7. Restrooms shall be provided within enclosed buildings.

8. Berms shall be placed downrange from the target area along with dense evergreen plantings near the property line.

9. Target areas shall be setback at least 300 feet from the property line and must be at least 1,500 feet from dwellings downrange. Indoor archery may be permitted as an ancillary use to the outdoor facilities.

10. Fencing and gates shall be provided around the shooting range facility to maintain a level of security at the range with a minimum height of eight feet tall to prevent unauthorized access. Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weather proof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print:

“DANGER
SHOOTING RANGE”

11. Specific land area requirements:

- a. For target archery ranges, a site shall be at a minimum of ten (10) acres in size.
- b. For field archery ranges, a site shall be at a minimum thirty (30) acres in size. One acre shall be provided per target.

D. Any violation of this Section shall be cause for revocation of the Special Use Permit.

4.34 CUSTOMARY ACCESSORY USES AND BUILDINGS

A. In the R-1 through R-6 districts, customary accessory uses and buildings are permitted by right, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Customary accessory buildings and uses are subject to the following:

1. Any accessory building or use shall be located on the same lot with the principal building and may include the following:

a. **In the R-1 and R-2 districts.**

- (1) The leasing of rooms by a resident family to non-transient roomers when the total number of roomers does not exceed two in any one dwelling, and provided that no sign is displayed.



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- (2) Additional supplementary uses, including accessory buildings.
- b. **In the R-3 through R-6 districts.** Customary storage of automobiles and other such outdoor equipment associated with a residence. Such equipment shall be owned and operated by the occupant of the principal dwelling to which that building is an accessory use.
- 2. The erection of accessory buildings shall comply with [Section 5.1](#).
- B. **In the MHP district** accessory buildings for uses such as stores, mechanical dispensers, equipment storage, coin operated laundry and dry cleaning facilities may be permitted by right, provided that such uses:
 - 1. Shall not occupy more than ten percent of the total site area of the park;
 - 2. Shall be subordinate to the residential use and character of the park;
 - 3. Shall be located, designed and intended to serve the trade or service needs of the persons residing in the park.
- C. **In the PO district,** uses customarily accessory to principle uses permitted by right shall be permitted by right, provided:
 - 1. They are integral to and provided within the building to which they are accessory to, with no outside access or entrance that would provide service to the general public such as, but not limited to; pharmacy shops, gift and notion shops, corrective garments and devices, and restaurants.
 - 2. Off-street parking shall be provided for these accessory uses in accordance with [Sections 5.9](#) and [5.10](#).
 - 3. Roof and ground mounted communication antennas accessory to permitted uses subject to [Section 4.10](#).
- D. **In the POD district,** customary accessory structures and uses that provide security, storage, maintenance, printing, telecommunications, computer services, mail and package distribution, and other similar uses shall be conducted in a wholly enclosed building or buildings.
- E. **In the IL district,** customary accessory uses shall be clearly appurtenant and commonly associated with the main use of the lot and shall include uses such as:

- 1. Incidental offices for management and materials control.
- 2. A caretaker's residence
 - a. If situated on the premises on which the industry is located
 - b. It is located within the primary structure from which the industry is operated or administered
 - c. It is limited to efficiency quarters, not exceeding 550 total square feet.
- F. **In the IH district,** assessor uses shall be permitted by special land use as follows:
 - 1. Any use customarily incidental to the permitted principal use.
 - 2. Enclosed storage for material and goods processed on the premises
 - 3. Warehousing of goods for wholesale distribution, assembled or fabricated by the principal use
 - 4. Quarters for watchmen or caretakers employed by the principal use
 - 5. Dispensaries and clinics incidental to the industry and clearly serving the principal use

4.35 CUSTOMARY HOUSEHOLD PETS

Customary household pets may be kept on a non-commercial basis are a use permitted by right in the R-1 through R-6 and M-1 through M-4 districts, when properly housed. However, they shall not exceed four in number for any one residence and should at all times be confined to prevent their running at large. Horses, ponies, ducks, geese, and chickens, etc., are considered customary farm animals and are not permitted in a residential district.

4.36 PRIVATE RECREATION AREAS

Private community swimming pools, community recreation centers, tennis courts and other recreational facilities may be permitted in the R-1 through R-6 and the OP districts by special use permit; provided such facilities are constructed, maintained, and operated by an incorporated nonprofit club or organization with a specified limitation of members, and that such recreation facilities shall be operated for the exclusive use of organization members and their guests. The following requirements for site development together with other applicable provisions of this chapter shall be complied with:



- A. **In the R-1 through R-6 and OP districts**
1. Minimum site size. One acre with a minimum width of 150 feet.
 2. Yards. Front, side and rear yards shall be at least 30 feet except on those sides adjacent to nonresidential districts wherein a minimum of ten feet shall be permitted. All yards shall be appropriately landscaped with trees, shrubs, and grass. No structures or parking areas shall be permitted in the front or side yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 3. Whenever a parking plan is so designed as to beam automobile lights into any residential district, a solid wall or open structure wood screen fence, four feet in height shall be constructed along that side of the parking area. Shrubs or trees may be used in combination with said structural screens or walls.
 4. Swimming pool. Whenever an unenclosed swimming pool is constructed under this section, said pool shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate. The provisions of [Section 4.7](#) shall also be adhered to.
 5. Lighting. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site and streets which adjoin the site.
- B. **In the R-1 through R-6 districts.** In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be provided directly from said major thoroughfare.

- B. The applicant for the proposed single-family attached project shall set forth details with respect to height, setbacks, density, parking, circulation, landscaping and other design and layout features that describes and explains the physical relationship of the development to surrounding properties and uses. Consideration shall be given to the placement, orientation, and construction materials of the proposed structures. Clustering of structures is encouraged as well as the use of innovative materials and design techniques.
- C. The applicant may request modification from dimensional standards of this section for such design elements as setback requirements, parking, landscaping, circulation, and other similar design characteristics which may be permitted only if, in the opinion of the Planning Commission, they result in a higher quality development than would be possible without the modifications.
- D. Development standards:

4.37.D Three and Four Dwelling Unit Structure Development Standards		
	Three Unit Structures	Four Unit Structures
Minimum Standards		
Site area	5 acres	10 acres
Lot area (per structure)	24,000 sq. ft.	32,000 sq. ft.
Open space per unit	800 sq. ft.	800 sq. ft.
Front yard setback	16 ft.	16 ft.
Building separation	20 ft.	20 ft.
Property line setback ¹	26 ft	26 ft
Maximum standards		
Building height	35 ft.	35 ft.
¹ Property line setback of 26 feet shall include space for landscape buffer.		

4.37 THREE AND FOUR DWELLING UNIT STRUCTURES

- A. Three and Four Unit developments, as permitted by this section, may be developed with private roads which meet the design requirements of [Section 3.27.D.4.f](#), as may be modified by the Planning Commission with the review and approval of the Township Building Official and Fire Department.



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4.38 SINGLE DUPLEX

In the M-1 through M-4 districts, a single duplex is a use permitted by right, subject to the R-5 district duplex units setback requirements, except that no structure shall be less than 20 feet from another zoning district.

4.39 RETIREMENT CENTERS¹

Retirement centers, including facilities for the care and treatment of the convalescent and aged are permitted by special use permit in the M-1 through M-4 districts, provided they shall not be operated on parcels of less than ten acres in size.

4.40 LODGING HOUSES¹ AND BOARDING HOUSES¹

In the M-2 , M-3 and M-4 districts, lodging and boarding houses are permitted by special use permit, subject to the following:

- A. **Lodging houses** are permitted provided that not more than four non-transient roomers are accommodated in one dwelling and that said dwelling is occupied by a resident family.
- B. **Boardinghouses** are permitted provided that not more than four non-transient persons are accommodated for the serving of meals.

4.41 PO, BL, BC AND IL DISTRICT USE RESTRICTIONS

The indicated uses of land in [Section 3.14.B](#), [Section 3.17.B](#), [Section 3.18.B](#), and [Section 3.20.B and D](#) shall be permitted when contained within a permanent, fully enclosed building. There shall be no outdoor storage and any animals and/or birds shall be kept entirely within the building at all times.

4.42 FUNERAL HOMES AND MORTUARIES

In the PO district, funeral homes, undertaking parlors, and mortuaries, are permitted by right provided that the conduct of all activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building. Such uses, by special use permit, may be authorized in the BL, BC and A districts. The following requirements for site development together with the other applicable requirements of this chapter shall be complied with:

- A. Minimum site size. One acre site with a minimum width of 150 feet.
- B. Site location. The proposed site shall front upon a major thoroughfare, with all ingress and egress directly from said thoroughfare.
- C. Yards. Front, side and rear yards shall be at least 50 feet, except on those sides adjacent to nonresidential districts wherein it shall be 20 feet. All yards shall be appropriately landscaped with trees, shrubs, and grass. No structures or parking areas shall be permitted in said yards.
- D. Site coverage. No more than 30 percent of the gross site area shall be covered by buildings, including accessory buildings.
- E. Maximum building height. No building shall be erected to a height greater than that permitted in the BL district .
- F. Appearance. All buildings shall be harmonious in appearance with the surrounding area.

4.43 PERSONAL SERVICE ESTABLISHMENT

The indicated personal service establishments are permitted by right in the OP and POD districts, subject to the following

- A. **In the OP district.**
 - 1. Establishments shall be located within an office building.
 - 2. Such establishments are limited to basement and ground floors of the building.
 - 3. The total gross floor area collectively occupied by personal service establishments shall not exceed 20 percent of the gross floor area of the building's ground floor.
 - 4. The gross floor area occupied by any single personal service establishment shall not exceed 20 percent of the gross floor area of the building's ground floor or 3,000 square feet, whichever is the lesser amount.
- B. **In the POD district.** Personal service establishments shall not exceed a total combined area of 20 percent of the total floor area of the executive and administrative offices on site.



- C. Allowable personal service establishments:
1. Cafeterias or food services operated during normal business hours. In the OP districts such uses shall cater primarily to on-premises employees. In the POD district they shall cater solely to the employees working on site.
 2. Other personal service establishments, as approved by the Planning Commission, including child care and day nurseries. In the OP district, these uses shall be compatible with, subservient to, and cater to, on-premises or neighboring businesses and employees. In the POD district they shall cater solely to the employees working on site.

4.44 DRIVE-THROUGH FACILITIES

Drive-through facilities associated with restaurants, banks, and other financial institutions are permitted by right in the BL and BC districts unless directly adjacent to property used for residential. When adjacent to residential, they are permitted by special land use. All drive-through facilities shall be ancillary to a permitted, on-premises restaurant, bank, dry cleaner, pharmacy, or similar personal service and shall be subject to the following:

- A. Drive-through windows and audio transmission devices shall not be located closer than 100 feet to any property utilized for residential purposes.
- B. Ingress and egress to the site shall be located at least 60 feet from the intersection of any two streets (measured along the road right-of-way line).
- C. Stacking spaces shall be provided in accordance with [Section 5.10.P](#).
- D. A bypass lane with a minimum width of 12 feet shall be provided around the stacking spaces.
- E. Audio transmission devices shall comply with [Section 5.2.B.1](#).
- F. Landscaping and/or fencing may be required as shall be determined by the planning commission and/or zoning official where deemed necessary to minimize adverse effects on adjoining properties.

4.45 EDUCATION AND TRAINING FACILITIES AND THEIR TEMPORARY HOUSING

In the POD district, education and training facilities and their temporary housing are permitted by right, subject to the following:

- A. Education and training facilities shall be accessory to and for the exclusive use of the single entity.
- B. Temporary housing shall exclusively serve the education and training needs of the single entity and shall be limited to ten percent of the total floor area of the executive and administrative offices approved for the site.

4.46 PARKING STRUCTURES

In the POD district, parking structures shall utilize building materials and design that are compatible with the office buildings on site.

4.47 ATHLETIC CLUBS AND HEALTH SPAS

In the POD and BC districts, athletic clubs and health spas consisting of facilities intended for fitness recreation and/or therapeutic purposes shall be permitted by right and may include, but are not limited to, one or more of the following uses:

- A. Court games.
- B. Swimming pools, [subject to Section 4.7](#) and whirlpools.
- C. Exercise and physical therapy equipment.
- D. Steam and sauna baths.
- E. Group exercise and/or dance facilities. If such use is to involve the principal or ancillary activity of providing massages to customers or club members, all persons engaged in administering massages shall be licensed and registered as required by state law.

In the POD district, such uses shall be for the exclusive use of the employees, clients, invitees, guests, and individuals affiliated with the single entity.

4.48 UTILITY FACILITY SUBSTATIONS OR GAS REGULATOR STATIONS

In the POD district, public and private utility facility substations or gas regulator stations shall only be permitted if the applicant demonstrates that the improvement is necessary to permit development, and when the improvement is located and buffered to minimize its impacts on surrounding properties.

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4.49 RETAIL FOOD ESTABLISHMENTS

In the BL district, retail food establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises shall be permitted by right. Food products may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store.

4.50 DRY CLEANING ESTABLISHMENTS

In the BL district, dry cleaning establishments shall be permitted by right provided that nonflammable and odorless cleaning fluid or solvent is used.

4.51 MOTOR VEHICLE CLEANING OR CARWASHES

In the BL and BC districts, motor vehicle cleaning or carwashes are permitted by special use permit, subject to the following:

- A. All washing activities shall be take place within a building.
- B. Vacuuming activities and equipment shall be located at least 50 feet from an adjacent property line.
- C. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the carwash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash. See [Section 5.10.G](#) for minimum stacking requirements.
- D. Sufficient space shall be provided on site for water to drain off vehicles prior to exiting onto a public thoroughfare to prevent icing of the same during freezing weather.
- E. Buildings should be oriented so that open bays, particularly self-serve automobile washes are oriented wherever possible so that they do not face residential uses unless provisions are made for adequate screening.
- F. Where carwashes abut a lot in any residential district, a six-foot-high obscuring fence or greenbelt shall be provided.
- G. Direct discharge of wastewater from floor drains in carwash shall be into a sanitary sewer with an approved sand and grease interceptor. Discharge to a storm sewer shall be prohibited.

- H. Where applicable, secondary containment for toxic or hazardous substances shall be required.

4.52 GASOLINE SERVICE STATIONS

In the BL, BC, and IL districts, gasoline service stations are permitted by special use permit, subject to the following:

- A. Uses and services permitted within a gasoline service station, include the servicing of motor vehicles of not more than 1½ tons rated capacity when empty, sales and installation of automotive accessories and other servicing of motor vehicles, provided such accessory uses and services are conducted wholly within a completely enclosed building.
- B. Uses and services prohibited within a gasoline service station include the following:
 - 1. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles;
 - 2. The sales of either new or used motor vehicles;
 - 3. The storage of motor vehicles for a period exceeding 48 hours, or the parking of motor vehicles for a rental fee.
- C. The following requirements for site development, together with the other provisions of this chapter, shall be complied with in the BL ,BC, and IL districts:
 - 1. Minimum site size. The minimum site size shall be 15,000 square feet with a minimum width of 150 feet.
 - 2. Site location. The proposed site shall have at least one property line on a major thoroughfare, where gasoline service stations are proposed as part of a planned shopping center development as permitted in [Section 3.19](#) of this chapter and [Section 3.37](#) inclusive, the gasoline service station site, or sites, shall be located at the boundary of the center where it can be away from patterns of pedestrian circulation and have direct unencumbered access to traffic arteries.



3. Building setbacks. The service station building or buildings, or gasoline pump accessory structures, or islands therefor, shall be set back no less than 50 feet from all street or highway right-of-way lines and shall not be located closer than 25 feet to any property line abutting a residential district. Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
4. Access drives. There shall be two access driveway approaches for any gasoline service station, one of which must provide direct access to a major thoroughfare while one may provide access to a minor street, or roadway, each of which, however, shall not exceed 35 feet in width at the property line.
 - a. A gasoline service station shall have direct access to a major thoroughfare and may have secondary access to a minor street or roadway.
 - b. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement, or within 20 feet of any exterior lot line as extended.
5. Curbing and paving. A raised curb at least six inches in height shall be erected along all of the street property lines except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
6. Fencing. A solid fence or wall four feet in height shall be erected at the rear and at both side yard lines of the gasoline service station site, when such site is located adjacent to a residential district.
7. Signs. Upon compliance with the provisions of this chapter, no signs, either permanent or temporary, shall be permitted within the public right-of-way.
8. Off-street parking. Upon compliance with the provisions of this chapter, at no time shall unlicensed motor vehicles remain parked on the gasoline service station site location for more than 24 hours, except when located within a fully enclosed storage yard as provided in this chapter.
9. Lighting. Exterior lighting shall be so arranged so that it is deflected away from adjacent properties.

10. Additional requirements. Where applicable, secondary containment for toxic or hazardous substances shall be required.

- D. **In the BL district**, no more than 25 percent of the gross area of any local business district may be utilized for this use

4.53 AIRCRAFT HANGERS

Aircraft hangers are a use permitted by right in the BC district, when they are incidental to an airport on the same property .

4.54 COMMERCIAL RECREATION FACILITIES

In the BC district, commercial recreation facilities such as a bowling alley, billiard hall, indoor archery range, indoor skating rink or other similar uses, are permitted by right, provided that all uses will be conducted wholly within a completely enclosed building and that such building is located at least 100 feet from any front, side, or rear yard of any lot within an adjacent residential district.

4.55 OUTDOOR VEHICLE SALES, VEHICLE REPAIR, & STORAGE FACILITIES

The sale of new or used mobile homes, automobiles, trailers, boats, recreation vehicles and repair or service of the same which shall include, but not be limited to, auto body repair, impoundment yards, paint shops and similar uses involving the storage of vehicles and/or equipment awaiting service for more than 48 hours; and storage facilities for building materials, sand, gravel, stone, lumber and contractors equipment shall meet the following site development requirements:

- A. Outdoor vehicle sales & storage facilities.
 1. Minimum site size. Minimum site size shall be 30,000 square feet with a minimum width of 150 feet.
 2. Site location. The proposed site shall have at least one property line on a major thoroughfare.



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3. Access directly to major thoroughfare. The site shall have access directly to a major thoroughfare and where the site fronts on more than one street, may have one additional secondary access to a minor street or roadway, however, no access shall be closer than ten feet to an adjoining property line and the access on the major thoroughfare shall not be less than 150 feet (measured from near edge of pavement to near edge of pavement) from the intersection of that major thoroughfare with any other street or roadway. In addition, secondary access, if utilized, shall not be less than 60 feet (measured from near edge of pavement to near edge of pavement) from the intersection of any two streets.
4. Paving. All areas used for ingress and egress, parking and/or storage shall be hard surface paved with concrete or asphalt and shall be graded to adequately provide for acceptable disposal of surface water runoff.
5. Curbing and paving. Raised curbing at least six inches high will be installed along all street property lines, drive approaches and islands and the entire service area including drive approaches shall be paved, see [Section 4.55.A.3](#) of this section, with concrete or asphalt.
6. Off-street parking. Off-street parking shall be provided in accordance with the provisions of [Sections 5.9](#) and [5.10](#). The parking of unlicensed, wrecked or dismantled vehicles for a period of more than 24 hours shall be prohibited unless located within a fully enclosed fenced area that completely screens from view the vehicles stored within.
7. Junked or dismantled vehicles. The junking or dismantling of motor vehicles or equipment for parts and the storage and/or sale of dismantled motor vehicles or equipment is prohibited and no major repair or refinishing shall be permitted outside the confines of a fully enclosed building.
8. Compliance to site development requirements. Any reference in this chapter to servicing and repair of motor vehicles, trailers, boats, etc., shall require compliance with site development requirements of this section, as stated herein.

- B. Outdoor vehicle repair and service .
 1. Service or repair with sale of new equipment or vehicles. Service and repair of automobiles, trailers, recreation vehicles and boats shall be permitted incidental to or in conjunction with the sale of new equipment or vehicles sold at retail from the premises and may extend to service to the general public.
 2. Service or repair with sale of used equipment or vehicles. Service and/or repair shall also be permitted incidental to only used retail sales, but shall be limited only to equipment and/or vehicles which are sold at retail from the premises and not extend to service to the general public.
 3. In the BC district, outdoor sales for new and used automobiles, trailers and boats, recreation equipment and service or repair shall be permitted by right, only when they are incidental to their sales at retail from the premises. Where only service and repair of used equipment which is sold from the premises is provided, the conditions of [Section 4.55.A.8](#) above do not have to be met.
 4. In the BC and IL districts, servicing and repair of motor vehicles, trailers and boats or equipment not incidental to sales of new and used merchandise from the premises shall be permitted by special use permit. They are not required to meet the conditions of [Sections 4.55.A.7](#) and [8](#) above.
 5. In the IL district, servicing and repair of motor vehicles, trailers and boats or equipment not incidental to sales of new and used merchandise from the premises, when not adjacent to any property utilized for residential purposes, they shall be permitted as a use permitted by right. They are not required to meet the conditions of [Sections 4.55 A. 7](#) and [8](#) above.



4.56 MOTEL, MOTOR-HOTEL, AND TRANSIENT LODGING FACILITIES

In the BC district, motel, motor-hotel, hotel, and transient lodging facilities (but not including trailer camps or tent sites) are permitted by right under the following conditions:

- A. Site screening. The site shall be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicle. Screening shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than 75 feet to any street line, except for headlight screening which shall not be closer than 30 feet.
- B. Lighting. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site and streets which adjoin the site.
- C. Swimming pools and other outdoor recreational. Swimming pools and other outdoor recreational uses provided such facilities are an accessory use to a permitted use within this district and are located on the same site as the principal use to which they are accessory. The provisions of [Section 4.7](#) shall apply.
- D. Accessory uses. Accessory uses, such as meeting rooms, tavern, bar, or similar uses, provided such accessory use shall be carried on within the same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor-hotel, hotel, or other transient tourist facility.

4.57 MINI-WAREHOUSING¹

Mini-warehousing is permitted by right in the BC and IL districts, provided mini-warehouses meet all of the following:

- A. Minimum site area shall be not less than 30,000 square feet with not less than 100 feet of frontage.
- B. Lot coverage. Mini-warehousing structures including an office shall not cover more than 50 percent of the total lot area.

- C. Off-street parking shall be meet required off-street parking standards and be based on gross storage area and where applicable.
- D. Concrete and/or asphalt paving shall be provided for site access and vehicular movement on site and shall be as follows:
 - 1. Site access shall not be less than 24 feet.
 - 2. A minimum of 30 feet of paving shall abut any side of a building providing access to a storage compartment and a minimum of 24 feet shall be provided on any side of a structure not providing access to storage.
 - 3. Paving as required in subsections A and B of this section shall be connected to provide continuous forward movement through the site.
- E. Curbing shall be provided at drive entrance approaches to the site.
- F. Signs where provided shall be as permitted in [Section 5.4](#). All parking and drives for one-way traffic shall be clearly marked with appropriate signage above grade or on the pavement itself or some combination of both to ensure safe and appropriate use of paved area as designed.
- G. Landscaping and/or fencing may be required as shall be determined by the planning commission during site plan review where deemed necessary to minimize adverse effects on adjoining properties.
- H. Business activities. No business activity other than the rental of storage space or units shall be conducted and outdoor storage of any kind is prohibited.
- I. Hazardous materials. The storage of flammable, dangerous, toxic, or explosive materials shall be prohibited.
- J. Setbacks. All buildings or structures shall be set back a minimum of 75 feet from the right-of-way of state or federal highways and 40 feet from the right-of-way of all other roads. The first 40 feet off a road right-of-way may not be used for parking and shall remain clear. All other setbacks shall be as stipulated to in [Article 3](#).

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4.58 TEMPORARY SEASONAL SALES

- A. Temporary seasonal sales of Christmas trees in the BC district shall be permitted by right, subject to the following:
 1. Sales must occur between October 31 and December 25 of a calendar year,
 2. The vendor shall register his name, address and telephone number with the community development department ,
 3. The vendor shall submit a site plan for approval by the community development department. Said site plan shall clearly demonstrate that no traffic hazard will be created by the location of the trees or operation of said enterprise and that adequate off-street parking exists on said proposed site.,
 4. All trees remaining on site shall be removed on or before December 31 of that year'
 5. All signs are subject to sign permit requirements of [Section 5.4](#)
- B. Temporary structures in conjunction with temporary seasonal outdoor sales of retail goods or products ancillary to permanent on-site retail establishments in the BC and BSC districts shall be permitted by right. Such uses are subject to the following:
 1. The type of products or goods are clearly related to and ancillary to a permitted primary use on site,
 2. Site plan review determines that there will not be any detrimental impacts on adequate parking and/or traffic flows relative to existing permanent retail sales establishments on the site.
 3. All requirement for [Section 4.60 Open Air Businesses](#) shall be met.

4.59 CONSTRUCTION CONTRACTING BUSINESSES

In the BC district, construction contracting businesses are permitted by right, provided that no outdoor storage of material or equipment shall be permitted. The term "equipment," as used herein, shall not include licensed automobiles, vans and pickup trucks.

4.60 OPEN AIR BUSINESSES

- Open air businesses are subject to the following:
- A. All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and in no instance shall parking and loading activities be permitted to spill over onto adjacent roads.
 - B. An obscuring fence shall be provided along any property line where the adjacent property is zoned for residential use.
 - C. All lighting shall be shielded from adjacent properties and road rights-of-way.
 - D. Area used for open air display shall not occupy any required space for parking, loading, landscaping or buffering.
 - E. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the use is located. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and/or covered to prevent it from blowing and leaching.

4.61 MANUFACTURING AND PROCESSING

Manufacturing and processing establishments in the BC Business Community District shall be permitted by special use permit, subject to the following:

- A. All goods manufactured or processed on the premises shall be sold at retail from the premises.
- B. All manufacturing, processing, packaging, and storage of goods and supplies shall be conducted within a wholly enclosed building.
- C. Manufacturing or processing shall not occur of a manner which would cause the premises to differ in character from other businesses in the district.
- D. No such enterprise shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- E. Such enterprise shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in the business district.



4.62 FREEZER LOCKER BUSINESSES

In the BC district, freezer lockers utilized for retail businesses are permitted by special land use, subject to the following:

- A. Ingress and egress from such facilities shall not cut through any residential district, and shall be located no closer than 100 feet to the intersection of two roads measured along the road right-of-way line.
- B. Sufficient off-street loading areas shall be provided on the site. All off-street loading and unloading shall take place in a rear yard, and shall be located no closer than 40 feet from any right-of-way line or property zoned for residential purposes.
- C. All storage and packaging activities shall occur within a wholly enclosed building.
- D. The appearance of the freezer locker facility shall be in keeping with the general architectural character of commercial buildings in the district.

4.63 BUS PASSENGER TERMINALS AND TAXI GARAGES AND DISPATCH STATIONS

The following additional regulations shall apply to bus passenger terminals and taxi garages or dispatch stations:

- A. All ticket booths, waiting areas, and other passenger facilities shall be wholly contained within an enclosed building.
- B. Stopping and waiting spaces for buses or taxis shall not encumber or present a hazard for the safety of vehicles or pedestrians on public rights-of-way.
- C. Curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately thereto. No drives shall be wider than 30 feet at the right-of-way line, and no more than one such drive or curb cut shall be permitted for every 50 feet of frontage along any street. The nearest edge of any entrance or exit shall be located no closer than 60 feet to any road intersection as measured along the road right-of-way line.
- D. All maintenance or repair of vehicles shall take place within a wholly enclosed building, obscured from view from any public right-of-way.

4.64 FIREWOOD SALES OR STORAGE

In the BC district, firewood sales or storage, are permitted by special land use provided no processing is done on site and provided further that site screening or enclosure may be required by the planning commission if it deems either or both are necessary to protect adjoining property values, the public health and/or public welfare.

4.65 DRIVE-IN THEATERS

The purpose of this section is to provide for the use of certain lands for drive-in theater and similar entertainment uses, and to regulate their location and development in such a way that detrimental impacts to surrounding lands and their uses will be minimal, and to ensure that such use will not result in any threat to the public health, safety and welfare.

- A. All sites shall be located on a major thoroughfare and ingress or egress shall be from the thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the thoroughfare.
- B. All points of entrance or exit shall be located no closer than 200 feet from the intersection of any two streets or highways.
- C. All vehicles shall have clear vision approaching a public street within 100 feet of the street for a sight distance of 500 feet in either direction along the street.
- D. Acceleration and deceleration lanes should be provided, where possible, at points of ingress and egress.
- E. Whenever any use permitted in this subsection abuts a property which is in the residential, business or agricultural district, a transition strip of at least 200 feet in width shall be provided between such use and the adjoining district. Grass, plants and structural screens of a type approved by the planning commission shall be placed within said transition strip. Golf driving ranges and miniature courses shall have a minimum transition strip of 50 feet when adjacent to a residential, agricultural or business district.
- F. A minimum front yard of 100 feet shall separate all uses, operations and structures permitted herein, including fences, fronting any public street or highway used for access or exit purposes, which shall be landscaped in accordance with plans approved by the planning commission.

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- G. Drive-in theaters shall be enclosed at their periphery with an obscuring screen, fence at least eight feet in height. Fences shall be of permanent finish and construction, painted or otherwise finished neatly, attractively and inconspicuously.
- H. Drive-in theaters shall have ticket gates as follows:
 1. One ticket gate for 300-car capacity theaters;
 2. Two ticket gates for 600-car capacity theaters;
 3. Three gates for 800-car capacity theaters;
 4. Four gates for 1,000-car capacity theaters.
 5. Vehicle standing places shall be provided between the ticket gates and the street or highway right-of-way line equal to at least 30 percent of the vehicular capacity of theater.
- J. Drive-in theater picture screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.

- E. All sides of the development not abutting a paved primary county road or state highway shall be provided with a six-foot-high masonry wall and a 20-foot-wide obscuring greenbelt.
- F. All outdoor lighting shall be shielded so as not to shine on adjacent properties or obstruct traffic along public right-of-ways.
- G. The nearest edge of any entrance or exit drive shall be located no closer than 250 feet from any street or road intersection as measured along the road right-of-way line.
- H. Race tracks shall be enclosed at their periphery with an obscuring screen, fence at least eight feet in height. Fences shall be of permanent finish and construction, painted or otherwise finished neatly, attractively and inconspicuously.
- I. Minimum off-street parking standards must be met ([Section 5.10.G](#)). No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

4.66 RACE TRACKS

Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they shall only be permitted in the A when located adjacent to a paved primary county road or state highway and when land on all sides of the parcel in question is zoned for agricultural or industrial purposes. Race tracks shall further be subject to the following conditions and such other controls as the planning commission deems necessary to promote health, safety and general welfare in the township:

- A. Race tracks shall be located on property at least 80 acres with a minimum of 660 feet frontage on a dedicated road.
- B. Race tracks shall be designed and constructed in accordance with an internal site plan, which shall be subject to the site plan approval by the planning commission. Particular consideration shall be given to drainage, lighting, and internal vehicular circulation.
- C. All tracks, buildings or other structures shall be set back a minimum of 100 feet from any street right-of-way line.
- D. All access to the parking areas shall be provided from a paved primary county road or state highway. In no case shall access to the site from a residential street be permitted.

4.67 RETAIL SALES OF MANUFACTURED PRODUCTS

In the IL district, retail sales of finished products that are the direct result of manufacturing operations conducted on site are a principal permitted use, subject to the following conditions:

- A. The area devoted to retail sales shall not be located in a separate building and shall not be permitted to exceed 1,600 square feet.
- B. That all parking requirements as set forth in [Sections 5.9](#) and [5.10](#) for retail uses are met and that such parking requirements be provided in a distinctly separate area from the parking area required to be provided for manufacturing operations and employees.
- C. That all other applicable provisions of this chapter, pertaining thereto are met.



4.68 MEDICAL MARIHUANA[§] GROWING OPERATION

A registered primary caregiver desiring to grow and harvest medical marihuana for more than one registered qualifying patient may locate the grow operation in the IL Light Industrial, IP Industrial Park, and IH Heavy Industrial districts, subject to district development standards, and the following additional conditions:

- A. The grow operation shall be located in a secure, locked, fully enclosed structure located outside of a radius of 1,000 feet from any school, including child day care facilities, church, or drug rehabilitation facility or other medical marihuana grow facility.
- B. Medical marihuana within the facility shall be limited to the number of plants and the amount of usable marihuana permitted by state law for each registered qualifying patient identified as receiving assistance from the registered primary caregiver, plus an amount which may be legally possessed by the same registered primary caregiver, if said primary caregiver is also a registered qualifying patient.
- C. Marihuana growing facilities shall be subject to mechanical, electrical and fire department inspections and no permit for a growing operation shall be issued until satisfactory completion of such inspections.
- D. The structure used for growing medical marihuana shall contain only the marihuana belonging to one registered primary caregiver, and shall not exceed the amount authorized by law.
- E. The grow facility shall at all times be secured and locked and shall be accessible only by the registered primary caregiver.
- F. Lighting utilized for growing shall not be visible from the exterior of the building.
- G. The registered caregiver operating the grow facility shall obtain a certificate of zoning compliance on a confidential basis from the township.
- H. A qualifying patient list shall be kept current by the primary caregiver.

4.69 SALVAGE AND JUNK YARDS

The purpose of this section is to provide for the use of certain lands for use as salvage yards and to regulate their location and development in such a way that detrimental impacts to surrounding lands and their uses will be minimal. Also to ensure that such use will not result in any threat to the public health, safety and welfare.

- A. Site development requirements and regulations for auto salvage and scrap metal yards.
 - 1. Minimum site area shall be not less than five acres.
 - 2. Minimum lot width shall be not less than 150 feet.
 - 3. Minimum setback requirements shall be as follows:
 - a. Front. 100 feet from the road right-of-way and shall be landscaped with trees, shrubs and grass.
 - b. Sides. 75 feet each side and landscape plantings may be required by the planning commission where a site abuts residential property.
 - c. Rear. 50 feet and landscape plantings may be required where the site abuts residential property.
 - 4. All salvage yards shall be established and maintained in accordance with all applicable state statutes.
 - 5. All salvage yards shall be enclosed by a solid or opaque fence a minimum of eight feet in height around the entire periphery and in no case shall the fence be less than a height sufficient to effectively screen the activity and material stored on the site. Said fence shall be of sound construction and painted or otherwise neatly finished so as to be as inconspicuous as possible, and be of sufficient construction to prevent unauthorized entry.
 - 6. No material shall subsequently be stored above the fence height of the enclosed site area.
 - 7. Salvage yards may not be located in an area which due to the topography of the site relative to adjoining property is impossible to screen from the view of adjacent property.

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- 8. Adequate standing and parking facilities shall be provided on the site so that no vehicle or material brought to the site for salvage purposes shall at anytime stand outside the enclosed area for more than 24 hours.
 - 9. No open burning shall be permitted except in an approved incinerator and all industrial processes involving equipment for cutting, compressing or packaging shall be conducted within an enclosed building. Further, the incinerator or the building housing equipment shall not be located closer than 100 feet to any property line or road right-of-way. The emission from any incinerator shall be controlled to comply with pollution control regulations of the state, the county and the township.
- B. Applicable State Statutes. All facilities must be in compliance with all applicable state statutes.

4.70 ADULT ENTERTAINMENT USES

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in proximity to a residential zone or community and neighborhood shopping areas, thereby having a deleterious effect upon such areas. It is also recognized that the controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special regulations of these uses within the IL district is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's existing and future retail areas. At the same time, these controls are intended to provide commercially viable locations within the township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this chapter or various other local, state and federal statutes.

- A. Uses subject to these controls are as follows:
- 1. Adult motion picture theaters
 - 2. Adult book stores
 - 3. Adult cabarets
 - 4. Nude artist and photography studios

- B. Permitted use. Any of the regulated uses enumerated herein are permitted only after a finding has been made by the planning commission at a public hearing, (in compliance with [Section 6.1.C.3](#) Public Hearing), that the following conditions exist:
- 1. The property is located within only the IL Industrial District.
 - 2. The property is located a minimum of 200 feet outside the boundary of a residential district. This requirement may be waived if the applicant requesting the waiver files with the township clerk a petition which indicates approval of the waiver by 51 percent of those adult residents and owners of residentially zoned property within 300 feet of the property line of the proposed location. The petition form shall be one that is provided by the township and the applicant shall also submit a list of addressees at which no contact was made.
 - 3. The property is located a minimum of 1,000 feet from the property line of any public or private primary or secondary school; any public park, library or museum; any public or licensed private child care facility or nursery school or any religious site of assembly.
 - 4. The use is not located within 1,000 feet of any other such use except that such restriction may be waived, if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
 - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings;
 - c. That the establishment of such use, or an additional use regulated under these provisions, in the area will not be contrary to any program of neighborhood conservation;
 - d. That all applicable state laws and local ordinances will be observed.



- C. Conditions and limitations. Prior to the granting of any waiver as herein provided, the township board, upon the recommendation of the planning commission may impose any such conditions or limitations upon the establishments' location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to immediately terminate any permit or license
- D. Limit on reapplication. No application for such a use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

4.71 SCIENTIFIC RESEARCH, PILOT PLANT AND TESTING FACILITIES

In the IH Heavy Industrial district, scientific research, pilot plant and testing facilities compatible with the characteristics of a heavy industry district, are permitted by special use permit, subject to adequate measures to protect surrounding uses and adjoining zoning districts.

4.72 PUBLIC AND PRIVATE SANITARY LANDFILLS¹

The purpose and intent of these regulations and procedures is to provide for the use of certain lands for sanitary landfill purposes and to ensure certain minimum standards for their development and operation that will minimize detrimental or injurious impacts on surrounding lands; their values and quality of life on them as well as the community as a whole.

- A. Minimum site area. A minimum of 50 acres shall be required to utilize any site for sanitary landfill purposes.
- B. Setbacks and buffers. Shall be required as follows:
 - 1. Adjacent residential districts: 500 feet;
 - 2. Public road rights-of-way: 300 feet;
 - 3. Adjacent commercial districts: 250 feet;
 - 4. Adjacent industrial districts: 200 feet;

- 5. Adjacent agricultural districts: 200 feet.
- 6. Berms shall be constructed around the entire periphery of the site to a height of 15 feet and screen from normal line of vision, all activity within the landfill operation. Berms shall not be sloped at greater than 45 degrees and shall be not less than a 20-foot top width to a 60-foot base width.

The face of berms fronting on public roads or visible to the general public shall be seeded to prevent erosion and deterioration and be maintained as required for the life of the operation.

- C. Monitoring wells. A minimum of one monitoring well shall be located on the site and more may be required depending on the number and location of private wells in the area.
- D. Fire control. A well shall be located not more than 3,000 feet from a fill work area at all times during fill operations. Approval may be granted by the planning commission provided fire hose is readily available of sufficient size, type and kind as approved by the township fire chief for distances over 3,000 feet. Said well shall in addition be not less than six inches, and capable of pumping 500 gallons per minute.
- E. Fencing. A six-foot chainlink fence with a minimum of three strands of barbed wire above to control windblown debris shall be installed around all areas where fill operations are being carried on. Additional fencing shall be installed as necessary to contain refuse to the site.
- F. Ingress and egress. There shall not be more than one access or entrance to a landfill site and such entrance shall be provided with a gate not less than six feet high which shall be securely locked at the close of each workday or whenever the site is left unattended. An entry shall be paved as determined by the planning commission to control mud and dust. Off-site roads immediate to the site entry shall be kept reasonably clean of tracked dirt and mud where on-site controls are ineffective.
- G. Policing of immediately adjoining property and perimeter berms and/or fencing for unauthorized dumping and windblown debris will be done regularly and be the responsibility of the landfill operator.

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- H. An evaluation and definite plan for surface drainage control shall be required.
- I. During all hours of operation an attendant shall remain on the site.
- J. Hours of operation shall be restricted to 7:00 a.m. to 5:00 p.m. with one hour to cover, during the week and 7:00 a.m. to 12:00 noon Saturdays unless otherwise authorized by the planning commission. In no case will operation be allowed on Sunday.
- K. An area or provision shall be made for resident dumping.
- L. All trucks shall cover their loads.
- M. All users, except township residents utilizing said landfill for their own domestic needs, shall be licensed and/or registered as permitted by law.
- N. No burning shall be permitted, except as approved by the health department and the township through issuance of a burning permit.
- O. The zoning official or any township official shall be permitted entry for inspection purposes at any time.
- P. Permits are nontransferable and shall not be issued for a period greater than one year. Subsequent annual renewal shall be made upon written request and inspection by the official as to compliance with ordinance and permit requirements.
- Q. No part of a performance bond or other form of financial guarantee shall be applicable or transferred to a subsequent year's operations unless verified by inspection, the previous year's completed landfill area has been rehabilitated to the extent of final grades with a minimum of eight to 12 inches of topsoil and germinated seeding sufficient to prevent erosion according to approved final grade plans on file has been accomplished.
- R. Monitor well samples shall be taken by the official and tested at the expense of the landfill operator not less than monthly. Additional tests shall be required if deemed necessary by the planning commission as a result of private complaint alleging injury to water quality of a private well.
- S. See [Section 6.4](#) for Development Procedures for Development of Public and Private Sanitary Landfills.

4.73 COMMERCIAL LIVESTOCK AUCTIONS, STOCKYARDS, THE COMMERCIAL SLAUGHTER AND DRESSING OF ANIMALS

In the IH district, commercial livestock auctions, stockyards, the commercial slaughter and dressing of animals are permitted by special use permit, provided the following conditions are met:

- A. Minimum site area of 20 acres.
- B. That buildings providing housing in conjunction with the slaughter and dressing of animals including pens incidental thereto not be permitted closer than 200 feet to the property line.
- C. That adequate parking is provided in accordance with the provisions of [Section 5.9](#) and [5.10](#).
- D. That adequate animal and process waste collection and treatment is approved by the appropriate public health and environmental control agency.

4.74 COMMERCIAL COMPOSTING OPERATIONS

Commercial composting operations may be permitted in the A Agricultural District and permitted by special use permit in the IH district, provided there is compliance with the following conditions:

- A. Nature of composting material. The operation shall not involve the processing, storage or on-site handling of general household refuse material and shall be limited to the processing of source separated yard waste and agricultural by-products including but not limited to the following: leaves, grass clippings, brush, garden waste, tree trimmings, plant prunings and similar woody waste or other vegetative by-products.
- B. On-site processing. The on-site processing of mixed refuse consisting of paper, textiles, and other organic material classified as mixed municipal solid waste shall be permitted only if the site in question has been identified and included in the county solid waste management plan. Prior to the commencement of operations involving mixed municipal solid waste, the



facility shall be approved and licensed by the state as a solid waste processing plant as defined by part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).

- C. Site development requirements.
 1. To ensure maximum flexibility for operating areas, material isolation and buffering, the site shall consist of a minimum of 20 acres.
 2. The site shall have direct access to a paved county primary road or state or federal highway.
 3. All windrows, material screening areas and material staging areas used to temporarily stock pile material prior to placement in windrows shall be located a minimum of 150 feet from property lines and a minimum of 1,000 feet from surrounding residential dwellings.
 4. The relationship between adjacent uses and material handling, staging and processing areas shall be in consideration of prevailing winds and be situated so as to provide maximum isolation and natural screening from adjacent properties.
 5. Appropriate site grading and drainage shall be provided. Material stockpiling and processing areas shall be a minimum of 200 feet from wetlands, floodplains or established surface waters. Grading plans shall illustrate measures that will be used to avoid the ponding of surface water and leachate runoff.
 6. Sites having apparent seasonal or permanent water table nearer than six feet to the surface shall be avoided.
 7. All primary access drives shall be paved. Internal service drives shall be graveled to reduce dust conditions.
 8. Additional considerations. In reviewing any special use permit for a commercial composting operation and in determining appropriate additional conditions necessary for approval, if any, the planning commission shall require, in addition to the site plan required by [Section 6.1](#), the submittal of an operation and management plan containing the following information:
 - a. Type of organic material to be composted and otherwise processed on the site.

- b. Hours of operation and access to the public, if any.
 - c. Types of equipment utilized on site.
 - d. Size of windrows and rates of turning.
 - e. Source of water and method of irrigation.
 - f. Security measures such as gates and fences.
 - g. Operation and management techniques to be used to minimize odors.
 - h. Landscaping and buffering plans.
 - i. Measures to be taken in handling sorted material such as plastic bags and other noncompostable material.
 - j. On-site associated accessory activities.
9. Prior to final approval of a special use permit for the activity, the applicant shall demonstrate that all appropriate county and state agency permits have been obtained.

4.75 ACCESSORY RETAIL BUSINESSES

In the I-P district, accessory retail businesses (not including restaurants, carry-out restaurants or drive-through/fast food restaurants) are permitted by right when product manufacturing, product warehousing and/or product processing are done on the premises, provided the area devoted to retail sales shall not be located in a separate building and shall not exceed 15 percent of the gross floor area of the building.

4.76 USES SPECIFICALLY PROHIBITED

The following uses have been prohibited as indicated below:

- A. In all zoning districts, the keeping, selling, boarding, housing, possession and maintenance of wild animals within the township, either temporarily or permanently is prohibited, except under the conditions enumerated below:
 1. The keeping of the animal is carried out by a veterinarian licensed in the state for the treatment of injuries or to temporarily harbor an animal until permanent quarters are found.

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2. The keeping of the wild animal is within a public or private zoo, wildlife park or preserve, or hunting preserve as may be authorized by the state department of natural resources and environment and if further authorized by the township within the agricultural district under the provisions of [Section 3.2.B](#) and [Section 3.2.C](#), as applicable.
 3. The keeping of the animal is part of a commercial game breeding operation as licensed by the state department of natural resources and environment, and is authorized by the township within the agricultural district under the provisions of [Section 3.2.C](#).
 4. The keeping of the animals is part of a special event such as a circus or carnival as appropriately licensed by the state and is further authorized by the township under the provisions of chapter 28, outdoor assemblies, being the chapter which pertains to large gatherings.
- B. In the A through R-6 districts, no building in the rear of or on the same lot with a principal building used as a residence shall be used for residential purposes.

4.77 MOBILE HOMES ON PRIVATE LOTS OUTSIDE OF PARKS

Mobile homes on private lots outside mobile home parks are subject to the following requirements and conditions:

- A. No person shall place or occupy any mobile home as a dwelling within the township until a building permit has been issued, and upon completion, a certificate of occupancy has been issued pursuant to the requirements of [Section 7.5](#) which certificate shall indicate satisfactory compliance with all requirements of this chapter and the state construction code.
- B. The mobile home placement thereof and the property upon which it will be located shall meet all the requirements of this chapter, relating to uses, size of premises, floor area, and yard setback requirements specified for single-family residences for the particular zoning district in which the premises are situated.
- C. The floor to ceiling height within the living unit shall not be less than 7½ feet.

- D. The minimum width of any exterior side of the living unit shall not be less than 24 feet.
- E. The mobile home shall be installed pursuant to manufacturer's instructions, to a permanent foundation, and be secured to the foundation by an anchoring system or device in compliance with rules of the Michigan Mobile Home Commission.
 1. In addition, the mobile home shall have the wheels and tongue used for transport removed from the chassis, and the underside or chassis shall be enclosed by a wall of the same perimeter dimensions as the mobile home which is constructed of such materials and type as required in the applicable state construction code for single-family dwellings.
 2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the state construction code.
- F. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to, said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280) and as from time to time amended.
- G. The mobile home unit must be aesthetically compatible in design and appearance with conventional on-site built residential homes in the vicinity according to the following minimum standards:
 1. Compatibility with homes in the vicinity shall mean within the zoning district in which the units are being placed.
 2. The dwelling unit shall have a roof with a pitch of at least 2:12 and said roof shall meet or exceed all roof snow load and strength requirements as prescribed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.
 3. The unit shall have a roof drainage system capable of collecting roof surface water runoff to points of concentration along the sides that direct water away from the units' foundations and/or footings.
 4. The unit shall have two exterior points of entry, one in the front and another either in the rear or on a side.



5. The entries to the mobile home shall be equipped, as required by differences between the floor elevation and the surrounding grade, with steps or porches built in compliance with the state construction code.
 6. The exterior finish and materials will be reasonably similar in both type and appearance to those of residences in the vicinity as defined in [Section 4.77.G](#) of this section to the extent that the exterior appearance is not significantly discernible as different from other conventionally built homes in the zoning district in which it is located.
 7. If placed within a flood zone, a mobile home shall meet the requirements of, and be subject to, compliance with floodplain regulations as specified in [Section 3.25](#).
 8. All additions to the original unit must be of equivalent construction and quality with the originally placed principal structure including foundations or the state construction code if conventionally constructed on site.
 9. All units and manufactured additions thereto shall bear the HUD seal indicating compliance with HUD standard (24 CFR 3280).
- H. The determination of compliance with the minimum standards of aesthetic and design compatibility, as stipulated in [Section 4.77.G](#) of this section, will in the first instance be made by the township building and/or zoning official upon review of the plans (floor and elevation drawings) submitted with application for a building permit.
- I. The mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction and if public water and/or sewer facilities is/are available to the premises, said mobile home shall be connected thereto.
- J. Any party aggrieved by any decision of the official in the interpretation and application of any provision of this section may, upon compliance with [Section 7.9.J](#), file an appeal to the board of appeals under the provisions of said section.

4.78 DONATION BOXES ON COMMERCIAL PROPERTIES

In the BL, BC, and BSC districts, donation boxes are permitted by special land use permit, subject to the following:

- A. Permits Required: It shall be unlawful for any person or business to place or allow to be placed on their own property a receptacle for the purpose of collecting donations within DeWitt Charter Township without first making application and securing Zoning Compliance from the Community Development Department.
 - a. Applicants shall submit written authorization from the property owner consenting to the placement of a donation box on the subject property.
- B. Standards: A permit shall not be issued for a donation box unless it demonstrates compliance with the following standards:
 1. Donation boxes shall be considered as an accessory use. As such, they are not permitted as the sole use on a lot, but are only permitted in conjunction with a principle use;
 2. Donation boxes shall not be placed within a required parking space;
 3. Donation boxes shall be required to adhere to the required front, side and rear yard setbacks in the applicable zoning district. To the extent feasible, donation boxes shall be placed so as to be inconspicuous as viewed from public rights-of-way;
 4. Donation boxes shall not be located in any required bufferyard or landscape area;
 5. Donation boxes shall not be placed in such a manner as to cause a sight obstruction for pedestrians or motorists;
 6. Only one donation box shall be permitted per lot or per shopping center, whichever is more restrictive;
 7. Donation boxes shall not exceed six and one-half feet (6.5') in height and no greater than fifty (50) square feet in area;
 8. Signage on donation boxes shall not exceed five-inch (5") letter height. All donation boxes shall contain the following contact information in two-inch (2") type visible from the front of the box: the name, address, and phone number of both the permittee and operator.

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- C. Maintenance: Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk, debris or other material.
- D. Revocation of Permit: Any permit granted pursuant to the provisions of this Section may be subject to revocation by the Community Development Department:
 1. Violation of any of the terms of the approved permit.
 2. Violation of the terms of any township ordinance or Code provision, county, state or federal law, statute, or regulation required in conjunction therewith.
 3. Expiration of the permit.

Appeal from this section shall be to the township zoning board of appeals.
- E. Enforcement—Violations and penalties: Violations of any provisions of this Section shall be considered a municipal civil infraction and pursued in accordance with Ordinance 02013-7-04, “DeWitt Charter Township Civil Infraction and Violations Bureau Ordinance”.
- F. Exclusions. The provisions of this Section shall not be applied to recycling receptacles for the principal use of the owner(s) or occupant(s) of the property.

4.79 SPECIAL LAND USES IN THE FLOODPLAIN ZONE

The use pattern and the structure proposed to accomplish said use in the floodplain shall be so designed as to not significantly reduce the impoundment capacity of the floodplain and the flow of water and designed to protect said use, structure or building from flood damages. Construction and substantial improvements to structures shall be as follows:

- A. Residential structures. The lowest floor (including the basement) shall be elevated to or above the level of the intermediate regional flood.
- B. Nonresidential structures. The lowest floor (including basement) shall be elevated or floodproofed to or above the level of the intermediate regional flood.

- C. Attendant utilities and sanitary facilities serving all new structures. All shall be elevated or floodproofed up to the level of the intermediate regional flood.

4.80 WIND ENERGY CONVERSION SYSTEMS

- A. Intent and purpose. It is the purpose of this section to establish regulations and conditions for wind energy conversion systems which are applicable to all districts of this Article 3 unless otherwise indicated. This section is intended to provide for the safe, effective, an efficient regulation of small and large wind energy conversion systems whether they are tower mounted or structure mounted.

- B. **Small wind energy conversion systems (WECS).** The following standards shall apply to all small WECS as defined herein.

1. A zoning compliance certificate (Section 7.6) and building permit are required prior to construction (installation) of a small WECS.
2. For all zoning districts other than the POD Planned Office District, the BSC Business Shopping Center District, and the IL/IP/IH Industrial Districts, the total height for a tower mounted small WECS, which includes the tower and the rotor (blade), shall not be greater than 45 feet.

The total height for a tower mounted small WECS in the POD Planned Office District, the BSC Business Shopping Center District, and the IL/IP/IH Industrial Districts shall not be greater than 70 feet. The total height shall be measured from the ground level at the base of the tower to the maximum vertical extension of the blade.

4. The total height for a structure mounted small WECS shall not exceed 15 feet as measured from the highest point of the adjacent roof or structure, excluding chimneys, antennae or other similar features.
5. The minimum site area for a tower mounted small WECS shall be equal to the minimum lot area requirements of the zoning district in which the small WECS is located plus any additional lot area required to meet setback requirements of this section.
6. The minimum site area for a structure mounted small WECS shall be equal to the



minimal lot area requirements of the zoning district in which it is located.

7. For structure mounted small WECS, documentation shall be submitted by a registered design professional, with details pertaining to the structure's ability to sustain all loads imposed.
8. Setbacks. A tower mounted small WECS, which is not greater than 45 feet in height, shall be set back a distance equal to one and one-half times the height of the tower measured from the top of its blade in vertical position from all adjoining property lines, easements, or rights-of-way, and no part of a small WECS may extend into any adjacent yard or property unless an easement has been recorded for that purpose.

A tower mounted small WECS, which is greater than 45 feet in height, shall be set back a distance equal to two times the height of the tower measured from the top of its blade in vertical position from all adjoining property lines, easements, or rights-of-way, and no part of a small WECS may extend into any adjacent yard or property unless an easement has been recorded for that purpose.

A structure mounted small WECS shall meet the setback requirements of the zoning district in which it is located.
9. Ground clearance. A tower mounted WECS must have a minimum ground clearance of 20 feet between the lowest extension of the rotor blade and the average grade at the base of the structure.
10. Noise. The WECS shall not cause sounds in excess of 55 dB (A) as measured at any property line and/or meet the requirements of any existing noise ordinance, the requirements of a special use permit, the requirements of the building officials review, or other applicable regulations.
11. Wind turbine structural plans. A building permit application for a small WECS shall be accompanied by standard drawings of the wind turbine structure, including the

tower, base, and footings. If structure-mounted, an engineering analysis demonstrating compliance with the state building code and certified by a licensed professional engineer shall also be submitted.

12. WECS removal. The WECS owner shall advise the township of discontinuance of WECS use or abandonment within 60 days of such discontinuance or abandonment. Any WECS that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such WECS shall remove the same within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove an abandoned WECS within said 90 days shall be grounds for the township to remove the WECS at the owner's expense.
13. Structure mounted small WECS shall meet the following additional requirements: shall not be attached to that portion of a structure facing a public road, may be attached to principal or accessory structures providing all other requirements of this section are met, shall not utilize guy wire supports, and may not contain commercial advertising.
14. There may be more than one tower and/or structures mounted small WECS systems per parcel or lot, if the total combined rated output of all turbines on the site does not exceed ten (kW), all requirements of this section are met, and the additional units are permitted by special use permit approval.
15. For permitting requirements, see [Section 7.6](#).
16. A small WECS system shall not utilize guy wires for support, shall not contain or display commercial advertising, and shall utilize non-reflective surfaces and neutral colors to the maximum extent feasible.
17. An approved small WECS is exempt from the height restrictions of the zoning district in which it is located. This exemption does not apply to accessory tower/structure mounted WECS.

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C. **Large wind energy conversion systems (WECS).**

The following standards shall apply to all large wind energy conversion systems (WECS) as defined herein.

1. Large WECS require a special use permit, a zoning compliance certificate, and a building permit prior to construction/ installation and operation.
2. Large WECS are permitted by special use permit only in the A Agricultural Zoning District, BSC Business Shopping Center District, POD Planned Office Development District, IL Industrial Light District, IP Industrial Park District, and IH Industrial Heavy District.
3. See [Section 6.1](#) see [Section 7.6](#) for development and permitting requirements.
4. Setbacks. A large WECS shall maintain a minimum setback of two times the total height of the tower to the top of the blade in its vertical position from any property line, easement, or rights-of-way, and no part of a large WECS may extend into any adjacent yard or property unless an easement has been recorded for that purpose.
5. Dimensional requirements.
 - a. A large WECS shall not exceed a total tower and blade height of 110 feet. The total height shall be measured from the ground level at the base of the tower to the maximum vertical extension of the blade. The planning commission may recommend a tower and blade height up to a maximum of 140 feet based on a request by the applicant and wind energy monitoring data which justifies the request.
 - b. In all cases, the minimum height of the lowest position of the large WECS blade shall be at least 30 feet above the ground.
 - c. An approved large WECS is exempt from the height restrictions of the zoning district in which it is located.
 - d. A large WECS shall be located on a minimum site area of one acre or larger plus any additional area required to meet the setback requirements of this section.

6. General siting and design standards. A large WECS shall meet all federal, state and local aviation requirements, which shall include, but not be limited to, air traffic warning lights or other marking lights, and shall be positioned to avoid undue visual impact on neighboring properties.
7. Safety measures.
 - a. Each large WECS shall be equipped with both manual and automatic controls to limit the rotation or speed of the rotor blade so it does not exceed the design limits of the rotor.
 - b. Each large WECS shall be properly grounded to safely sustain natural lightning strikes.
 - c. A large WECS shall not include any sign or advertising of any kind, except for an informational sign no larger than two square feet in area posted at the base of the tower, which shall contain the following information:
 - ““WARNING: HIGH VOLTAGE”
 - Manufacturer's name
 - Operator's name
 - Emergency telephone number
 - Emergency shutdown procedures”
 Additionally, each large WECS shall receive approval from the respective public safety agency regarding emergency response and rescue procedures and the applicant shall be responsible for any additional costs relative to this service.
8. Radio and television interference. A large WECS shall be designed and constructed so as not to cause radio and television interference.



9. Removal of a large WECS. The WECS owner shall advise the township of discontinuance of WECS use or abandonment within 60 days of discontinuance. Any WECS that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such WECS shall remove the same within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove an abandoned WECS within said 90 days shall be grounds for the township to remove the WECS at the owner's expense. The township may, as a condition of special use permit approval, require a financial guarantee in the form of a performance bond, cash deposit or irrevocable letter of credit to provide sufficient funds for the removal of an abandoned WECS and facilities associated therewith.

D. **Accessory tower/structure mounted WECS.**

Accessory tower/structure mounted WECS which provide off-the-grid energy sources for site lighting and/or other stand alone site energy needs shall comply with the requirements of [Section 7.6](#), the height requirements of the district in which it is located, and shall be administratively reviewed for compliance by the zoning official. Accessory tower/structure mounted WECS may also be reviewed as part of site plan review (Chapter VII) and are permitted in all zoning districts with the exception of the R1 to R6 Residential Districts. Accessory tower/structure mounted WECS may be combined with photo voltaic systems which meet the requirements of the building official.

E. Construction codes, towers, interconnection standards. Small and large WECS shall comply with all applicable state construction and electrical codes and local building permit requirements. WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, and the Michigan Tall Structures Act.

4.81 WIND ENERGY MONITORING STATION

A wind energy monitoring station is permitted by right in all zoning districts, shall not exceed the maximum height required to monitor wind data for any potential WECS permitted in that zoning district, shall require review and approval by the building official, and shall be removed within 14 months from the installation date.

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Article 5.0 Site Standards



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5.1 ACCESSORY BUILDINGS

- A. Authorized accessory buildings may be erected as a part of the principal building, may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or may be completely detached. An attached accessory building shall be made structurally a part of the principal building and shall comply with all chapter requirements that apply to the principal building, including height and setback regulations. A detached accessory building shall be located no closer than ten feet to the principal building or any other structure on the same lot and shall be subject to the front, side, and rear yard setback requirements for the district in which it is located.
- B. An accessory building shall be located on the same lot as the principal building or use that it serves, unless the lots have been combined under the provisions of this section. An accessory building, including a garage, shall only be utilized for a permitted accessory use. The total area of buildings on a lot, including accessory buildings, shall not exceed the maximum percentage of lot coverage listed in [Article 3](#).
 - 1. Residential districts. In addition to the requirements stated in this subsection, accessory buildings in the residential zoning districts shall comply with the requirements of this section.
 - i. Building in a rear yard. A detached accessory building or buildings placed in the rear yard shall not occupy more than 30 percent of the rear yard.
 - ii. Total floor area. In the R-1 through R-6 zoning districts, the total area devoted to attached-accessory buildings on a lot shall not exceed 1,200 square feet. The total area devoted to detached accessory buildings on a lot in said districts shall be based on the lot size, as listed in the following table:

5.1.B.1.ii Maximum Accessory Building Floor Area Based on Lot Size	
Lot Size	Total Floor Area (in square feet)
Less than one-half acre	960
One-half acre to less than one acre	1,200
One acre to less than five acres	1,600
Five acres or more	2,400

- iii. Front yard and corner lots. No detached accessory building shall be located so that it is closer to any right-of-way in a front or side yard road than the principal residential structure, unless the following conditions are met:
 - (1) The exterior of the accessory building matches the material and color of the exterior of the principal structure that it is accessory to;
 - (2) The accessory building roofing material matches the color of the roof of the principal structure that it is accessory to; and
 - (3) The accessory building shall comply with the minimum front yard setback required for the zoning district, in accordance with [Article 3](#).
- iv. Side and rear yard. No accessory building shall be permitted to encroach into the minimum side or rear yard required for the zoning district, in accordance with [Article 3](#), except that a detached accessory building shall be located no closer than five feet to an interior side or rear property line. Provided, however, that accessory buildings placed in a side yard that abuts a road right-of-way shall comply with the requirements of [subsection B.1.iii](#) of this section.

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- v. Separation exception. The minimum required separation between a detached accessory building and principal building on the same lot may be reduced from ten feet to not less than four feet, provided that the interior surfaces of the accessory building that are within ten feet of the exterior surfaces of the principal building shall be covered with fire-rated drywall. Walls that are required to be surfaced under this provision shall be considered fire walls. Such walls, as well as any doors or other openings within such walls, shall comply with the material, finishing, and other requirements stated in the state construction code for firewalls between a principal building and an attached accessory building.
- 2. Accessory uses, storm shelters. Storm shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately.
- 3. Combination of contiguous lots. When two or more contiguous lots are under the same ownership, including when at least one of those lots is in a platted subdivision, interior common lot lines may be ignored and treated as if nonexistent. Chapter regulations pertaining to yards, including distances between structures and to lot lines, shall be applicable only to the perimeter lot lines of the combined contiguous parcels, provided the following conditions are met:
 - i. The owner shall request that the township assessing office combine the lots for assessment purposes.
 - ii. The owner shall record with the county register of deeds, an affidavit specifying that the lots are combined and cannot be divided without the approval of the township board, in accordance with the provisions of Chapter 20, Section 20-243(1).
 - iii. The combined lots shall not be divided and no part of the lots shall otherwise be conveyed without complying with the requirements stated herein.

- C. In the A district, the storage of not more than one unoccupied mobile home may be allowed as a permitted use, with the approval of the official.

5.2 PERFORMANCE STANDARDS

- A. In the BL and BC districts, no use shall produce any noise, objectionable odor, smoke, fumes, heat, glare, or vibration humanly perceptible beyond its lot lines.
- B. In the IL and IP districts
 - 1. Sound or noise. There shall be no sound or noise discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed 70 decibels as measured at property lines.
 - 2. Smoke, smog or air pollution. There shall be no emission of smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond the boundary of a parcel. For the purpose of grading the density of smoke and particle emissions, then current Ringleman Chart, published by the U.S. Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 and in excess of 15 smoke units per hour shall be prohibited.
 - 3. Heat or glare. Heat or glare, detrimental to health safety and general welfare beyond property lot lines shall be prohibited.
 - 4. Physical vibrations. Physical vibrations produced to the extent of being a detriment to general health, safety and general welfare at or beyond property lot lines shall be prohibited.
 - 5. Discharge of radioactive materials. Discharge of radioactive materials into the atmosphere in excess of standards established by the U.S. Bureau of Standards shall be prohibited.
 - 6. Explosives. The production or storage of any material designed for use as an explosive shall be prohibited.
- C. In the IH district
 - 1. Intent. This section shall be the performance standards for sound, vibration, odor, gases, glare and heat, light, electromagnetic radiation, smoke, dust, dirt, fly ash, drifted and blown material.



2. Prohibited. It shall be unlawful to carry on or permit to be carried on any activity or operation or use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or human activities. Such measures may be supplemented by other measures which are duly determined to be maximum permissible hazards to humans or to human activity, and certification of same being the responsibility of the permit holder operating the activity upon request by the planning commission or zoning official.
3. Sound. In the IH district, the intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Adjacent Use	Maximum Decibels (dba)
Residential dwellings	55
Commercial	65
Industrial and other	70

The sound levels shall be measured with a type of audio output meter approved by the bureau of standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

4. Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 of one inch measured at any lot line.
5. Odor. The emission of noxious, odorous, matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

6. Gases. The escape of or emission of any gas determined to be injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
7. Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied. Such construction shall be completed within one year of the building permit issuance date.
8. Electromagnetic radiation. Applicable rules and regulations of the Federal Communications Commission in regard to the propagation of electromagnetic radiation are hereby made a part of this chapter and shall be on file in the office of the building official.
9. Smoke, dust, dirt and fly ash. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever, any air contaminator for a period or periods aggregating more than four minutes in any one-half hour which is:
 - i. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart.
 - ii. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in [Section 5.2.C.9.i](#), except when the emission consists only of water vapor.
 - iii. The quantity of gas-borne or air-borne solids shall not exceed 0.20 grain per cubic foot of the charring medium at a temperature of 500 degrees Fahrenheit.

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10. Drifted and blown material. The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and may be summarily caused to be abated.

5.3 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

A. Intent and Purpose. DeWitt Charter Township’s intent is to provide safe and convenient access for all users, including pedestrians, bicyclists, transit riders, and drivers of all ages and abilities. The Township encourages active transportation (walking, bicycling, and use of public transportation) which offers the potential for improved public health, economic development, environment, community connectivity, social equity, and a more livable community. DeWitt Charter Township supports streets that invite multiple uses, that are safe and active for all users, and that are designed to efficiently move people. DeWitt Charter Township shall consider, to the extent possible, complete streets infrastructure, to enable reasonably safe travel along and across the road right-of-way for each category of users based upon context; provided, however, that such infrastructure may be excluded where:

1. Use by non-motorized users is prohibited by law;
2. The cost would be excessively disproportionate to the need or probable future use over the long term;
3. There is an absence of current or future need; or
4. Inclusion of such infrastructure would be unreasonable or inappropriate in light of the scope of the project.

DeWitt Charter Township’s goal is to implement the vision of the adopted Non-Motorized Transportation Plan which addresses the need to create a comprehensive, interconnected network of pathways, sidewalks, and bicycle paths that link to assets and neighborhoods within the region and the Township. The overarching goal of the Non-Motorized Transportation Plan is to create a more livable and walkable community where children, adults, seniors, and individuals with disabilities can safely and conveniently walk or bicycle for recreational purposes as well as provide alternative transportation choices for individuals to reach destination

areas. Implementing non-motorized transportation infrastructure will positively impact the quality of life for residents and business owners by creating a stronger sense of community and will make DeWitt Township a more desirable community to live, work, and play. The Non-Motorized Transportation Plan shall be evaluated on an annual basis or as needed and the Township shall promote the use of performance standards with measurable benchmarks reflecting the ability of users to travel in safety and comfort to ensure that it is meeting the community’s needs.

B. Alteration of existing principal building” means any alteration, construction or reconstruction related to an existing principal building in the township that hereafter shall increase the floor area, either as one project or by phases or increments, by a total of 20 percent or more for non-residential uses or 40 percent or more for residential uses, or that results in the replacement of an existing principal building, or a change in use that is not exempt from the requirements for sidewalk or shared use pathway construction pursuant to this section.

C. Sidewalk construction required.

1. Sidewalks.
 - i. All owners of non-residential lots or parcels abutting any street shall be required to construct sidewalks within or adjacent to the non-pavement right-of-way or easement at the time of construction of any new principal building, or at the time of alteration of principal buildings on such lots or parcels. Residential properties are only required to install sidewalks when said property is identified in the Non-Motorized Transportation Plan or as part of a platted subdivision. When a residential property is identified in the Non-Motorized Transportation Plan, construction of sidewalks shall be required for construction of a new principal building, or at the time of alteration of the principal building. However, properties may be subjected to the provisions of [Section 5.3.C.1.ii](#).



ii. The Township Board may, by resolution, require the owners of lots and parcels abutting public or private street rights-of-way to construct sidewalks where the presence of sidewalks may be declared by the Township Board to be necessary to provide safe and convenient routes for pedestrian traffic. All sidewalks constructed shall comply with the construction standards contained in [Section 5.3.E](#) and any other specification as required by the Township Board. Such routes may include, but shall not be limited to, routes between residential areas and activity centers such as schools, business districts and those routes identified in the Non-Motorized Transportation Plan. Such a resolution shall note the time period in which the owners must construct the required sidewalk.

- (1) Prior to adopting a resolution requiring a sidewalk, the Township Board shall hold a public hearing. The township clerk shall cause notice of the time and place of the public hearing to be published within the township at least ten days prior to the date of the hearing.
- (2) In addition, all abutting property owners affected by such a resolution shall be given due notice of the public hearing by the township clerk via regular mail at least ten days prior to the date of the hearing. Such notice shall be provided by the township clerk as required by law.

2. Shared Use Pathways.

i. All owners of lots and parcels abutting any street shall be required to construct shared use pathways within or adjacent to the non-pavement right-of-way or an easement at the time of construction of any new principal building, or at the time of alteration of principal buildings on such lots or parcels that are specified as a shared use pathway route within the Non-Motorized Transportation Plan, or as deemed necessary in the event of unanticipated development that may

have a significant impact on non-motorized transportation, sidewalks, or shared use pathways. The construction of single-family residences on lots or parcels within the A zoning district, or in conjunction with residences in the R-1 through R-6 zone outside of platted subdivisions will be responsible for constructing the shared use pathway in accordance with the following statement. The Township shall reimburse the property owner the difference in cost between the installation of a shared use pathway and a sidewalk based upon cost estimates from the Township Engineer for the current year. These requirements shall be enforced except under the provisions of [Section 5.3.C.2.ii](#).

ii. The Township Board may, by resolution, require the owners of lots and parcels abutting public or private street rights-of-way to construct shared use pathways where the presence of pathways may be declared by the Township Board to be necessary to provide safe and convenient routes for pedestrian traffic. All pathways constructed shall be a minimum width of ten feet and shall comply with the construction standards contained in [Section 5.3.E](#) and any other specification as required by the Township Board or Planning Commission. Such routes may include, but shall not be limited to, routes between residential areas and activity centers such as schools, business districts and those routes identified in the Non-Motorized Transportation Plan. Such a resolution shall note the time period in which the owners must construct the required shared use pathway.

- (1) Prior to adopting a resolution requiring a shared use pathway, the Township Board shall hold a public hearing. The township clerk shall cause notice of the time and place of the public hearing to be published within the township at least ten days prior to the date of the hearing.



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- (2) In addition, all abutting property owners affected by such a resolution shall be given due notice of the public hearing by the township clerk via regular mail at least ten days prior to the date of the hearing. Such notice shall be provided by the township clerk as required by law.
- D. Obstruction of Sidewalk or Shared Use Pathway. Property owners, tenants and other persons having authority and control of lots and parcels abutting or adjacent to a sidewalk or shared use pathway shall not unnaturally alter or impair the sidewalk or shared use pathway so as to increase the hazard of travel for the public. Examples of such unnatural impairment include, but shall not be limited to, the piling or pushing of snow onto the sidewalk, digging or creating holes in the sidewalk, and the placing of objects upon the sidewalk.
- E. Construction standards. All sidewalks hereafter constructed, repaired or rebuilt shall be constructed, repaired or rebuilt according to the specifications as adopted by resolution by the Township Board.
- F. Snow Removal
 - 1. Every person in charge or control of any building or lot of land within the township fronting or abutting on a paved sidewalk or shared use pathway, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least thirty-six inches in width for sidewalks and shared use pathways starting from the outside edge. The following exceptions apply:
 - i. Except as provided in [Section 5.3.F.2](#), snow and ice shall be so removed from sidewalks or shared use pathways within twenty-four hours after the accumulation or drifting of any snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter to ensure safe passage. This provision shall not apply when the wind chill is below zero degrees Fahrenheit and shall only be applicable to properties based on an annual sidewalk and pathway snow removal map that is adopted annually by the Township Board.
 - ii. The sidewalk and pathway snow removal map generally will include properties along corridors that have greater than seventy-five percent of sidewalk or shared use pathway between two street intersections within the Township. Except as provided in [subsection 2](#) hereof, snow and ice shall be so removed from sidewalks or shared use pathways within one-quarter of a mile from a school or when within 300 feet of a school bus stop. The map shall include characteristics stated above and may expand to other properties that may provide pedestrian access to destination areas to provide safe and accessible passage. Destination areas include but are not limited to parks, schools, commerce areas, and religious institutions that have pedestrian connectivity within existing system.
 - iii. In the event of a significant snow or ice event, an additional forty-eight hours shall be allowed for the removal of snow and ice from sidewalks and shared use pathways.
 - 2. However, if the snow and ice on a sidewalk or shared use pathway have become so hard that it cannot be removed without likelihood of damage to the sidewalk or shared use pathway, the person or entity charged with its removal shall, within the time mentioned in [Section 5.3.F.1](#), cause the sidewalk or shared use pathway to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in the sidewalk or shared use pathway of at least thirty-six inches in width to be thoroughly cleaned.
 - 3. To ensure the health, safety, and welfare of the public, property owners shall be responsible for ensuring that all sidewalks and shared use pathways are safe and accessible.
- G. **In the POD district.** sidewalks shall be provided along the public rights-of-way of both existing roads and internal roadways. In addition, sidewalks and other facilities for pedestrian circulation shall be provided as needed elsewhere throughout the site. Pedestrian ways shall be a minimum of five feet wide and sufficiently insulated from vehicular circulation areas.



5.4 SIGNS

- A. Intent and purpose. The intent and purpose of these sign regulations is to protect the public health, safety, and welfare by establishing reasonable standards for the design, placement, size, and maintenance of all exterior signs and sign structures in the township.
- B. Sign permits.
1. Application required. Except as provided in [Section 5.4.G](#) and [Section 5.4.E](#), no sign or sign structure shall be erected, replaced, structurally altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit.
 2. Application requirements. An application for a sign permit shall be made to the community development department by submission of a form available in the department. The application shall include, or have attached to it, the following information:
 - i. Name, address, and telephone number of the applicant.
 - ii. Name, address, and telephone number of the property owner.
 - iii. Name, address, and telephone number of the business owner.
 - iv. Name, address, and telephone number of the contractor erecting the sign.
 - v. Address of property where the sign is proposed to be located.
 - vi. Sign type and purpose.
 - vii. Elevation drawing of proposed sign structure (for freestanding signs) or building wall (for wall signs) showing sign copy, total display area in square feet, and overall height, drawn to a readable scale.
 - viii. Drawing showing position of sign in relation to nearby structures, property lines, and road rights-of-way (for freestanding signs), drawn to a readable scale.
 - ix. Construction documents showing the dimensions, materials, and required details of construction, including loads, stresses, and anchors.
- x. Any other information deemed necessary by the building official or zoning official to assure compliance with this and all other applicable township ordinances and laws of the state.
3. Permit fees. An application for sign permit shall be accompanied by a fee, as established from time to time by resolution of the township board.
- C. On-premises signs permitted; residential and agricultural zoning districts.
1. Generally. On-premises advertising signs shall be permitted in the residential and agricultural zoning districts, subject to meeting the requirements listed in [Section 5.4.C.2](#) and [Section 5.4.C.3](#).
 2. Permitted signs.
 - i. Home occupation.
 - (1) One nonilluminated sign shall be permitted on the parcel for the purpose of advertising a registered home occupation. Said sign shall not exceed four square feet in area and may be a wall sign fixed flat against a building wall or a freestanding sign with a height of not more than four feet.
 - (2) Beauty and barbershop home occupation special land use. Signs shall be permitted, but limited to two square feet and must be affixed to the building .
 - ii. Farm enterprise.
 - (1) A farm enterprise consisting of one or more contiguous parcels shall be permitted one freestanding sign for the purpose of identifying or advertising the farm. One additional sign shall be permitted for each distinct collection of farm buildings, provided that there shall not be more than one freestanding sign on a single parcel. Freestanding signs permitted in this section shall have a display area of not more than 34 square feet, and an overall height not to exceed eight feet.



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- (2) Wall signs shall also be permitted to be placed flat against a building for the purpose of identifying the owner, operator, and/or name of a farm enterprise. Such signs shall be permitted up to a size equivalent to 1.5 square feet for each one lineal foot of wall width. Wall signs shall not extend beyond the upper wall line, onto a roof, or onto any architectural feature intended to appear like a roof.
 - iii. Housing development. Housing developments in the single-family (R-1 through R-6) zoning districts, multiple-family (M-1 through M-4) zoning districts, and mobile home park development (MHP) zoning districts shall be permitted not more than two freestanding signs per street entrance. The combined area of said signs shall not exceed 40 square feet. The overall height of the signs shall not exceed six feet.
 - iv. Institutional. Educational institutions, religious institutions, child care centers, human care facilities, cemeteries, public parks, public buildings, and golf courses and country clubs permitted in the agricultural and residential zoning districts shall be permitted one wall sign and one freestanding sign.
 - (1) The area of the wall sign shall not exceed 1.5 square feet for each one lineal foot of wall width. The wall sign may be placed flat against a building or parallel to a wall on a canopy. The wall sign shall not extend beyond the upper wall line, onto a roof, or onto any architectural feature intended to appear like a roof.
 - (2) The freestanding sign shall have a display area of not more than 34 square feet, and an overall height not to exceed eight feet.
 - (3) For public parks, public ball fields and public/private educational institutions, exterior ball field/ball diamond/recreational activity area signage may be installed on the interior facing wall or fence subject to the following requirements:
 - (a) Signs shall be permitted up to 60.0 square feet for each 100 linear feet of wall/fence length, except for the Miracle League Baseball field which will allow 150 square feet for each 100 linear feet of wall/fence;
 - (b) Signs shall not project above the top of the wall or fence;
 - (c) Signs shall only be placed on the side of the wall or fence facing the ball field;
 - (d) Signs shall be painted and/or lettered on the wall surface and shall be placed flat against the wall or fence.
- Additionally, the placement of ball field/ball diamond signage shall also include the wall dimension of any dugout area and or scoreboard area at the same ratio of 50 square feet for each 100 feet. Temporary event announcement signage on an exterior facing wall or fence may be permitted by the zoning official 30 days prior to the event and shall be removed upon completion of the event. Interior facing wall or fence ball field/ball diamond signage may be seasonal and/or permanent in nature, shall be properly maintained by the applicant, shall meet the definition of a sign in [Section 2.2](#), and shall be administratively approved with no application fee by the zoning official.
- (4) The installation of signs at all ballfields under this section will be managed via a sponsorship policy developed by township staff and approved by the township board. Fees for sponsorship shall be established through a board-approved fee schedule.



- 3. Design and placement. With the exception of home occupation signs and farm enterprise signs, all freestanding signs permitted in the agricultural and residential zoning districts shall comply with the design and placement standards for freestanding signs listed in [Section 5.4.D.7](#) and [Section 5.16](#). Freestanding home occupation signs and farm enterprise signs are required to comply with the placement standards listed in [Section 5.4.D.7.iv](#) and [Section 5.16](#).

D. On-premises signs permitted; commercial, office, and industrial zoning districts.

- 1. Wall signs. On-premises wall signs shall be permitted in the commercial, office, and industrial zoning districts, subject to the requirements of this section.
 - i. Area. Wall signs shall be permitted up to a size equivalent to 1.5 square feet for each one lineal foot of wall width. For multi-tenant structures, the allowable area for each tenant will be determined based on the outside of the walls of the unit that the tenant occupies.
 - ii. Placement. Wall signs may be placed flat against a building or parallel to a wall on a canopy. Wall signs shall not extend beyond the upper wall line, onto a roof, or onto any architectural feature intended to appear like a roof.
- 2. Freestanding signs. On-premises freestanding signs shall be permitted in the commercial, office, and industrial zoning districts, subject to the requirements of this section.
 - i. Number. One freestanding sign shall be permitted per parcel. A second freestanding sign will be permitted on a parcel if one or more of the following conditions applies:
 - (1) The parcel has frontage on more than one public street, provided there shall not be more than one sign on any single street frontage.
 - (2) The parcel has 800 feet or more continuous frontage on one public street, provided a minimum of 250 feet separates the signs.

- ii. Height. The overall height of any freestanding sign, measured from grade to the highest part of the sign structure, shall not exceed 20 feet.
- iii. Area. The maximum allowable area of the sign display area will be based upon the overall height of the sign and shall not exceed the following limits:

Height (in feet)	Area (in square feet)
10 or less	42
More than 10	24

- iv. Setbacks and design. The sign shall comply with the design and placement standards listed in [Section 5.4.D.7](#) and [8](#) and [Section 5.16](#).
- 3. Multiple business sign. Businesses on two or more adjacent parcels shall be permitted to utilize a sign identifying multiple businesses in lieu of individual freestanding signs, provided said signs comply with the standards of this section. Parcels separated by a public or private road right-of-way shall not be considered adjoining for purposes of this section.
 - i. Multiple business freestanding sign. One freestanding sign shall be permitted for the purpose of advertising all of the businesses to be served by the multiple business sign. The sign shall be placed on one of the parcels with a business advertised on the sign.
 - ii. Business identification freestanding sign. Each parcel served by the multiple business freestanding sign shall be permitted one freestanding sign for the purpose of advertising the on-premises business; provided, however, that no single parcel shall be permitted to have both a multiple business freestanding sign and a business identification freestanding sign, unless it would qualify for two signs under the criteria listed in [Section 5.4.D.2](#). A single parcel may have two business identification freestanding signs if it would qualify for two signs under the criteria listed in [Section 5.4.D.2](#).

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- iii. Height. The overall height of any sign permitted in this section, measured from grade to the highest part of the sign structure, shall not exceed ten feet.
- iv. Area. The maximum allowable area of the sign display area will be based upon the sign type and shall not exceed the following limits:

Table 5.4.D.3.iv Multiple Business Sign Maximum Sign Display Area	
Freestanding Sign Type	Area (in square feet)
Multiple business	52
Business identification	24

- 4. In the OP and IP districts, pole signs are prohibited, and no more than one wall sign shall be permitted.
- 5. On-premises signs within the POD Planned Office Development:
 - i. Entrance signs.
 - (1) One freestanding sign shall be permitted at the perimeter of the POD Planned Office Development, along a public street. A second freestanding sign will be permitted if either or both of the following applies:
 - (a) More than one frontage. The development has frontage on more than one public street, provided there shall not be more than one sign on any single street frontage; or
 - (b) Continuous frontage of 800 or more feet. The development has 800 or more feet of continuous frontage on one public street, provided both signs are placed along said frontage and are a minimum of 250 feet apart.
 - (2) Said sign shall be placed at or near the vehicular entrance to the POD Planned Office Development and shall comply with the following requirements:
 - (a) Area. The sign display area of any freestanding sign shall not exceed 42 square feet.

- (b) Height. The overall height of any freestanding sign, measured from grade to the highest part of the sign structure, shall not exceed ten feet.
- (c) Setbacks and design. The sign shall comply with the design and placement standards listed in [Section 5.4.D.7](#), except that the address number shall comply with the requirements of [Section 5.4.D.5.vi](#).
- ii. Internal identification signs. One freestanding sign or not more than two wall signs shall be permitted for the purpose of identifying each of the buildings within the POD Planned Office Development. The sign or signs authorized by this subsection shall be oriented to the internal roadways and/or parking areas within the development. The internal identification sign or signs used to identify each building shall comply with the following requirements:
 - (1) Area. The total display area of the sign or signs shall not exceed 42 square feet.
 - (2) Height. The overall height of any freestanding sign, measured from grade to the highest part of the sign structure, shall not exceed ten feet.
 - (3) Setbacks and design. A freestanding sign shall comply with the design and placement standards listed in [Section 5.4.D.7](#). The address number on a freestanding or wall sign shall comply with the requirements of [Section 5.4.D.5.vi](#).
- iii. Development signs. Not more than two wall signs shall be permitted for the purpose of identifying the development. Said sign or signs may be placed on any single building within the development. The area of any single sign authorized by this subsection shall not exceed 200 square feet; the total combined area of any two signs shall not exceed 300 square feet.

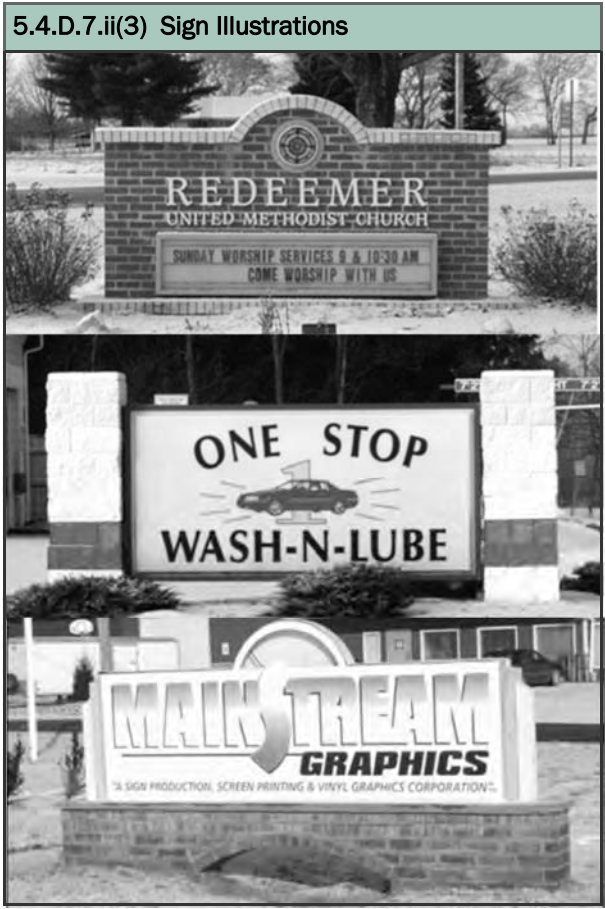


- iv. Expressway sign. One freestanding sign shall be permitted within a POD Planned Office Development having frontage on the limited access right-of-way of an expressway or expressway interchange. If such a sign is proposed, it shall be permitted in lieu of the development signs permitted in [Section 5.4.D.5.iii](#). Said sign shall comply with the following requirements:
 - (1) Area. The sign display area of the freestanding sign shall not exceed 150 square feet.
 - (2) Height. The overall height of the freestanding sign, measured from grade to the highest part of the sign structure, shall not exceed 15 feet.
 - (3) Sign structure. Support for the sign face shall be provided by a structure consisting of either a continuous base with a width equal to or greater than that of the sign face, or by two supports placed at or near the ends of the sign face. The use of a single pole to support the sign shall not be permitted.
 - (4) Width of structure. The overall width of the sign structure, as measured between the outermost extremes of the structure, shall not exceed the width of the sign face by more than 50 percent.
 - (5) Material. When designing the sign structure, the use of materials that complement and are compatible with the existing and intended character of the area is encouraged. The use of masonry as a material for the sign structure is especially encouraged.
 - (6) Placement. The expressway sign shall be placed along and orient to the limited access expressway and/or interchange. The sign shall be a minimum of 150 feet from the right-of-way of any other public road. The sign shall be setback a minimum of ten feet from the limited access right-of-way.
 - v. Illumination. Any sign permitted herein that is placed so that the uppermost part of the sign is not more than 35 feet above grade may be illuminated using either an internal or external light source. Illumination, if provided, shall be by a steady, stationary light source directed solely at the sign. The light source shall not be visible beyond the boundaries of the site or from public or private road rights-of-way.
 - vi. Address numbers. The street address number shall be provided on the entrance sign or signs, unless the buildings in the POD Planned Office Development have distinct address numbers. In the latter case, the street address number shall be provided on the internal identification signs. The street address number shall be placed on the sign face or sign structure. The individual numbers shall be a minimum of three inches in height. The overall area of the street numbers shall not count against the maximum allowable area of the sign, provided the street number area does not exceed two square feet.
 - vii. Prohibited signs. In addition to those signs mentioned in [Section 5.4.H](#), signs supported by a single pole and roof signs are specifically prohibited within a POD Planned Office Development.
 - viii. Additional regulations. The signs described in this subsection constitute all of the on-premises signs permitted within the POD Planned Office Development. Except as modified by this subsection, all additional regulations in Section regarding signs shall apply to the POD Planned Office Development.
6. The following signs pertaining exclusively to the mobile home park are permitted.
- i. One freestanding, illuminated (but not flashing or moving) sign may be located at each entrance on each street upon which the mobile home park fronts according to the following:
 - (1) Each sign shall not be larger than 40 square feet.



- (2) One temporary sign of up to 100 square feet may be permitted instead of the sign allowed under **Section 5.4.D.6.i(1)**, during construction and initial fill-up of the park; said sign being subject to the approval of the official for a designated period of time, not to exceed three years.
 - ii. Signs shall not exceed eight feet in height.
 - iii. Signs shall be located so that visibility of pedestrians or motorists, within or without the mobile home park will not be impeded. Signs purely for traffic regulation and direction are permitted as required in accordance with Rule 125.1703 of the mobile home commission rules and the recommendations of the local police department, traffic safety officer.
7. Design and placement standards.
- i. Address number. The street address number of the parcel on which the sign is located shall be placed on the sign face or sign structure. The individual numbers shall be a minimum of three inches in height. The overall area of the street numbers shall not count against the maximum allowable area of the sign, provided street number area does not exceed two square feet.
 - ii. Appearance standards. On-premises freestanding signs with a height of ten feet or less shall comply with the standards and guidelines listed in this section. The illustrations shown in this section demonstrate examples of the character and design of signs that this section is intended to encourage.
 - (1) Sign structure. Support for the sign face shall be provided by a structure consisting of either a continuous base with a width equal to or greater than that of the sign face, or by two supports placed at or near the ends of the sign face. The use of a single pole to support the sign shall not be permitted.

- (2) Width of structure. The overall width of the sign structure, as measured between the outermost extremes of the structure, shall not exceed the width of the sign face by more than 50 percent.
- (3) Material. When designing the sign structure, the use of materials that complement and are compatible with the existing and intended character of the area is encouraged. The use of masonry as a material for the sign structure is especially encouraged.



- iii. Setback requirements. On-premises freestanding signs shall comply with the setback requirements set forth in this section.
 - (1) Front yard setback. The front yard setback requirement shall apply to any side of a lot abutting a public or private road right-of-way. The minimum required setback will be based upon the overall height of the sign as indicated in the following table:

Height of Sign (in feet)	Setback from R.O.W (in feet)
10 or less	1
More than 10	25

- (2) Side and rear yard setbacks. Freestanding signs shall be placed no closer than five feet to a side or rear property line.
 - (3) A freestanding sign shall be setback from a public clear vision right-of-way or easement in accordance with the table listed in [Section 5.4.D.7.iv\(1\)](#) and the standards in [Section 5.16](#).
- v. Illumination. A freestanding sign may be illuminated using either an internal or external light source, provided illumination is provided by a steady, stationary light source directed solely at the sign, and the light source shall not be visible beyond the boundaries of the site or from public or private road rights-of way.
- 8. Coordination with landscaping. The planning commission may approve modifications to the planting requirements listed in [Section 5.12.C.6](#) through [Section 5.12.C.7](#) to ensure that existing or proposed freestanding signs will have adequate visibility, in accordance with the provisions of [Section 5.12.C.8](#).
- E. Temporary signs. Signs for use over a limited period of time shall be permitted, provided the requirements of this section are met. Such signs shall comply with the placement standards listed in [Section 5.4.D.7](#) and [Section 5.16](#), but shall be exempt from the design standards listed in [Sections 5.4.D.7.i and ii](#). Temporary on-premises signs shall be permitted in accordance with the following schedule:

Sign Use	Maximum Area (sq. ft.)	Maximum Duration	Permit Required
Residential garage sales	4	15 days	No
Sale or lease of real property	6 (single-family)	Up to 5 days after occupancy	No
	10 (multiple-family)	Up to 5 days after occupancy	No
	32 (all other uses)	Up to 5 days after occupancy	No
Building construction	20 (single-family development)	Within one year following sale of 90 percent of lots	No
	32 (multiple-family development)	Until first occupancy	No
	32 (all other districts)	Until first occupancy	No
Political signs	N/A	Up to ten days following election	No
Commercial, office, and industrial (including portable signs)	40	30 days each permit/maximum of three permits per year	Yes



F. Off-premises signs.

1. Generally. Off-premises signs, including billboards, shall be permitted only in the IL (industrial, light), IH (industrial, heavy), and IP (industrial park) zoning districts.
2. Number of Signs Permitted. Not more than one off-premises sign shall be permitted on a single parcel, provided each off-premises sign shall be spaced a distance of 2,000 feet from another off-premises sign on the same side of a street or 1,000 feet from another off-premises sign on the opposite side of the street. Said spacing shall be measured along a line parallel to the right-of-way of the road that the off-premises sign fronts on.
3. Height and area. An off-premises sign and its structure shall not exceed an overall height of 30 feet. The display area shall not exceed 300 square feet.
4. Placement. Off-premises signs shall be placed in accordance with the following:
 - i. Setback. An off-premises sign shall be set back at least 35 feet from a public or private road right-of-way.
 - ii. Adjacent residential. An off-premises sign shall not be located within 500 feet of a residentially zoned property.
5. Illumination. An off-premises sign may be illuminated, provided illumination is provided by a steady, stationary light source directed solely at the sign, and the light source shall not be visible beyond the boundaries of the site or from public road rights-of way.

G. Exemption from requirements for sign permit. The following shall be exempt from the requirement to obtain a sign permit:

1. No hunting, no trespassing signs and on-premises directional signs not exceeding four square feet in area.
2. Signs located in the interior of buildings.
3. Any identification, address, or for sale sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than two square feet in display surface; and not for the purpose of advertising a home occupation.
4. Traffic control or other municipal signs such as, but not limited to, directional signs placed in rights-of-way, legal notices, railroad crossing signs, danger and other temporary emergency signs.

5. Memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible material.
6. Flags bearing the official design of a nation, state, municipality, educational institution and/or organization.
7. Change of copy on any sign designed for periodic changes, such as message board signs and billboards.
8. Signs located on the premises of a farm that identify and advertise seed, fertilizer, herbicide, pesticide, feed, feed supplements, livestock, or agricultural test plots that do not exceed six square feet in display area.
9. Historical markers describing designation by a state or federal agency of a historic site or structure that do not exceed 18 square feet. Such signs shall include, but not be limited to, Michigan Centennial Farm signs.
10. Family names, farm names, or agricultural icons, such as farm implements, livestock, or field crops, patterned in the roof shingles of a farm structure.
11. Temporary political signs.
12. Municipal signs and/or municipal sponsored art that advance a governmental purpose such as but not limited to improving the community aesthetic character, place-making, or promoting a community message that adds community value subject to administrative approval by the Planning Department.
13. Temporary signs promoting public community oriented events that add value to all community members that will be utilized for a period not to exceed 15 days for said event shall, with administrative approval by the planning department, not require sign permits, provided they are placed the required distances from the road right of way as required by [Section 5.16](#) of the zoning ordinance. The planning department shall advise of required setback requirements at the time of administrative review of the size of and type of sign proposed. Off premise signs qualifying under this section are permitted.



H. Prohibited signs.

1. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads.
2. Signs which make use of words such as stop, look, danger, go slow, caution, yield, warning, or similar words used in traffic control which may interfere with, mislead or confuse traffic.
3. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, constitutes a hazard to safety and health, or those not kept in good repair.
4. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
5. Any sign or other advertising structure containing any obscene, indecent or immoral matter.
6. Any sign unlawfully installed, erected or maintained.
7. Signs having flashing red, blue or high intensity strobe-type lighting.
8. Electronic message signs, except those complying with all of the following:
 - i. The sign shall not utilize any scrolling or moving text or images.
 - ii. The message shown on the sign shall remain fixed for a period of not less than 15 seconds.
9. Any sign installed prior to the effective date of the ordinance from which this chapter is derived, without a sign permit, when in fact said prior ordinance did require a sign permit.
10. Billboards used for on-premises advertising.
11. Roof signs erected after the effective date of the ordinance from which this chapter is derived.

12. Any sign mounted on a vehicle parked on private property or within a public right-of-way when the vehicle is parked for the purposes of display (except for sale signs pertaining to that specific vehicle).

13. Any sign not expressly permitted.

I. Maintenance. All signs and sign structures which have been allowed by the issuance of a sign permit shall be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit, be kept and maintained in a safe condition, and at all times conform to the provisions of this section.

J. Existing signs. Any sign legally in existence on the effective date of the ordinance from which this chapter is derived shall be permitted to remain and be maintained, provided the following requirements are met: .

1. Structurally changing, altering, enlarging, etc., of signs prohibited. The structures, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resulting changed, altered, substituted, or enlarged sign conforms to the provisions of this section. This section shall not be construed to prohibit the changing of a sign face, provided the replacement sign face is of the same size and dimensions of the existing sign face and no structural modifications will be required on the existing sign structure to accept the replacement sign face. In addition, an existing sign shall not be relocated unless the relocated sign conforms to the provisions of this section.

2. Restoration of damage. Any legal nonconforming sign damaged by fire, explosion, act of God, or other accidental causes may be restored, rebuilt, or repaired, provided that the estimated expense of reconstruction does not exceed 30 percent of the replacement cost thereof, as determined by the zoning official.



3. Discontinuance or abandonment. Whenever the activity, business, or use that an on-premises sign advertises or relates to has been discontinued for a period of 90 days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming on-premises sign. At the end of this period of abandonment, the nonconforming sign shall either be removed or altered to conform to the provisions of this section. This section shall not be construed to prohibit replacement of a sign face for an individual tenant on a sign that advertises multiple tenants.

It is the intent of this section that nonconforming signs shall be eliminated upon their deterioration or accidental destruction.

K. Appeals. Appeals to the requirements of this section shall be considered pursuant to the requirements set forth in [Section 7.9](#).

5.5 SITE LIGHTING

A. In all parking areas, except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. The following standards shall apply:

1. Such lighting shall not exceed an intensity of five (5) foot candles nor shall it be less than one and a half (1.5) foot candles.
2. Exterior lighting shall be designed, located, constructed, and maintained to minimize light trespass from the subject site to adjacent property.
 - i. The average horizontal illumination level on the ground shall be between the ranges of one and a half to five (1.5-5) foot candles.
 - ii. The light level along the property line adjacent to a residentially used or zoned property shall not exceed one foot candle.
3. Lights greater than fourteen feet in height shall have fully shielded, recessed lamps directed downward to prevent glare and reflection above the horizontal ground plane. Non-shielded exterior lighting shall not exceed fourteen feet above grade and shall not be more than 4,000 lumens per fixture.

4. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

B. **POD Site Lighting Plan.** A site lighting plan shall be provided for the POD Planned Office Development. The site lighting plan shall include the proposed locations of the outdoor lighting fixtures, profile photos or drawings of the proposed fixtures, technical specifications for the proposed fixtures, and a photometric drawing. The plan will provide for adequate illumination for safety, security, and visibility, while minimizing the detrimental impacts of outdoor lighting. The plan will recommend the type and placement of fixtures that reduce sky glow, eliminate unnecessary illumination and light trespass onto adjacent properties. At a minimum, site lighting shall comply with the following requirements:

1. Fixtures located within 150 feet of a property in the A Agricultural or any residential zoning district shall not exceed a height of 20 feet.
2. No fixture shall exceed a height of 40 feet.
3. Lighting shall be shielded to reflect away from surrounding properties and adjacent roads and streets.

C. **In the IP and OP districts,** all pole-mounted lighting, including street lights, shall be limited to fixtures no higher than 20 feet. All outdoor lighting shall be shielded to reduce glare and shall be directed so as not to interfere with the vision of persons on adjacent roadways or properties. Lighting along the periphery of parking areas shall be located within the landscaped yards. The planning commission will review the lighting plans for consistency in height, style and color with adjacent sites and to the overall development.

D. **In the IP and IL districts,** exterior lighting shall be so installed or as far as practical to reflect light away from any residential use, and in no case shall more than one footcandle power of light cross a lot line five feet above the ground in a residential district.



5.6 SOLID WASTE MANAGEMENT

- A. In the M-1 through M-4 districts and planned unit developments, a satisfactory solid waste disposal system shall be designed in accordance with the following and approved with the site plan:
1. Solid waste dumpsters. Trash dumpsters, if used, shall be located throughout the development to facilitate the temporary collection of trash. All dumpsters shall be easily accessible to the dwelling units served. Dumpsters shall be covered and screened from public view with a solid screen constructed on four sides.
 2. Solid waste compactors. Trash compactor, if used, shall be placed in easily accessible locations in the development.
 3. Individual solid waste containers. Individual solid waste containers are prohibited.
 4. Litter. Litter shall be collected regularly and the grounds shall be kept neat and orderly in appearance.
- B. In the OP and IP districts, trash containers shall be screened on four sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials in the site development. The location of the dumpster or other trash container, unless specific exception is provided by the planning commission, shall be adjacent to the building.
- C. In the POD district, trash containers shall be screened from public view. Trash containers and enclosures shall be placed so that their visibility from adjacent properties is minimized. The applicant shall submit a solid waste management plan that utilizes innovative management procedures, such as recycling. The plan shall be coordinated with the county solid waste management plan to effectively manage and minimize the solid waste generated on site.

5.7 LAND APPLICATION OF WASTE AGRICULTURAL PRODUCE AND MUNICIPAL YARD WASTE

- A. The application of waste agriculture produce such as onions, potatoes, carrots, etc., and municipal yard waste such as leaves and grass clippings to the land shall only be permitted when the horizontal distance from the applied waste is 200 feet or more from homes, commercial buildings, or recognized bodies of water or streams, and the slope of the land on which the application occurs is no greater than six percent. The application of the waste not indigenous to the farm operation shall be done at a uniform rate and the waste shall be mixed with or tilled into the soil within 48 hours of the application unless the soil is frozen or the building inspector otherwise waives this provision on the basis of inclement weather conditions.
- B. The normal and customary practice of spreading or applying commercial fertilizers, organic fertilizers such as manure or previously processed soil conditioners shall not be deemed regulated by the provisions of this section.
- C. Notwithstanding the contents of this section, no application of any materials shall be permitted is such application would be in violation of any state or federal rule, regulation, or law.

5.8 UTILITY INSTALLATION

- A. In the MHP district, all utilities shall be installed underground.
- B. In the POD district, all utilities shall be installed underground or within an approved structure.

5.9 LOADING SPACES

- A. Generally.
1. Loading space required shall be additional to off-street parking space as required herein and shall not be considered as part of off-street parking space.
 2. Access. Access to a standing, loading, or unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering as well as adequate ingress and egress to and from a street or alley.

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- 3. Site requirements. Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets. Where off-street loading adjoins or abuts premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a solid fence or wall not less than five feet in height, between the off-street loading space and the adjacent premises.
- B. **In the IP district.** Subject to the additional provisions of this section loading areas may be located in side or rear yards; however, side yard loading areas shall not face public or private streets outside of the industrial park district and shall be screened from view within the front yard where practical through the use of berms, landscaping and/or screening walls.

5.10 OFF-STREET PARKING

- A. Intent of parking provisions.
 - 1. It is the intent of this section that parking spaces and off-street parking and loading areas shall be provided and adequately maintained in perpetuity by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premises constructed, altered or enlarged under the provisions of this section. All vehicles shall preferably be stored on the premises occupied by the principle building, but may be stored on premises located outside the premises within specifically limited walking distances as specified in [Section 5.10.H](#).
 - 2. The standards for parking requirements by use as provided herein are minimum standards only. Requirements for parking under these provisions shall never be less than the minimum required, however, as the intent of this section is to ensure adequate parking for all uses in all districts, if actual needs for parking are determined to be higher or exceed the minimum guidelines, then the higher requirement that meets actual needs shall prevail and be required to be met.

- B. Fractional spaces. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- C. Requirements for a use not mentioned. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply.
- D. Use of parking areas.
 - 1. No commercial repair work, servicing, or selling of any kind shall be conducted in any parking area. Parking space shall be used only for the parking of vehicles, used to service the establishment to which it is accessory, and by its patrons.
 - 2. Furthermore, there shall be no residential parking or storage of commercial vehicles, except one per residential dwelling, not to exceed one ton rated load capacity.
- E. Building additions or other increases in floor area. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premises use, additional parking shall be provided and maintained in the proper ratio to the use change increase in floor area or capacity.
- F. Joint use of parking areas. The joint use of parking facilities by two or more uses may be granted whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
 - 1. Computing capacities. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 - 2. Record of agreement. A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the county registrar of deeds. The agreement shall include a guarantee for continued use of the parking facility by each party.



G. Number of required off-street parking spaces. The number of required off-street parking spaces in all districts for every use shall be provided in accordance with the following standards, except that if it is determined that the nature of a particular use for the actual need for parking spaces is higher or exceeds the minimum standard set herein, the parking to meet that higher actual need shall be met:

5.10.G Minimum Off-Street Parking Requirements	
Use	Required Parking Spaces
Residential	
One and two family dwellings	2 spaces per unit
Multiple-family dwellings	1.5 spaces per 1 bedroom unit or 2 spaces per 2 or more bedroom units
Rooming houses or fraternities	2 spaces per bedroom or for every 2 occupants of the structure, whichever is greater
Mobile home park	<p>2.25 spaces per mobile home site. (In Parking Standards)</p> <ul style="list-style-type: none"> ■ Each mobile home site shall have two parking spaces either in tandem or side-by-side. (In Mobile Home District Section) ■ If parking lots are developed, two spaces will be provided per mobile home unit the park is designed to accommodate. ■ One visitor parking space shall be provided for every three mobile home sites constructed. ■ Adequate parking for an office shall be provided on the basis of one space for each 200 square feet of office floor area.
Assisted living, adult foster care facilities or similar uses	1 space for every 4 beds, plus 1 space per health professional and one additional space for every 4 employees
Institutional (see table notes)	
Hospitals	3 spaces per bed
Auditoriums, churches, stadiums, gyms, theaters, lodge halls, meeting halls, and community center	<ul style="list-style-type: none"> ■ With fixed seating 1 space per 4 seats ■ Without fixed seating 1 space per 200 square feet of floor area
Elementary and junior high schools	1 space per employee plus the provisions of (9) in this table where the school contains an auditorium, stadium or gym
High schools and colleges	1 space per employee, plus one space for every 5 students, plus the provisions of (9) in this table where the school contains an auditorium, stadium or gym
Libraries, museums, post offices	1 space for every 800 square feet of floor area, plus 1 space for every 4 employees
Parks that contain athletic fields (soccer, baseball, basketball, courts, etc.), outdoor group areas, children play areas/	5 spaces per acre of recreation area
Commercial / Office / Service Uses (see table notes)	
Multipurpose recreational facilities containing two or more of the following on one site: mini golf, batting cages, arcade, bumper boats, go carts, and golf driving ranges	1.5 spaces per hole, plus 1 space per 100 square feet of floor area, plus 10 vehicles per acre of recreation area
Athletic clubs or gyms offering comprehensive athletic facilities typically involve one or more of the following: tennis, racquetball, basketball, swimming pool, rock climbing, exercise gym, etc.	1 space per 200 square feet of floor area, plus 4 spaces per court

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5.10.G Minimum Off-Street Parking Requirements (continued)

Use	Required Parking Spaces
Commercial / Office / Service Uses (see table notes)	
Health/ fitness clubs primarily focus on individual fitness or training and typically provide exercise classes, weightlifting, fitness and gym equipment, spas, locker rooms, etc.	1 space per 200 square feet of floor area
Golf courses and country clubs	4 spaces per hole, plus 1 space per employee. Additional spaces as required for each accessory use, such as a restaurant or bar.
Stadiums and sport arenas	1 space for every 4 seats
Dance halls, pool and billiard rooms, exhibition halls, roller rinks	1 space per 100 square feet of floor area used for dancing or assembly
Bowling alleys	3 spaces per lane, plus 1 space per employee
Mini golf or par 3 courses	3 spaces per hole, plus 1 space per employee
General offices, professional offices and banks	1 space per 250 square feet of floor area
Clothing, furniture, appliance, hardware, auto, machinery sales, shoe repair, personal services (non-beauty/ barber) wholesales	1 space per 250 square feet of floor area
Beauty/barber shop	2 spaces per beauty or barber chair
Supermarket, self-service food store	1 space per 200 square feet of floor area
Restaurants, cafeterias, taverns, sports bars	1 space per 75 square feet of floor area
Auto service and repair garages	3 spaces per repair and service stall, plus 1 space per employee
Oil change and aftermarket auto accessory stores	1 space per bay or work station, plus 1 space per employee, plus 1 space per 200 square feet of retail or waiting room area
Convenience stores and gas stations	1 space per 150 square feet of floor area
Drive-thru restaurants	1 space per 100 square feet of floor area, plus 1 space for every 3 seats
Drive-in banks, cleaners, and similar	1 space per 250 square feet of floor area
Pharmacy/drugstore with drive thru	1 space per 350 square feet of floor area
Retail stores except as otherwise specified	1 space per 200 square feet of floor area
Funeral homes and mortuaries	1 space per 25 square feet of floor area of chapel or assembly rooms
Hotel, motel, and bed and breakfast	1 space per sleeping unit, plus 1 for every 5 employees
Race tracks	30 stacking spaces shall be provided on the premises for vehicles



5.10.G Minimum Off-Street Parking Requirements (continued)	
Use	Required Parking Spaces
Commercial / Office / Service Uses (see table notes)	
Child care centers	2 spaces, plus 1 space for each 8 children in the licensed capacity of the facility
Motor vehicle cleaning and carwashes	<ul style="list-style-type: none"> ■ A minimum of two waiting spaces, each ten by 20 feet in dimension, shall be provided on the site for each self-washing stall ■ Ten waiting spaces shall be provided for each automatic automobile wash facility .
Walk-in clinics, urgent care, emergency clinics, dentist and similar uses	3 spaces per health care professional, plus 1 space for each additional employee
Industrial (see table notes)	
Industrial or manufacturing establishments, including research and testing labs, creameries, bottling works, printing and engraving shops	1 space per employee or 1 space per 400 square feet of useable floor area for employee work areas, whichever is greater
Warehouses and wholesale or bulk storage facilities	1 space per 4,000 square feet of floor area
Table Notes	
Employee count shall be based on peak shift period. Principal uses that have ancillary functions as part of the development shall adhere to parking requirements for each individual use such as a hotel with a conference center, which would adhere to hotel parking standards in addition to auditorium requirements.	
Parking needs may be considered based on the actual number of employees and the actual number of motorized and non-motorized equipment that will be kept on the premises. Equipment not used for transportation purposes, but transported on other equipment and used to perform off-road activity i.e., bulldozer or backhoe, shall not be required to be provided with paved parking area.	

- H. Location of parking areas. All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the exception of the following:
1. Uses in BC Districts: parking on the premises or within 500 feet.
 2. Uses in IL Districts: parking on the premises or within 800 feet.
 3. Uses in IH Districts: parking on the premises or within 1,000 feet.
 4. Public and quasi-public buildings, places of assembly, private clubs, associations and institutions: parking on the premises or within 500 feet.

- I. Parking lot plan review. Whenever four or more vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the official before a building permit can be issued. Such plans and specifications shall indicate the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.



- i. Site development requirements. All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.
 - 1. A minimum parking area shall be ten feet by eighteen feet for each parking space, however a reduction of up to two feet of depth for overhang may be allowed when abutting landscaped areas subject to Planning Commission and/or Planning Official approval to ensure safe circulation; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress..
 - 2. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
 - 3. Adequate ingress and egress to the parking areas by means of clearly limited and defined drives shall be provided.
 - i. Except on property in use for single-family and two-family residential purposes, drives for ingress to and egress from parking areas shall be not less than 24 feet wide and located to secure the most appropriate development of the individual property.
 - ii. Each entrance to and exit from any off-street parking area shall be at least 25 feet from any adjacent lot within a residential district.
 - 4. Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

5.10.J.4 Minimum Requirements for Off-Street Parking Layout			
Parking Pattern	Maneuvering Lane Width ¹ (Feet)	Parking Space Width (Feet)	Parking Space Length ² (Feet)
30 to 53 degrees	12	10	18
54 to 74 degrees	15	10	18
75 to 90 degrees	24	10	18

¹All maneuvering lane widths shall permit one-way traffic movement, except for the 90-degree pattern which may provide for two-way traffic movement.
²A reduction of up to two feet of depth for overhang may be allowed when abutting landscaped areas subject to Planning Commission and/or Planning Official approval to ensure safe circulation.

- 5. Whenever four or more vehicle parking spaces are required by ordinance, the parking areas and drives providing ingress and/or egress to the parking area shall be paved with asphalt, concrete, or alternative materials such as permeable paving surfaces as approved by the Planning Commission and/or Planning Official as well as the Township Engineer when deemed necessary. Parking surfaces shall be graded to provide adequate drainage. The determination of compliance for parking areas falling under the provisions of this section shall require submission of a site plan demonstrating compliance with all the provisions of this section and shall include a schedule, not to exceed one year for the completion of an off-street parking area as required herein.
- 6. Where a parking area with a capacity of four or more vehicles adjoins a residential district, a planted buffer strip at least ten feet wide shall be provided between the parking area and the adjoining property, and a fence or wall no less than four feet in height shall be erected.
- 7. At least six bicycle parking spaces shall be provided for all new developments with the exception of single and two family residences. A bicycle parking space means a location to allow for the temporary placement of a bicycle. This means an area designated for bicycle parking which includes the use of bicycle rack(s) or bicycle locker(s), or equivalent type of structures that permit bicycles to be secured or locked. Bicycle parking spaces shall be located in an area that is visible, safe, and convenient with adequate lighting provided. Bicycle parking spaces shall be located to maximize accessibility to building entrances or be located within a building area that is accessible to the public.



8. **In the MHP district.** If on-site vehicle parking is provided, it shall be in compliance with the following:
 - i. If in tandem, the width shall not be less than ten feet, and the combined length shall not be less than 40 feet. If side-by-side, the combined width of the two parking spaces shall not be less than 19 feet and the length shall be 20 feet. In either method, the length shall be measured from the curb or inner walkway edge.
 - ii. A parking space shall be hard surfaced and constructed in compliance with Public Act No. 8 of 1973 (MCL 125.1361).
 - iii. No parking shall be permitted on any street or access way.
 - iv. The on-site parking of recreation vehicles, such as campers, trailers, boats and the like shall be prohibited.
 - v. An area may be designated within the park for the defined purpose of parking for recreation vehicles, such as campers, trailers, boats and the like.
 - vi. Parking lots. Where parking is not provided on individual mobile home unit lots, parking lots shall be provided.
 - vii. Parking lots shall be designed and located so that they are within 300 feet of the units served.
 - viii. All parking lot surfaces shall be maintained in good repair.
9. **In the BL district,** all parking and loading requirements shall be satisfied within the rear or side yard areas. Whenever a side or rear yard is used for parking and abuts a residential district, a masonry wall or solid fencing at least four feet high shall be placed along such boundary lines.
10. **In the BC district,** all yards abutting residential districts and yards used for parking abutting a residential use shall be required to install solid wood fencing or a masonry wall at least four feet high along such common lot line.

- K. Reduction, modification, waiver.
 1. Reductions, modifications, and waivers to the off-street parking or loading regulations provided in this section may be considered when it can be demonstrated that circumstances of practical difficulty exist that would result in hardship to the applicant. Hardship shall not be deemed economic only, but shall be evaluated also in terms of the use of a particular parcel of land. Certain amenities or on-site features will allow an applicant to receive up to a ten percent (10%) reduction for each category for reductions to the current parking standards as provided in this section. In no case shall the off-street parking or loading standards be reduced by more than thirty percent (30%). Upon receipt of written evidence and supporting documentation by a property owner or applicant, the Planning Commission or Planning Official may authorize a reduction, modification or waiver provided that certain amenities are provided on-site that would reduce the demand for automobile parking based on the following:
 - i. Public spaces that include seating areas with landscaped features
 - ii. Bicycle parking above the minimum requirement, one (1) parking space eliminated per three (3) bicycle spaces provided.
 - iii. If the site is within 500 feet from a transit shelter
 - iv. If the site is adjacent to or across the street from a pathway that is designed for bicycle travel or a designated bike lane.
 - v. Shuttle services provided on site
 - vi. Cross access agreement
 - vii. Showering & locker room facilities provided for individuals that walk or bike to work as an incentive to promote non-motorized transportation as part of the business practice.
 2. The foregoing shall not apply to proposed reductions of the off-street parking and loading requirements for projects located within a POD (planned office development) district. Proposed reductions within said district shall be reviewed in accordance with the procedures described in [Section 3.36.C.5](#).

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L. Maximum or capped parking ratios

1. For properties or uses requiring more than fifty (50) parking spaces, parking maximums or capped ratios shall apply. A property may be allowed up to a twenty percent (20%) increase above the minimum parking lot space requirement by right. However, for each parking space above the twenty percent (20%) threshold, twenty (20) square feet of land area shall be provided for internal landscaping for each additional space. In addition, rain gardens and/or bio-retention areas shall be installed within parking areas on site to reduce storm water runoff.
2. For parking requests that exceed the twenty percent (20%) threshold, certain amenities or on-site features that enhance aesthetics, pedestrian safety, or environmental impacts will be necessary and parking can be increased as follows:
 - i. Public Space and Amenities on site (Up to 10% Increase)
 - ii. Increased Landscaping along road right-of-way (Up to 20% Increase)
 - (1) Enhance bufferyard type by one level (5%)
 - (2) Enhance bufferyard type by two levels (10%)
 - (3) Enhance bufferyard type by three levels (15%)
 - (4) Enhance bufferyard type by four levels (20%)
 - iii. Internal Pedestrian Circulation (Up to 10% Increase)
 - (1) Safe separation from Automobile traffic (5%)
 - (2) 8 foot wide walkway around buildings (5%)
 - iv. Pedestrian Scale Lighting through Parking Areas (Up to 10% Increase)
 - v. Electric Vehicle Charging Stations provided on site (Up to 20% Increase). For each charging station provided, 5% shall be awarded
 - vi. Permeable Paving Surfaces accounting for at least 10% of the total parking area (Up to 10% Increase)

3. Under unique circumstances that create a practical difficulty, if a particular use necessitates the need for more than fifty percent (50%) above the minimum number of required off-street parking spaces that is specified in [Section 5.10.G](#), the Planning Commission or Planning Official may authorize an increase above the fifty percent (50%) threshold based on a demonstrated need from a parking study that is conducted by a certified design professional.
- M. Parking deferment.
1. The purpose of this section is to eliminate unsightly expanses of unused paved areas, unnecessary levels of accelerated storm water runoff, excess radiated heat from paved surfaces, and the premature loss of open space by permitting such uses to develop with reduced numbers of constructed off-street parking spaces while retaining additional site area for possible future off-street parking use, where appropriate.
 2. The following provisions apply:
 - i. For uses requiring a special use permit, other than multiple-family projects, the Planning Commission, or the Township Board on appeal, may defer the construction of a portion of the required off-street parking during its review of the application for a special use permit, provided the requested deferment complies with the standards of this section.
 - ii. For uses subject to site plan review only, the Planning Commission and/or Planning Official, subject to appeal to the Zoning Board of Appeals, may defer the construction of all or part of the required off-street parking during the review of the application for site plan review, provided the requested deferment complies with the standards of this section.
 - iii. Where a parking construction deferment is requested, the applicant shall submit the following information with the application for a special use permit or site plan review:
 - (1) A written statement describing the characteristics of the proposed project that justify the requested parking deferment.



- (2) The site plan submitted with an application for a special use permit or site plan review for the property shall indicate all required parking, parking lot landscaping, and other information necessary to determine compliance with all requirements of this section. The site plan shall also indicate that area where parking construction will be deferred, the number of parking stalls for which deferment is proposed, and the number of parking stalls to be constructed. The site plan will note that the area where parking will be deferred is to be reserved for future parking, will be maintained as landscaped open space, and may not be used for any other purposes.
- iv. Areas of land where parking construction has been deferred shall be landscaped and maintained with grass or other acceptable plant materials. If that area is not disturbed during construction, it may, with the approval of the Planning Commission, or Planning Official for site plan review only, be maintained in its natural vegetative condition existing prior to development, provided the natural vegetation is in keeping with the general appearance of the area.
- v. Seasonal overflow parking may be permitted in reserved areas where open-cell grass pavers, or other engineered surfaces capable of maintaining grass growth and supporting vehicles, are used. Use of seasonal overflow parking areas shall not exceed fifteen cumulative days in one year.
- vi. Areas where parking construction has been deferred shall not be used to satisfy interior landscaping, buffer, pervious surface, or storm water retention or detention requirements of this section or other agency having jurisdiction.
- vii. That portion of the proposed parking lot which will be constructed shall be landscaped to comply with the parking area landscaping requirements of this section as applied to a parking lot of the size actually constructed.
- viii. In addition to the requirements in [Sections 5.10.M.2.i through vii](#), approval for deferment of parking lot construction shall be granted only upon finding that the proposal will provide adequate off-street parking for the proposed use.
- ix. In approving a parking deferment, the Planning Commission or Planning Official, or the Township Board or Zoning Board of Appeals on an appeal, may prescribe such conditions regarding the character, location, landscaping, and other features that will secure the objectives and purposes of this section.
- x. The approved parking deferment and any conditions related to such deferment shall be described in a parking construction deferment agreement between the Township and the applicant and recorded with the county register of deeds. The parking construction deferment agreement shall include a provision that grants the Township a license to enter the subject property and construct the deferred parking at the property owner's cost if the property owner refuses or neglects to construct the deferred parking as directed by the Township and a provision that the cost for such construction may be added to the tax roll as permitted by law.
- xi. The owner of property for which a parking deferment has been granted shall submit any request to increase or change the use or occupancy of the property to the Planning Official prior to such increase or change. If the Planning Official determines that the increased or changed use may affect the property's parking needs, a request to review the parking deferment shall be submitted to the Planning Commission in accordance with [Section 5.10.M.2.ii](#). The Planning Official may approve a request to increase or change a use subject to site plan review in accordance with [Section 5.10.M.2.ii](#). Any changes in the approved parking deferment shall be incorporated in a recorded agreement as provided in [Section 5.10.M.2.x](#).



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- xii. The owner of property for which a parking deferment has been granted may, at his discretion, construct all or part of the deferred parking if the need arises.
- xiii. The Township shall require the full or partial construction of the deferred parking upon a determination of an ongoing demonstrated need for additional parking or a violation of the terms and conditions of the parking construction deferment agreement. An ongoing demonstrated need for additional parking shall include, but not be limited to, inadequate parking on the site for more than three hours or more for 15 days in a thirty-day time period.
- xiv. A violation of a parking deferment agreement or failure to construct the required parking as ordered shall be considered a nuisance per se.

N. Snow storage

1. Snow storage areas shall be identified on a Site Plan and have a minimum dimension of five feet by ten feet area to accommodate snow piling from plow trucks. For every parking space, five square feet of snow storage shall be provided in a defined area on site. Snow storage areas shall be directed away from public streets and other areas where motorist or pedestrian sight distance and continuous landscape screening are essential.
2. Sodded areas or portions of landscaped areas may be identified for snow storage with plant material selected accordingly. Where overflow parking or bio-retention areas are provided, these areas may be used for snow storage.
3. For hard surfaced areas that will be utilized for snow storage, it is strongly encouraged to have permeable paving to retain snowmelt on-site. Snow storage shall not occupy more than ten percent (10%) of the parking spaces on site. If snow storage exceeds ten percent (10%) of the parking area, appropriate measures shall be taken by the property owner to remove the snow from the site to be disposed of properly. All snow storage contained on site shall not block or limit driveway aisle circulation.

O. Parking restrictions.

1. Parking on unpaved open space is prohibited in Agricultural or R1-R6 zoned properties except within a paved or gravel driveway that occupies no more than thirty-five percent (35%) of the total area of the front yard. Parking of automobile vehicles within the front yard open space area may be allowed on a temporary basis for special occasions for a period not to exceed forty-eight hours.
 2. Within the R1-R6 zoning districts, no mobile homes, tent and travel trailers, motor homes, boats, snowmobiles, trailers, and the like shall be parked or stored in an open space area closer to the road right of way than the principal building or in an exposed side yard of a corner lot of a residential district in excess of forty-eight hours in a seven-day consecutive period.
 3. Objects identified in 2 shall not be located closer than five feet from a side yard or rear yard lot line. An exception to the front yard open space area requirement may be granted by the Planning Department to properties that do not have a large enough open area to locate vehicles to maintain a five foot setback between the side property line and the principal structure on the property. In these cases, recreation vehicles that cannot reasonably fit in the rear or side yard area may be parked closer to the road right of way than the principal building.
 4. No parking space may extend into a public right-of-way. These provisions are designed to ensure emergency vehicles access to structures and to maintain the character of existing neighborhoods.
- P. Adequate stacking spaces shall be provided to assure that waiting vehicles do not extend into a public right-of-way. Each stacking space shall be a minimum of ten feet wide by 20 feet deep. Where one drive-through lane will be utilized, a minimum of four off-street stacking spaces shall be provided. Where more than one drive-through lane is proposed, a minimum of three off-street stacking spaces shall be provided for each drive-through lane. The space at the drive-through window or transaction point shall be counted as one of the required stacking spaces.



5.11 COORDINATED ACCESS

In order to promote efficient use of thoroughfares and to decrease hazardous conditions, the following regulations shall apply to a use allowed in the BL and BC Districts which abut a state trunk line or a county primary road.

- A. An access road shall be provided within the required front yard setback area. Location, placement, width, means of ingress and egress of this required access road shall be determined by the township planning commission. This requirement may be waived in whole or part at the discretion of the planning commission.
- B. Owners of all property shall submit to the township a properly executed and witnessed license agreement which gives the township board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the township board a safe and efficient movement of traffic. The said license shall be recorded in the office of the county registrar of deeds. Acceptance of the said license shall, in no way, obligate the township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the township board to build, repair, maintain or close the said service roads and/or parking area. The intent of this subsection is to allow the township to enforce its traffic ordinances, on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.

5.12 LANDSCAPE AND BUFFER YARDS

- A. Intent and purpose.
 - 1. The intent of this section is to assist development proposals in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas.
 - 2. The objectives and primary functions of landscaping are both utilitarian and aesthetic.
 - i. The utilitarian aspects and effects of good landscaping design include:
 - (1) The screening of lighted areas and unattractive features.
 - (2) The prevention of glare from buildings, cars and other sources.

- (3) The control of air pollution by the absorption of noxious gases and the release of oxygen.
 - (4) The reduction of noise and the stabilization of soils.
 - (5) Decreased wind velocity and increased surface water retention.
 - (6) The definition of access and circulation.
 - ii. The aesthetic functional aspects and effects of good landscape design include:
 - (1) The enhancement or the focusing of attention toward a feature (building, main entrance, sign, etc.).
 - (2) The provision of visual relief from monotonous features such as building walls, large parking lots and streets.
 - (3) The adding of natural color and the attraction of wildlife.
- B. Landscaping; general. Unless specifically waived by the planning commission all uses, except single-family residential and agricultural, shall be landscaped in accordance with a plan and specifications approved by the planning commission. The entire site not devoted to floor area, parking, accessways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the zoning official.
 - 1. Landscaping shall be installed within 90 days of completion of the building or structure, or unless permitted in writing by the zoning official in accordance with provisions of **Section 7.5.F**.
 - 2. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
 - 3. Adequate watering systems shall be provided on private property to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.

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- 4. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.
- 5. For the purpose of this section, a corner lot is considered as having two front yards and the appropriate landscaping shall be provided for both.
- 6. The extensive use of cobble stone, crushed stones or other nonliving material as a ground cover is discouraged.
- 7. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

C. **Buffer yard requirements.**

- 1. When buffer yard requirements apply. Buffer yard requirements shall apply to all new development within the township. The buffer yard requirements shall also apply to all expansions, renovations, or alterations which increase the size of an existing structure or building cumulatively by at least 20 percent of its gross floor area as of August 19, 1991.
- 2. The table in subsection (d) of this section indicates the minimum buffer yard required between developments based upon zoning or road classification. In reading the table the following shall apply:
 - i. The left-hand column identifies the type of proposed development. If the proposed development is a special use or is proposed to be a PUD, the planning commission shall determine which buffer yard is required along abutting property lines, based upon the character of the proposed use in relationship to the proposed location and adjacent use.
 - ii. The top column relates to the zoning district and street adjacent to the proposed land use.
 - iii. The letter designations contained [Section 5.12.C.4](#) of this section refer to the requirements and standards contained [Section 5.12.C.5](#).

- 3. Buffer yard requirements are stated in terms of width of the buffer yard and the number of plant units required per 100 linear feet of buffer yard. The type and quantity of plant materials required by each buffer yard, and each buffer yard option are specified in this section. The normal location of a minimum buffer yard width as specified in [Section 5.12.C.5](#) shall be along and at the perimeter of a site's lot lines, unless the same is found to be in direct conflict with underground utility installations. Where conflict occurs with utilities, administrative approval may be granted to allow the buffer to be placed just inside the normal buffer yard location along exterior lot lines.



4. Buffer yard requirements, shall be as follows:

5.12.C.4 Buffer Yard Requirements													
Proposed Land Use	Adjacent Land Use / Zoning District												
	A	R-1 to R-6	M-1 to M-4	MHP	PO	BL	BC	BSC	IL	IH	IP	OP/POD	Street
A	1	1	1	1	1	1	1	1	1	1	1	1	1
R-1–R-6	1	1	1	1	1	1	1	1	1	1	1	1	1
M-1–M-4	B	B	B	B	B	B	B	B	B	B	B	B	B
MHP	2	2	2	2	2	2	2	2	2	2	2	2	2
PO	B	B	B	B	A	A	A	A	A	A	A	A	A/B ³
BL	B	B	B	B	A	A	A	A	A	A	A	A	A/B ³
BC	B	B	B	B	A	A	A	A	A	A	A	A	A/B ³
BSC	E	E	B	B	A	A	A	A	A	A	A	A	A/B ³
IL	D	D	D	C	C	C	C	C	A	A	B	C	E
IH	D	D	D	C	C	C	C	C	A	A	B	C	E
IP	D	D	D	C	B	C	C	C	A	A	B	C	E
OP/POD	C	C	C	C	B	C	B	B	B	B	B	C	D

Notes to Table

1– No buffer yards required unless specified as a special or conditioned use.
 2– See [Section 5.12.C.9](#)
 3– If located on a state or federal highway.

5. Quantity of plant materials in buffer yards (per 100 linear feet), shall be as follows:

5.12.C.5 Quantity of Plant Material Required per 100 Linear Feet of Buffer Yard					
Required Buffer Widths and Plant Types	Type of Buffer Yard Required				
	A	B	C	D	E
Minimum width of buffer yards	5	10	20	30	40
Deciduous canopy tree	1	2	2	3	4
Deciduous ornamental tree	1	4	2	6	6
Shrubs (deciduous or evergreen)	4	–	6	9	12
Evergreen/conifer tree	1	2	2	–	–

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6. Buffer yard design requirements.

- i. Minimum plant size. New plant materials shall meet the minimum plant size requirements contained in the following table:

5.12.C.6.i Minimum Buffer Yard Plant Size Requirement		
Type of Plant	Planting in Buffer Yards Abutting Vacant Lands	Plantings in All Other Required Buffer Yards
Deciduous canopy tree	1½ inches caliper	2½ inches caliper
Ornamental understory tree	4 feet (height)	1½ inches caliper
Evergreen tree	4 feet (height)	5 feet (height)
Shrub (upright)	15 inches (height)	24 inches (height)
Shrub (spreading)	12 inches (average spread)	18 inches (average spread)

- ii. Berms. Undulating earthen berms not exceeding six feet in height, as measured from average grade, and 3:1 slope are encouraged and may be required within a required buffer yard. Credit of up to 25 percent may be received from the planning commission against the required buffer yard plantings through the use of berms three feet in height or greater.
 - iii. Use. A buffer yard may be used for passive recreation; it may contain pedestrian or bicycle pathways, provided that:
 - (1) No plant material is eliminated;
 - (2) The total buffer yard (width and length) is maintained; and
 - (3) All other requirements of this chapter are met.
 - iv. Stormwater retention/detention facilities in buffer yards. The zoning official shall be authorized to allow stormwater retention/detention facilities to encroach into buffer yards, where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer yard will be fully achieved, and ponding will not jeopardize the survival of the plant materials.
 - v. Location. All required plantings for a buffer yard shall be planted within the required buffer yard.
 - vi. Existing plant materials. Existing plant materials which satisfy the minimum size requirements set forth in [Section 5.12.C.6.i](#) and all other requirements or specifications of this section shall be credited toward satisfying the buffer yard requirements of the proposed use.
 - vii. Maintenance of plant materials. All plant materials in buffer yards shall be maintained in a good condition so as to present a healthy, neat and orderly appearance. The owner, tenant or their agent shall ensure that:
 - (1) All plant growth in landscaped areas will be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
 - (2) All planted areas will be maintained in a relatively weed-free condition and clear of undergrowth.
 - (3) All plantings will be fertilized and irrigated at such intervals as are necessary to promote optimum undergrowth.
 - (4) Any dead or diseased plants shall be replaced with the same or similar credited species of similar size in a timely manner.
7. Additional planting requirements. For reasons of conflicting uses, unfavorable topography or other unique or extenuating physical circumstances, the planning commission may increase required landscape plantings in any required buffer yard, if in its discretion an increase is found to be necessary to reasonably achieve stated utilitarian and aesthetic objectives.



8. Reductions and substitutions of plantings. If a physical hardship exists or existing topography and vegetation are determined by the planning commission to provide equal or better landscape and buffering effect, the planning commission may approve modifications to the planting requirements of [Sections 5.12.C.6 and 7](#). The planning commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or a combination thereof which it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

9. **Special requirements in the MHP district.**

i. Buffer requirements.

- (1) Screening. A mobile home park shall provide a 15 foot landscape buffer strip on those property lines abutting or common to other districts.
- (2) On dedicated roads. On park boundaries fronting on a publicly dedicated road the landscape buffer shall be no closer to the road right-of-way than 30 feet.
- (3) Abutting other districts. On park boundaries abutting other districts, the buffer strip may be considered to meet the common property line, but no tree or shrub will be permitted to be planted closer than five feet from the line as measured from the plant base.
- (4) Road intersections. The buffer strip shall be planned so as to not obstruct visibility and avoid visibility hazards as determined by the township police department (traffic control officer).
- (5) Utility line. Where the landscape buffer strip is under or adjacent to power, telephone or other aboveground utilities, plant species whose mature height and/or width will not interfere with these lines shall be required.
- (6) Buffers between mobile home parks. A landscape buffer shall not be required on a common boundary between adjacent mobile home park developments.

ii. Arrangement and species of plantings in the MHP district.

- (1) Number of rows. Two or more rows of trees or three or more rows of trees and shrubs combined shall be required.
- (2) Spacing of rows.
 - (a) Between shrub rows: seven feet.
 - (b) Between conifers and small broad-leaf trees: ten feet.
 - (c) Between large broad-leaf trees: 13 feet.
- (3) Distance between dissimilar rows of plantings. When between row spacing requirements are different due to dissimilar plantings row to row, the greater space requirement shall prevail.
- (4) Distance between plantings within rows.
 - (a) Shrubs. Three to ten feet (depending on species).
 - (b) Conifers and small broad-leafed trees. Seven to 13 feet (depending on species).
 - (c) Large broad-leafed trees. Ten to 13 feet (depending on species).
- (5) Offset of plantings from row to row. Individual plantings of any row will be staggered from those in an adjacent row such that the most effective screening is achieved for the species utilized.
- (6) Selection of species.
 - (a) 50 percent of the plantings shall be coniferous and they shall be evenly distributed throughout the running length of the buffer strip, unless soil would limit their use.
 - (b) The county soil survey shall be the accepted reference for soil type in the selection of compatible species.

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- (c) Only one species will be utilized in any given row, except where a change in soil type dictates a change in species. To maximize successful establishment of a screening plant buffer, a variety of species shall be utilized and selection will be based on avoiding the grouping of varieties that have similar susceptibility to loss due to insects, disease, or weather.
 - (d) The selection of species from row to row, based on plant characteristics for rate of growth, mature height, mature width, and density shall be made to maximize the achievement of an effective visual screen.
 - (e) Replacement and protection of trees and shrubs. Required plantings within a buffer strip shall be maintained and cared for to ensure their survival with special attention to preventive measures to minimize rodent damage to young trees and shrubs during hard winter months. Plantings lost to insects, disease or severe weather shall be replaced within eight months of their loss.
- (7) Minimum plant sizes.
- (a) Shrubs and conifers shall be a minimum of three feet in height.
 - (b) Small and large broad-leaved trees shall be a minimum of six feet in height.
- (8) Prohibited trees. The following trees are not permitted as they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers, and they are unusually susceptible to disease or insect pests:

Table 5.12.C.9.ii(8) Prohibited Trees	
Common Name	Horticultural Name
Box elder	<i>Acer negundo</i>
Red Maple	<i>A. rubrum</i>
Silver Maple	<i>A. saccharinum</i>
Horse Chestnut	<i>Aesculus hippocastanum</i>
Hickories	<i>Carya species</i>
Catalpa	<i>Catalpa species</i>
Hawthorns	<i>Crataegus species</i>
Ginkgo	<i>Ginkgo biloba</i>
Black Walnut	<i>Juglans nigra</i>
Mulberry	<i>Morus species</i>
Poplars	<i>Populus species</i>
Willows	<i>Salix species</i>
American elm	<i>Ulmus americana</i>
Siberian elm	<i>Ulmus pumila</i>
Slippery elm; red elm	<i>Ulmus rubra</i>

- iii. Waiver from landscape buffer requirements in the MHP district.
 - (1) The planning commission may grant a waiver or permission to alter a provision of the landscape buffer strip requirements in recognition of existing on and off site characteristics that would make the strict application of requirements redundant and unreasonable. Existing site characteristics or circumstances could include but are not limited to:
 - (a) The proposed park is adjacent to an existing mobile home park wherein the requirement of a buffer between them would serve no legitimate purpose.



- (b) The proposed park has natural vegetative growth or land features which would adequately serve as a buffer.
 - (c) The park is adjacent to a use that has an environmental buffer.
- (2) The commission may, however, condition any waiver of any requirement and may require a financial guarantee to ensure that the developer or owner provides the requirement at a later date, i.e., off-site environmental buffer outside developers control is eliminated or destroyed. Park would then be required to provide what was waived at the time of development. The bond amount shall be in an amount equal to the cost of the landscaping required prior to obtaining a waiver for the same and shall be set at not less than the average of two bid proposals from landscape contractors for the required work which shall be submitted by the park developer with a request for waiver of landscape buffer requirements.
- D. Greenspace within the public right-of-way and private easements. For the land area laying between the required buffer yard in the front yard of properties and the edge of pavement of a public or private street, the following standards shall apply:
- 1. As a minimum, grass or other living ground cover shall be neatly maintained and kept weed free by the owners of property abutting the public right-of-way or private easement.
 - 2. Trees within a public right-of-way shall not be planted without the written consent of the county road commission or the state department of transportation.
- E. **Required internal landscaping in parking areas.** Landscaping shall be provided for in areas internal to parking lots so as to provide visual and climatic relief from broad expanses of pavement. Landscape features installed in fulfillment of this requirement should be designed and situated to protect lighting fixtures and fire hydrants and to define accessways and circulation ways.

- 1. When parking and landscaping requirements apply. The parking area landscaping requirements contained in this section apply to all new development within the township. New industrial development is exempt from the requirements contained in this section. These requirements shall also apply to expansions which would require the development to increase its parking area by at least 20 percent of the total off-street parking requirements as required in [Section 5.9](#) and [5.10](#).
- 2. Parking area landscaping requirements. In order to reduce the visual impacts of parking lots and to enhance their appearance to surrounding land uses, the township requires parking lots to be internally landscaped. The following schedule shows the amount of land area which must be set aside for landscaping:
 - i. For parking lots containing more than 25 but less than 50 parking spaces: 15 square feet of land area per parking space.
 - ii. For parking lots containing between 50 and 99 parking spaces: 12.5 square feet of land area per parking space.
 - iii. For parking lots containing 100 parking spaces or more: ten square feet of land area per parking space.
- 3. Minimum size. The minimum size of any internal landscaped area shall be 60 square feet, with a minimum width of six feet.
- 4. Protection of landscaping. Internal landscape areas shall be protected by the installation of a raised concrete curb or anchored landscape timbers around their border. The curb is intended to prevent motor vehicle infringement upon landscaped areas and to ensure that the landscaping materials remain within a defined area.
- 5. Required plantings. For each 100 square feet of required landscaped area one canopy tree.
- 6. Minimum plant size. All new plants required for landscaped areas internal to parking lots shall meet the minimum size requirements set forth in [Section 5.12.C.6](#).

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7. Location of Landscaping Areas. Required parking lot landscape areas shall comply with the following standards:
- i. All landscaped areas shall be covered by grass, shredded bark, stone or a living ground cover.
 - ii. All landscaped areas shall contain at least one canopy tree or ornamental tree depending on location. The tree shall be located so as not to be damaged by any surrounding vehicle. Ornamental trees may be placed near buildings whereas canopy trees shall be required in all other parking areas.
 - iii. The Planning Commission or Planning Official shall approve the location of required off-street parking landscaping using the following criteria:
 - (1) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for reason of safety, ingress or egress.
 - (2) Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
 - (3) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces. An internal landscape area shall be provided between every ten linear parking spaces and shall be required at the end of parking aisles. However, landscaped parking medians can be an acceptable landscape buffer between parking areas rather than providing an internal landscape area between every ten parking spaces.
 - (4) At least one-half of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten feet from the outside boundary of the parking area.

- 8. Credited species. The zoning official shall hold, on file, a suggested planting list to accommodate various site situations.
- 9. Uncredited species. The following list enumerates species that are permitted but which will not be credited in required landscape areas due to their brittleness, susceptibility to disease and insects, excessive root structure, and/or their roots clog drains and sewers:

Table 5.12.E.9 Uncredited Trees

Common Name	Horticultural Name
Box elder	<i>Acer Neundo</i>
Ginkgo	<i>Ginkgo Biloba (female only)</i>
Honey Locust	<i>Gleditsia Triancanthos (with thorns)</i>
Mulberry	<i>Morus Species</i>
Poplars	<i>Populus Species</i>
Willows	<i>Salix Species</i>
American Elm	<i>Ulmus Americana</i>
Siberian Elm	<i>Ulmus Pumila</i>
Slippery Elm; Red Elm	<i>Ulmus Rubra</i>
Chinese Elm	<i>Ulmus Parvifola</i>

F. **Residential landscape requirements.** For all single-family or two-family residential uses where the land has been disturbed or cleared for development, conservation measures shall be practiced to ensure that all exposed areas are stabilized with appropriate ground cover and plant materials. All ground cover and plant materials shall be installed not later than 180 days after a certificate of occupancy has been issued by the building official. The building official may demand the posting of a bond, letter of credit or certified check in an amount of the value of required species to assure installation of the landscape improvements.



5.13 ACCESS TO A STREET

All lots of record created after the effective date of the ordinance from which this chapter is derived shall have frontage on a public street, except in the case of an officially approved group housing development as provided in [Section 3.33](#). Any lot of record created before the effective date of the ordinance from which this chapter is derived without any frontage on a public right-of-way shall not be occupied without access to a street provided by a permanent easement or other right-of-way no less than 20 feet wide. No more than one lot may be served by such as easement. A stub street (as defined in Chapter 20, section 20-60 within an adjoining subdivision shall not qualify as frontage on a public right-of-way.

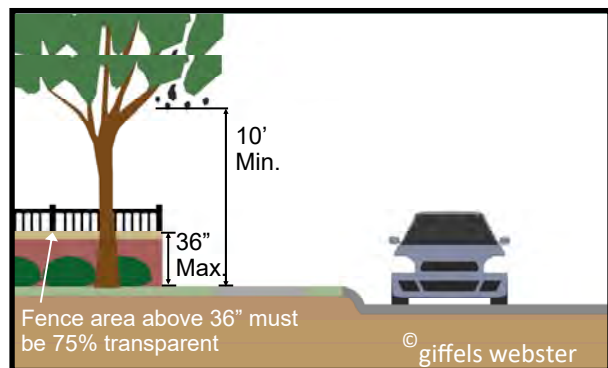
5.14 REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES.

After the effective date of the ordinance from which this section is derived, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform to the minimum requirements of the local health department having jurisdiction and the state department of natural resources and environment.

5.15 FENCES, WALLS AND SCREENS

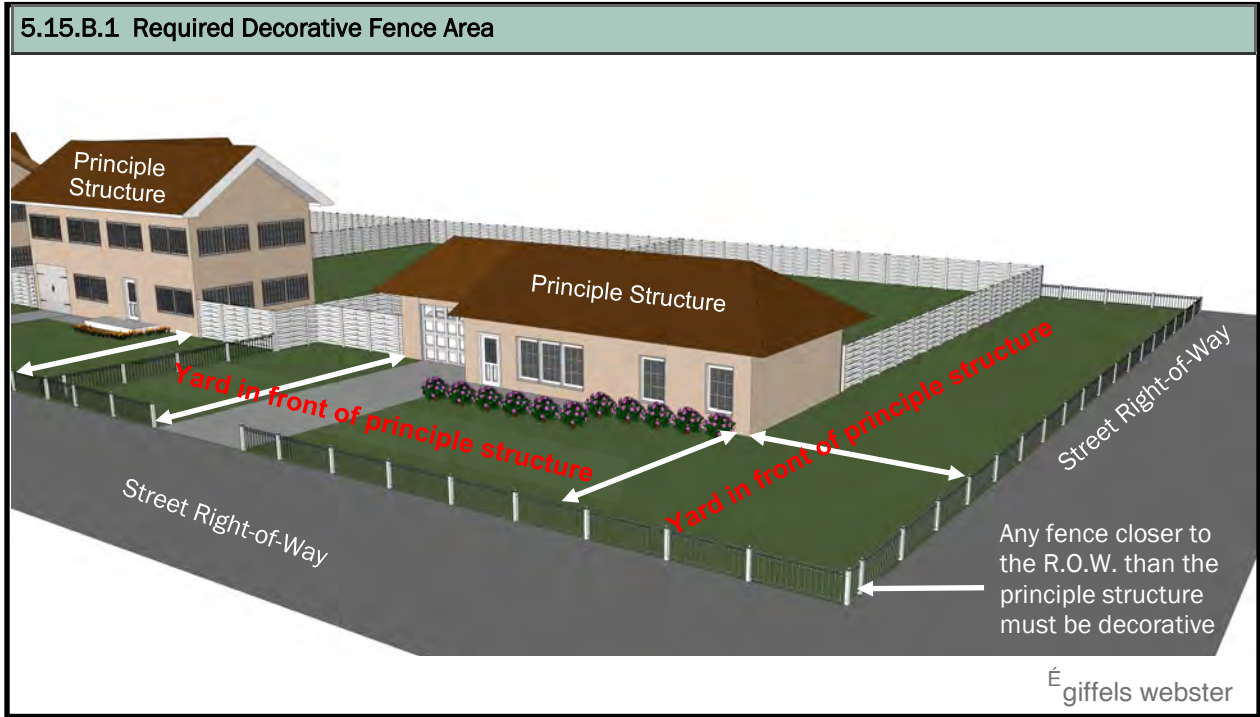
Fences, walls, and structural screens installed on properties within the township shall be designed to comply with the requirements of this section, as well as any other requirements that apply to the specific zoning district, as stated elsewhere in this chapter.

- A. General requirements. Fences, walls, and screens installed in any district within the township shall comply with the following general requirements:
1. Right-of-way. Fences shall not be erected within or extend into a street right-of-way.
 2. Maintenance. All fencing constructed under the provisions of this chapter shall be kept and maintained in a safe condition.
 3. Visibility. No solid fence, hedge, tree, or other planted screen shall be erected or maintained within the clear vision triangle (See [Section 5.16](#)) of two streets in such a way as to obstruct vision between the height of three feet and ten feet, measured from grade. Fences placed within the clear vision triangle shall provide visibility through at least 75 percent of its surface area uniformly distributed along its surface area on any portion of said fence that is above three feet in height and within a clear vision.



B. Residential fences. In addition to the requirements stated in [subsection A](#) of this section, fences constructed on any lot located in a residential zoning district or on any lot located in the A Agricultural District that is primarily used for residential purposes and is less than ten acres in area shall comply with the following standards:

1. Front yards. Fences placed in a front yard closer to the road right-of-way than the principle structure shall be decorative in nature. Split rail and picket fences are examples of typical decorative fences. However, any fence that complies with the following requirements would be considered decorative:



Split rail and picket fences are examples of typical decorative fences. However, any fence that complies with the following requirements would be considered decorative:

- i. Height. Decorative fences shall not exceed a height of four feet, measured from grade to the highest point of the fence.
 - ii. Surface. Except as provided in [Section 5.15.A.3](#), decorative fences shall be constructed so that the surface of the fence shall be no more than 50 percent solid, so as to ensure adequate visibility at the right-of-way or property line.
 - iii. Orientation. Decorative fences shall be installed with the structural members or framing directed inward toward the property.
 - iv. Material. The use of wire fencing, including, but not limited to, so-called cyclone or chainlink fencing, shall not be allowed on decorative fences.
2. Height. Except as provided in [Section 5.15.B.1.i](#) for decorative fences, a residential fence shall not exceed a height of eight feet, measured from grade to the highest point of the fence.
 3. Barbed or electrified fences. Residential fences shall not contain barbed or razor wire or be electrified.
 4. Corner lots and through lots. Privacy fencing shall be permitted closer to the road right-of-way than the principle structure in the following circumstances:

- (1) Privacy fencing shall not extend beyond the front of the home where the primary building entrance is located.
 - (2) Privacy fencing shall meet the minimum front yard setback from the secondary street front lot line.
 - ii. For through lots, privacy fencing shall be permitted in the yard area with secondary street frontage. Secondary street frontage shall be opposite from the designated front lot line and be considered a rear lot line.
- C. Non-residential fences. In addition to the requirements stated in subsection A of this section, fences constructed on any lot located in the A, BC, BL, BSC, IP, IH, IL, OP, or PO zoning districts shall comply with the following standards except as provided elsewhere in the zoning ordinance:
- 1. Barbed fences. Fences constructed on any lot located in the A Agricultural District that is primarily used for agricultural purposes may contain barbed wire. No other non-residential fence may contain barbed wire, unless approved by the Planning Department prior to installation based on the following considerations:
 - i. The protection of public utility buildings or improvements.
 - ii. The protection of other areas requiring security subject to the requirements of this section. In no event shall barbed wire fencing be permitted adjacent to residentially zoned property.
 - iii. The fencing is a danger to public safety.
 - 2. Electrified fences shall not be permitted, except within the A Agricultural District for the containment of farm animals.
 - 3. Setback requirements. Non-residential fences shall be confined to the following setback requirements
 - i. Front yards. Fences placed in a front yard closer to the road right-of-way than the principal structure shall be decorative in nature unless set back the minimum distance required for the front yard setbacks within the applicable zoning district. Split rail, picket, and wrought iron fences are examples of typical decorative fences.

The requirements of decorative fencing include the following:

- (1) Height. Decorative fences shall not exceed a height of eight feet, measured from grade to the highest point of the fence.
 - (2) Surface. Except as provided in Section 5.15.A.3, decorative fences shall be constructed so that the surface of the fence shall be no more than 50 percent solid, so as to ensure adequate visibility at the right-of-way or property line.
 - (3) Orientation. Decorative fences shall be installed with the structural members or framing directed inward toward the property.
 - (4) Material. The use of wire fencing, including, but not limited to chainlink fencing, shall not be allowed on decorative fences.
 - (5) Setback. Decorative fencing must be set back a minimum of one foot from the edge of a public sidewalk or walkway.
- 4. Height. A non-residential fence shall not exceed a height of eight feet, measured from grade to the highest point of the fence, including any barbed portion.
 - 5. Chainlink fencing shall be vinyl-coated or, if utilized for screening purposes, fabric screening may be allowed as an alternative for vinyl-coated fencing.
 - 6. The official may refer the proposed changes to the Planning Commission for review and approval even if it meets the requirements within this section.
 - 7. Appeals of a decision of the official shall be submitted in writing to the Planning Commission or Zoning Board of Appeals depending on the nature of the appeal. Appeals of a decision of the Planning Commission shall be submitted in writing to the Zoning Board of Appeals.

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5.15.C.7 Non-Residential Fence Illustrations

Compliant?

Image

Yes



No



Yes



Yes

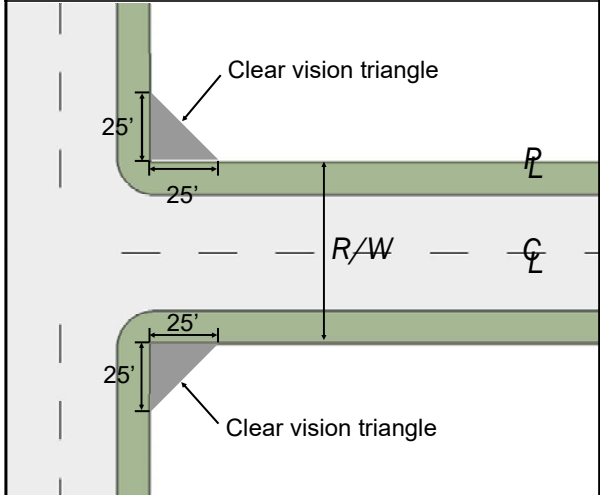


5.16 CLEAR VISION TRIANGLE

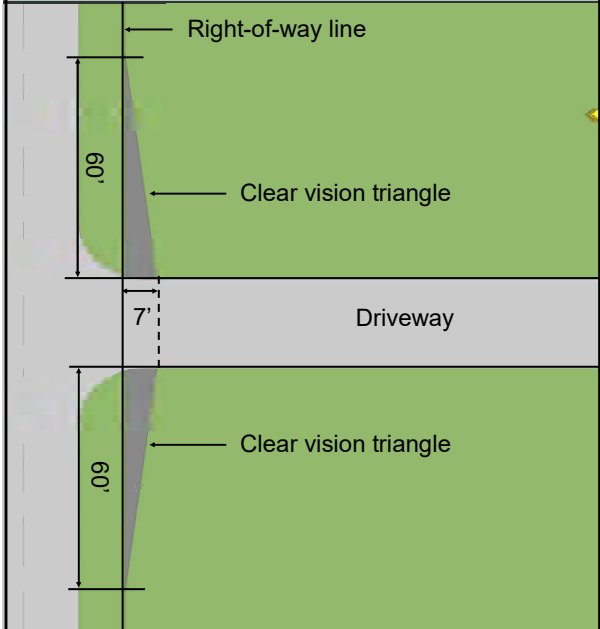
Nothing shall be permitted to be placed within or project into the clear site triangle of two intersecting streets or a driveway and a street, as described in this section. For purposes of this section, a street shall include a public street or a private street having a right-of-way, as in a site condominium subdivision.

- A. Intersecting streets.
 1. Where two streets intersect, the clear site triangle is formed by the intersecting rights-of-way of the streets and a line connecting them at points 25 feet from the intersection of the rights-of-way. ✎
 2. Where a public clear vision right-of-way or easement exists at the intersection of two streets, the 25-foot dimension shall be measured along the lines created if the rights-of-way of the two streets were continued through the clear vision right-of-way or easement to intersect at a single point.
- B. Driveway intersecting a street. Where a driveway or service drive intersects a street, the clear site triangle is formed by the right-of-way of the street and the edge of the drive and a diagonal line connecting a point seven feet along the edge of the drive from the right-of-way and a point 60 feet along the right-of-way from the edge of the drive. ✎
- C. Median signs. A freestanding sign placed on private property in the median of a driveway or a public or private street shall maintain a minimum setback of 15 feet from the right-of-way of the intersecting street.

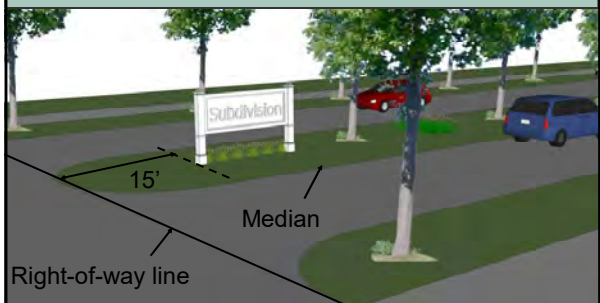
5.16.A Clear Vision Triangle - Intersecting Roads



5.16.B Clear Vision Triangle—Road Intersecting Driveway



5.16.C Clear Vision Triangle—Median Signs



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Article 6.0 Development Procedures



Article 6.0 Development Procedures

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6.0 Development Procedures

6.1 SITE PLAN REVIEW AND SPECIAL LAND USE PERMITS

A. Generally.

1. Intent and purpose. The purpose of this section is to provide uniform review procedures for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development in the township. This section establishes regulations for the review of such projects that are intended to ensure that ordinance requirements will be met and adequate utilities and services will be provided, in the interest of protecting the public health, safety, and general welfare.
2. Application requirements. An application for site plan review or a special use permit for any use permitted under this chapter shall comply with the following requirements, except where otherwise noted.
3. Review required.
 - a. Administrative review. Administrative review is required for all site plan review and special use permit applications prior to placing these items on the planning commission's agenda. The applicant shall submit all application materials listed in [Section 6.1.A.4](#) to the official for the determination that a complete application is submitted and that no substantive problems or deficiencies are discovered that need to be addressed prior to the formal submittal to the planning commission. A minimum of ten working days should be allowed for this review.
 - b. Site plan review. Site plan review shall be required for all new uses in the following zones: M-1 to M-4, MHP, PO, OP, POD, BL, BC, BSC, IL, IH, IP, and R-1 to R-6 for all uses other than single-family. In addition, it shall be required whenever an existing use is expanded or is changed to another use in that district, unless in the latter case, the official determines the property and/or use is in compliance with current ordinance requirements for site development and the change in use does not require additional improvements not already met.
 - c. Special use permit. An application for special use permit shall be construed to include site plan review and shall not require separate application for review of site plans, unless so stipulated to as a condition of the special use permit as might typically occur in instances of large projects where detailed site plan review will be required prior to development of specific phases of these projects. A special use permit that is approved without such a condition shall be deemed to include site plan approval.
4. Complete application required. A complete application shall include all of the following:
 - a. A completed application form.
 - b. An application fee, as established by resolution of the board. No part of any fee shall be refundable.
 - c. Proof of ownership or a signed original letter from the owner authorizing the application.
 - d. A sequenced construction plan and schedule detailing the anticipated start date and duration of the various phases of construction.
 - e. Two full size copies of a site plan for administrative reviews; 20 full size copies of a site plan for site plan review; 30 full-size copies of a site plan for special use permits. All applications shall also be accompanied by at least one electronic hardcopy of the site plan at a size no larger than 11 inches by 17 inches. The full size copies shall be accurately, clearly, and legibly drawn in sufficient size and scale to show the details of the plan clearly and shall contain all of the following:
 - (1) The name, address, telephone number, and professional seal of the licensed engineer, design architect, landscape architect, or surveyor responsible for the preparation of the plan.
 - (2) North arrow, scale, and date prepared.
 - (3) Sheet number and total number of sheets that comprise the site plan.

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- (4) All existing property lines with dimensions, survey pin and monument locations, along with a complete legal description of the site, including total site area. The legal description may be printed on the plan or submitted separately.
 - (5) All existing and proposed topographic contours at intervals not to exceed two feet.
 - (6) The location and width of any and all existing and proposed easements.
 - (7) Existing roads and proposed new roads and road improvements to serve the property, including right-of-way lines.
 - (8) The location and size of all existing and proposed sanitary sewers, county drains, water mains, fire hydrants, natural gas mains, electricity, wells, septic systems, and other public and private utilities on or beneath the subject property and adjacent roads. The applicant shall demonstrate that the existing and proposed utilities are adequate to serve the proposed use or uses.
 - (9) All areas within the 100-year floodplain, wetland areas, or bodies of water, along with the regulatory status of these features.
 - (10) The size, shape, and location of all existing and proposed buildings, including setback dimensions to property lines.
 - (11) The location and dimension of all parking areas and driveways, including the location of driveways across the street from the subject property. Parking spaces, including barrier-free spaces shall be illustrated on the plan, along with typical parking space and access aisle dimensions. The plan shall include, or be accompanied by, calculations of the required number of parking spaces.
 - (12) The size and location of all accessory structures (including utility pads, waste and recycling receptacles, utility sheds, and the like), and off-street loading areas and the proposed screening of the same.
 - (13) Existing and proposed landscaping, including the common names of all plantings, and the location, height, and material of any other fencing or other screening proposed on site.
 - (14) Location, including setbacks from property and rights-of-way, for any proposed signs.
 - (15) Lines or other illustrations noting the various phases of construction.
 - (16) Zoning classifications and existing uses of surrounding properties.
 - (17) Soil test certification substantiating soil bearing capacity and septic suitability, where applicable.
- Note: The official may waive the requirement for a professionally prepared plan in the case of minor projects for existing businesses or sites where no significant construction or site development is proposed, and provided that all of the other required information is illustrated on the plan.
- f. Preliminary plans and specifications of the proposed development and all construction.
 - g. Any supplementary site plan information as may be required in [Section 3.23](#) for properties located within an access management area.
 - h. Any other information deemed necessary by the official, or as may be necessary to meet the conditions associated with a particular use and as specified elsewhere in this section.



B. Site Plan Review

1. Submission for approval. Once an applicant has completed an administrative review pursuant to the requirements of [Section 6.1.A.3.a](#) and addressed any issues identified in that review, the applicant may submit for approval of a site plan for development.
2. Site plan review application.
 - a. Application for site plan review shall be made by submitting all application materials listed in [Section 6.1.A.4](#) to the community development department. Incomplete applications shall not be processed and will be returned to the applicant.
 - (1) Application deadline. Complete applications must be received a sufficient length of time prior to a planning commission meeting, typically a minimum of four weeks, to allow the official to notify other agencies having jurisdiction of the request. Complete applications meeting this deadline shall be placed on the agenda of the planning commission.
 - (2) Agency notices. Upon receipt of a complete application, the official shall submit copies of the application materials to those agencies having jurisdiction over portions of the project. The purpose of this review is to confirm that a proposed project can adequately be served by essential services and facilities. The appropriate agencies will vary depending upon the particulars of the request. Examples of the agencies that may be contacted include, but shall not be limited to:
 - (a) Clinton County Drain Commissioner.
 - (b) Clinton County Road Commission.
 - (c) Michigan Department of Transportation.
 - (d) The township police department.
 - (e) The township fire department.

- (f) DeWitt Area Recreation Authority (DARA).
- (g) Southern Clinton County Municipal Utilities Authority (SCCMUA).
- (h) Mid-Michigan District Health Department.

- b. Applicants are encouraged to contact any of these or other agencies having jurisdiction over a portion of a project. In particular, applicants are encouraged to contact the county drain commissioner's office and the county road commission to confirm that there are no unforeseen issues related to storm drainage or roads that could prevent a project from occurring.

3. Review standards. Each site plan shall be reviewed for the purpose of determining that it meets all of the requirements set forth in this chapter and any other applicable township ordinance, and will:

- a. Be harmonious with and in accordance with the general principles and proposals of the comprehensive development plan of the township.
- b. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- c. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
- d. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.



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4. Conditions of approval. The planning commission may impose conditions that are deemed necessary to protect public health, safety, and general welfare; for the protection of individual property rights; and for ensuring that the intent of this section will be observed and that there will be compliance with the provisions of this chapter.
 - b. An increase for up to a twenty percent (20%) increase in the total floor area including buildings or structures for accessory or storage purposes.
 - c. Reductions to the setbacks, yards or open space requirements shall be permitted as long as such reductions meet the minimum ordinance requirements. However, reductions to these areas that were specifically identified or as a condition of approval of the original site plan shall be maintained.
 - d. The official may refer the proposed changes to the Planning Commission for review and approval even if it meets the requirements within this section.
 - e. The proposed modification shall be in compliance with any conditions imposed on the approved site plan.
 - f. Appeals to a decision of the Official shall be to the Planning Commission or Zoning Board of Appeals depending upon the nature of the appeal. Appeals to a decision of the Planning Commission shall be to the Zoning Board of Appeals.
 - g. The proposed modification shall not violate any requirement of this or any other applicable township ordinance.
 - h. Any modification that does not meet the conditions listed in this section shall be submitted for site plan review by the planning commission in the manner described in [Section 6.1.B](#) for new applications.
5. Duration of approval. Construction shall commence within two (2) years following approval of the site plan, in accordance with the construction schedule submitted by the applicant. If construction is not commenced within such time, any approval of the site plan shall expire and become null and void. However, an extension may be granted for a specified period by the Planning Commission upon a showing of good cause by the applicant, and only if such request is made prior to the expiration of the site plan. In the event that a site plan has expired, a new application for site plan review shall be required.
6. Commencement of construction. Construction shall not commence on site until the applicant has obtained a building permit, pursuant to the requirements of [Section 7.3](#) and [Section 7.4](#). Commencement of construction shall include site preparation activities, such as demolition of existing buildings and other appurtenances, grading of earth, and the like. Constructed buildings shall not be occupied until a certificate of occupancy has been issued, pursuant to the requirements of [Section 7.5](#).
7. Modifications to an approved site plan. The official is authorized to approve certain minor modifications to an approved site plan provided that all of the following conditions are met:
 - a. A request for modification is filed with the community development department, together with two copies of the revised site plan that shows all pertinent information, and a fee as established by the board for administrative reviews.
 - (1) A request for site plan is filed with the community development department, together with twenty copies of the site plan that shows all pertinent information, and a fee as established by the board for site plan reviews.
8. Administrative Site Plan Review.
 - a. The official is authorized to approve certain site plans provided that all of the following conditions are met:
 - (1) A request for site plan is filed with the community development department, together with twenty copies of the site plan that shows all pertinent information, and a fee as established by the board for site plan reviews.



- (2) For lots/parcels one (1) acre or less or proposed expansions that are less than twenty (20) percent of the gross floor area: The Township Planning/Zoning Official shall review, and may approve, approve with conditions, or deny site plan applications which meet the requirements of this Section, and the requirements of [Sections 6.1.A.3, 6.1.B.2.a\(2\), and Section 6.1.B.3](#) of the DeWitt Charter Township Zoning Ordinance.
 - (3) For lots/parcels more than one acre or proposed expansions that exceed twenty percent (20%) of the gross floor area shall require review by the Planning Commission.
 - (4) The official may refer the site plan to the Planning Commission for review and approval even if it meets the requirements within this section.
 - (5) Appeals to a decision of the Official shall be to the Planning Commission or Zoning Board of Appeals depending upon the nature of the appeal. Appeals to a decision of the Planning Commission shall be to the Zoning Board of Appeals.
 - (6) The proposed site plan shall not violate any requirement of this or any other applicable township ordinance.
- b. Any modification that does not meet the conditions listed in this section shall be submitted for site plan review by the Planning Commission in the manner described in [Section 6.1.B](#) for new applications.
- C. Special Use Permit.
1. Submission for approval. Once an applicant has completed an administrative review, pursuant to the requirements of [Section 6.1.A.3](#) and addressed any issues identified in that review, the applicant may submit for approval of a special use permit.
2. Special use permit application. Application for special use permit shall be made by submitting all application materials listed in [Section 6.1.A.4](#) to the community development department. Incomplete applications shall not be processed and will be returned to the applicant.
 - a. Application deadline. Complete applications must be received at least one week prior to planning commission meeting. The planning commission shall note the application as received and place it on the agenda for the following meeting for a public hearing. The official may waive the requirement that the application be received by the planning commission, with approval of the planning commission chair, prior to scheduling the hearing. Waivers may only be granted under extraordinary circumstances and when all public notice requirements can otherwise be met. Such an instance would include a meeting that would otherwise be cancelled for lack of business.
 - b. Agency notices. Upon receipt of a complete application, the official shall submit copies of the application materials to those agencies having jurisdiction over portions of the project, in accordance with the requirements of [Section 6.1.B.2.a\(2\)](#) for site plan reviews. The purpose of this review is to confirm that a proposed project can adequately be served by essential services and facilities.
 3. Public hearing. The planning commission shall conduct a public hearing on any application for special use permit that has been submitted to it. Notice of the public hearing shall be provided as required by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
 4. Basis for determination. Each application shall be reviewed for the purpose of determining that it meets all of the requirements set forth in this chapter and any other applicable township ordinance, and will:
 - a. Be harmonious and in accordance with the principles of the township comprehensive development plan.



- b. Be designed, constructed, operated, and maintained harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.
 - c. Not be hazardous or disturbing to existing or future uses in the general vicinity.
 - d. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - e. Not involve uses, activities, processes, materials, and equipment or conditions that will be detrimental to any persons, property or general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odor.
 - f. Conserve and protect natural resources and energy and promote the social and economic well-being of those who will use the land or activity under consideration.
5. Conditions of approval. The planning commission may impose conditions that are deemed necessary to protect public health, safety, and general welfare; for the protection of individual property rights; and for ensuring that the intent of this section will be observed and that there will be compliance with the provisions of this chapter.
6. Consideration by the township board.
- a. Within sixty days (60) days after the last public hearing, unless written permission from the applicant is received to extend this deadline not to exceed one hundred and twenty (120) days, the Planning Commission shall transmit its written recommendations to the Township Board of Trustees. The Board of Trustees, at any regular meeting or any special meeting called for such purpose, shall consider the recommendations and vote to grant or deny the application. If the request involves a Planned Unit Development, as allowed in [Section 3.27](#), the Township Board shall hold a public hearing with notice to be provided as required pursuant to Section 103 of the Michigan Zoning Enabling Act, prior to taking action on the recommendations of the Planning Commission.
 - b. The Board of Trustees shall make no substantial change or departure from the recommendations of the Planning Commission unless proposed change or departure shall first be submitted to the Planning Commission. The Planning Commission shall have thirty (30) days or such other time as the Board of Trustees may select, from and after receipt of such referral, within which to make further recommendations to the Board, after which the Board shall take action as it determines.
 - c. In the event that the Board of Trustees makes a substantial change or departure, the Board of Trustees shall notify the Planning Commission of any changes.
7. Board action. Upon receipt of the planning commission's recommendation, the board shall consider the special use permit application at its next regular meeting. The board shall approve or disapprove the recommendations of the planning commission unless such application shall have been previously remanded to the planning commission pursuant to [Section 6.1.C.6](#), in which case the board may modify the recommendations of the planning commission as they see fit. Only upon approval of the board may a special use permit be issued by the official.
8. Permit effective after approval. The special use permit shall become effective when the application has been approved by the board or upon such other date as the board shall select and upon issuance of the special use permit stating all conditions of approval.



9. Duration of approval. A special use permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein. Said terms or conditions may specify a definite time for the life of the permit as a condition of approval. Provided, however, that construction shall commence within two (2) years following approval of the special use permit, in accordance with the construction schedule submitted by the applicant. If construction is not commenced within such time, any approval of the permit shall expire and become null and void. However, an extension may be granted for a specified period by the board upon a showing of good cause by the applicant and only if such request is made prior to the expiration of the site plan. In the event that a special use permit has expired, a new application for special use permit shall be required.
10. Commencement of construction. Construction shall not commence on site until the applicant has obtained a building permit, pursuant to the requirements of [Section 7.3 and Section 7.4](#). Commencement of construction shall include site preparation activities, such as demolition of existing buildings and other appurtenances, grading of earth, and the like. Constructed buildings shall not be occupied until a certificate of occupancy has been issued, pursuant to the requirements of [Section 7.5](#).
11. Re-application. No application for a special use permit which has been denied, wholly or in part, by the board, shall be resubmitted until the expiration of one year from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions as determined by the planning commission.
12. Amendment of a special use permit. Any person or agency who has been granted a special use permit shall notify the official of any proposed amendment to the permit. A request for an amendment shall be reviewed by the board, with a recommendation from the official, to determine whether the proposed amendment is major or minor.

- a. Major amendment. A major amendment shall be evidenced as consisting of a major change to the permit, as originally approved. Such changes shall include, but not be limited to:
 - (1) The addition of land to the legal description of the original special use permit.
 - (2) An expansion or increase in the intensity of use.
 - (3) The addition of additional structures to the property.

A major amendment shall be subject to the application procedures applicable to a new special use permit, as described in [Section 6.1.C](#).
 - b. Minor amendment. A minor amendment shall be evidenced as little or no impact on the permit as originally approved. If an amendment is determined to be minor, it shall be deemed granted and the official shall file a copy of the amendment in the original special use permit file.
 - c. New permit. Nothing described herein shall preclude an applicant who proposes to amend a special use permit from applying for a new permit without a determination of whether the amendment is major or minor in nature.
13. Compliance requirements. It shall be the duty and obligation of the owner and occupant or operator of premises subject to the special use permit to provide that the continued use of such land shall at all times be in compliance with the use requirements of this chapter. Failure thereof shall be a violation of this chapter and subject to the penalties and remedies provided herein, and the continuance of such noncompliance is hereby declared to be a nuisance per se.

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6.2 PROCEDURES FOR DEVELOPMENT OF LANDS WITH MINERAL DEPOSITS

- A. Extractive and reclamation procedures
 - 1. Application for a special use permit shall be made and submitted not less than 30 days before any regular meeting of the township planning commission, to be placed on the agenda for that meeting.
 - 2. In addition to necessary application fees, the application will be accompanied by a professionally drawn site plan. The plans shall be drawn to a scale of 1 inch equals 50 feet and include the production schedule for extraction and rehabilitation of the site. The site plan shall include an anticipated final grade elevation plan, reclamation of the site, and written explanation of the proposed future land use and its compatibility with the adopted Township future land use plan and ensure that the final grades are consistent with the intent of the anticipated final grading plan that provide a safe and functional use upon completion
 - 3. The following information shall be provided in the aforementioned plans, application or through additional documentation:
 - a. Name and address of owner of land from which removal will take place.
 - b. Name and address of person, firm or corporation who will be primarily responsible for conducting actual removal operation.
 - c. Location, size and legal description of the total site and estimated area to be extracted, excavated or rehabilitated.
 - d. The site plan shall indicate surrounding zoning and current land uses (to be verified by the zoning official).
 - e. The roads and types of road surfaces that serve the site or will be utilized on site.
 - f. The proposed haul route that it is expected will be the predominate traffic pattern for vehicles to and from the site.
 - g. The location and site of any processing equipment and/or structures.
 - h. Proposed method of removal and general description of equipment to be utilized.

- i. Estimated length of time to complete operations.
- j. Estimated area in acres from which excavation will take place in the first year of operation and successive years to completion.
- k. A detailed plan of operation for stripping topsoil and overburden, stockpiling, excavating and rehabilitating. Details shall include depths of cuts and fills and the type of fill, if any is proposed.
- l. Financial guarantees shall be furnished to the Township prior to the issuance of a special use permit to ensure proper rehabilitation and reclamation in accordance with the provisions of this section. In determining the area for which guarantees must be supplied, the following shall be included as a basis for determining the appropriate amount for a financial guarantee as an engineering analysis. The applicant shall be required to provide a cost estimate that includes a cost breakdown for each criterion for the proposed extraction activity as applicable, based on the following:
 - (1) Stripping and stockpiling topsoil - supplement with offsite topsoil as required
 - (2) Excavation, grading and berm construction using overburden
 - (3) Topsoil, seed, mulch, including mulch blankets, as required
 - (4) Constructed wetlands - unless permitted and bonded through a state or federal agency.
 - (5) Soils testing, site preparation, and seeding/planting with appropriate native species (e.g., grasses and trees)
 - (6) Materials testing and certification, including compaction and density, appropriate to proposed future use



- (7) Soils testing and certification appropriate for and at locations, based upon mining equipment and operations, settling basins, and piles or dumps of mining waste
 - (8) Certify grade or drainage to avoid adverse impacts to adjacent properties
 - (9) Monitor revegetation efforts, including replanting, until vegetation is established and self-sustaining.
- m. The actual amount of financial guarantee shall be recommended by the Township Engineer based on its evaluation of the site conditions and cost estimate provided by the applicant. The Township Board, in establishing the actual amount of the guarantee, shall consider the title, interest and market cost to rehabilitate the property upon default of the operator and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions and requirements of these regulations.
- (1) The Township Board, as a condition to the granting of a permit, shall require that the applicant file or deposit with the Township the aforementioned financial guarantees. Financial guarantees shall be provided in the form of cash, certified check, irrevocable bank letter of credit, performance bond, or other surety deemed appropriate by the Township Board. Requests to modify the form of a financial guarantee shall be made in writing to the Community Development Department and are subject to review and approval by the Township Engineer. The applicant shall be responsible for engineering review fees incurred by the Township.
 - (2) Said guarantee shall be supplied and remain in effect for one year after completion of rehabilitation, which includes final grading and seeding, according to approved

plans. Upon favorable review of compliance with approved plans, the Community Development Department or Township Engineer shall transmit a recommendation to the Township Board, which shall have final authority to release financial guarantees for rehabilitation required under this section.

- (3) The Township Board, as a condition to the granting of any such permit, may also require that the applicant deposit a certificate of an indemnity company licensed to do business in the State of Michigan in an amount reasonably relevant to the proposed work to be done, as specified by the Township Board, insuring the Township against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on its behalf, in carrying on any work connected directly or indirectly with the issuance of said permit.
- B. Factors of operation. The following, at a minimum shall be submitted for review to determine the extent of adverse impacts on adjoining properties and/or community at large:
- 1. Extent of natural vegetation at site property lines.
 - 2. Hours of operation.
 - 3. Method of operation or extraction.
 - 4. Area in acres each stage represents and cubic yards of material to be excavated.
 - 5. Provisions for stockpiling topsoil.
 - 6. On-site haul roads, the type of surfaces, dust and mud control measures as deemed appropriate and meeting the approval of the county road commission and/or state department of transportation.
 - 7. A composite drawing reflecting the following:
 - a. The stages of work area progression;
 - b. Sequence they will be worked;
 - c. Existing grade elevations; and
 - d. Final grade elevations.



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8. A rehabilitation schedule for abandoned or completed areas that shall address the timetable for rehabilitation, the method and type of revegetation and maintenance thereof until established.
 9. Surface drainage control measures as they relate to the first year's operation and subsequent years of operation.
 10. The location and size of any processing equipment and/or operation and subsequent years of operation.
- C. Permits
1. Permit time limits. Operations to remove topsoil and minerals are considered temporary in nature, and, therefore, permits shall not be issued for periods of longer than five years. An annual review shall be required during the term of the permit to review past performance and verification that operations have been conducted according to the requirements of this article, approved plans and permits. Site operations shall be open to inspection at all times and as often as necessary to assure compliance. Rehabilitation of completed or abandoned areas shall be completed within one year of the expiration of the permit provided, however, that such work is limited to rehabilitation and that no extraction activities are conducted, and compliance with all other Township ordinances and regulations is required.
 2. Renewals. A new application for a special use permit shall be required at least six months prior to the expiration of an approved permit.
 3. Transferability of permit. Permits to extract minerals shall not be transferred without the prior notice and review of the township board.
- D. Basis for determination. In addition to the standards provided in [Section 6.1.C.4](#), each application shall contain a written narrative that addresses the factors in this section. The application shall be reviewed for the purpose of determining that it meets all of the requirements set forth in this chapter and any other applicable Township ordinance, and if very serious consequences would result from the extraction, then all of the following factors may be considered:
1. The relationship of extraction and associated activities with existing land uses.

2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based upon credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety and welfare interests in the local unit of government.
6. The overall public interest in the extraction of the specific natural resources on the property.

6.3 PROCEDURES FOR DEVELOPMENT OF DUPLEXES

The purpose of this section is to provide for duplex (two-family) residences in the R-4, R-5 and M-1 through M-4 districts, and provide for review of their design to ensure their compatibility with and to minimize their having an adverse impact on the character of single-family residential areas in which it is desired they be located. To achieve the intent and purpose of this section, duplexes shall be designed so they are not discernible from the exterior from single-family dwellings in general and in the area in which they are proposed to be located in and the determination of compliance with the purpose of this section shall be according to the following standards and procedures.

- A. The construction of a duplex in the R-4 and R-5 districts shall be subject to administrative site plan review by the building and zoning official.

Note— Administrative site plan review is only applicable to a single duplex structure on a single-family lot and would not be applicable to developments involving two or more duplexes on one lot.
- B. Before a building permit will be issued for construction of a duplex, the owner and/or developer shall submit site and construction plans to the official for review. Submission of said plans to the official for review shall constitute application for site plan review for a duplex.



C. The official, upon receipt of the plans will review the same for compliance with [Article 3](#) district development standards and to determine if the structure is designed so as to not be discernible from single-family dwellings in general or in the area. The judgment of discernibility from single-family dwellings will be based on how effectively design avoids the typical side by side, mirror image of two-units with two of everything which is apparent when viewing the duplex from any one elevation. The following design guidelines help to typically avoid this obvious discernibility:

1. Entrances to the respective units are not only separate, but are placed in different elevations of the structure or if in the same elevation are through one entry door in that elevation, which enters a common foyer from which individual entrances into each unit are then provided so the appearance of the structure exterior is that of a single-family dwelling.
2. Permanent exterior appurtenances such as decorative porch enclosures that provide screening could also be deemed as effective design precluding discernibility of a duplex from a single-family dwelling.
3. Exterior finish materials of a structure shall also be a determinate in the official's evaluation of compatibility, however, all materials ordinarily or commonly used in residential single-family construction would be acceptable and nothing in this evaluation or determination is intended to prevent the introduction of new or innovative materials which are suitable and approved by current codes for use.

D. If the official determines the site plan is in compliance with the requirements of [Section 6.3.C](#), he shall record the same by signing the

plans and indicating thereon that they are approved and the date approved.

- E. In the event administrative site plan review for a duplex is denied, any applicant who disagrees with or feels aggrieved by the official's decision may make regular application to the township planning commission for review under the provisions of [Section 6.1](#). Upon payment of the appropriate fee and receipt of a complete application for site plan review on the appropriate forms provided for that use, the official shall document his findings or the basis for his decision for denial and furnish a copy of the same to the applicant and the planning commission. The commission shall review the application at a regular commission meeting and can render a decision confirming the official's decision, modifying his decision or revising his decision and may place any conditions they deem appropriate on their approval. The planning commission shall not act on any application scheduled for review at a regular meeting at which the applicant or his duly authorized representative is not present.

6.4 DEVELOPMENT PROCEDURES FOR SANITARY LANDFILL DEVELOPMENT

- A. Applications. Application shall be made on the provided form (petition for special use permit) and submitted not less than 30 days before any regular meeting of the township planning commission, to be placed on the agenda for that meeting.
- B. Fees. In addition to necessary application fees the petition shall be accompanied by professionally drawn plans to a scale of one inch equals 200 feet which shall include in combination or separately, the following information as follows:
 1. Production plans. Detailed plans of operation for stripping, stockpiling topsoil, excavation, filling and rehabilitation by stages shall be required. Minimum plan requirements are as follows:
 - a. Method of operation (cellular and/or trench).
 - b. Area in acres each stage represents and cubic yard of fill capacity at specified compaction rates.
 - c. Provisions for stockpiling topsoil.



- d. On-site haul roads, the type of surfaces, dust and mud control measures.
- e. A composite drawing reflecting the following:
 - (1) The stages of work area progression.
 - (2) The sequence they will be worked.
 - (3) Existing grade elevations.
 - (4) Final grade elevations.
- f. A rehabilitation schedule for abandoned or completed fill areas that shall address the timetable for rehabilitation, the method and type of revegetation and maintenance until established.
- g. Surface drainage control measures as they relate to the first year's operation and subsequent years of operation.
- h. The location and size of any processing equipment and/or structures.
- i. Financial guarantees shall be furnished to the township prior to the issuance of a special use permit to ensure proper rehabilitation and reclamation in accordance with the provisions of this section in the amount of \$1,000.00/acre to be filled in the first year of operation, said amount to be adjusted for subsequent years reflecting changes in the amount of acres to which such guarantees shall apply. In determining the area for which guarantees must be supplied, the following shall be included:
 - (1) Area comprised of on-site haul roads.
 - (2) Any area stripped of topsoil or overburden.
 - (3) Any area which from a past year of operations has not been fully rehabilitated on the annual anniversary of the issuance of the special use permit.
 - (4) Any land utilized for structures or processing plant equipment.
 - (5) Any land utilized for on-site storage of equipment.

- (6) Any other land determined by the planning commission as integral to the operation which is directly or indirectly deemed by them to warrant protection under a financial guarantee.

In no event shall a financial guarantee be less than \$10,000.00 in amount.
- 2. Forms of guarantees. Financial guarantees shall be in one of the following forms:
 - a. Cash.
 - b. Certified check.
 - c. Irrevocable bank letter of credit.
 - d. Corporate surety bond of a licensed insurance company.
- C. Proposed future land use plans. A site plan showing proposed future land use upon completion of landfill operations.
 - 1. The plan shall be accompanied by written explanation of the proposed future land use and its compatibility with the adopted future land use plan of the township.
 - 2. The plan shall indicate proposed uses and show finished grade elevations and address the limitations or constraints on future land use.
- D. Site plans. A detailed site plan shall be required which reflects stages of operation and shows:
 - 1. Location, size and legal description of total site.
 - 2. Any berming and setback provisions along boundaries of the site.
 - 3. On-site haul roads and surface types.
 - 4. Stockpiling (topsoil) locations and/or provisions.
 - 5. Location of test borings accompanied by test reports or results.
 - 6. Location and dimensions of any equipment or structures, permanent or temporary.
 - 7. Areas of operation in acres by yearly stages to completion.
 - 8. Fencing, type and location.
 - 9. Present zoning of site and current land use.
 - 10. Surrounding zoning and current land use.



11. Off-site roads and surface types that will serve the operation. A general description or map insert indicating the probable off-site haul route for traffic utilized getting to and from the site.
 12. Method of landfill operations to be utilized.
 13. Location and size of monitoring wells to be installed and capacity of same in gals/min. available for fire control.
 14. Resident dumping provisions or areas.
 15. Surface drainage-control measures involving ditching, holding ponds, etc.
 16. Estimate of traffic to and from landfill site.
- E. Required Analyses and Studies
1. Needs analysis. A professionally prepared needs analysis and/or study shall be provided containing and/or addressing:
 - a. Local need.
 - b. Regional need.

(The number and remaining capacity of existing landfills within a 50-mile radius shall be assessed as well as the relation to current refuse production and future production based on current population projections in [Sections 6.4.E.1.a and b.](#))
 - c. The needs study shall address and analyze the economic cost burdens on municipal services and their capability for offsetting those additional costs.
 - d. Need shall be established for the particular site being petitioned for versus alternate sites considered along with detailed analysis of their comparative suitability.
 2. Environmental impact statement. A professionally prepared environmental impact statement or study shall be provided and shall at minimum address and be comprised of the following:
 - a. Project description.
 - b. Area or site description.
 - c. Social and economic impact, in the immediate area and in the community as a whole both short and long range.
 - d. The visual or aesthetic impact to surrounding property and the general community.
 - e. Storm drainage impact.
 - f. Transportation or traffic impact on surrounding roads and highways.
 - g. Soil characteristics generally and as they relate to:
 - (1) Erosion.
 - (2) Permeability.
 - (3) Bearing capacity before and after filled.
 - (4) Geological.
 - (5) Aquifer recharge and protection of same.
 - (6) Surface drainage and storm drain services.
 - h. Impact on surrounding property values and the quality of life. Future land use and development on site and in the surrounding areas shall be addressed.
 - i. Impact on historic land or structures as applicable.
 - j. Impact on pedestrian traffic.
 - k. Nuisances. Extent and impact on area.
 - (1) Pollutants: Air and water.
 - (2) Noise.
 - (3) Dust.
 - (4) Odor.
 - l. Impact on vegetation and wildlife.
 - m. Impact on topography of area and natural land features such as ponds, lakes, streams, marshes, watershed, plains, and estuaries.
 - n. Impact on current and future land use plans.
 - (1) The EIS shall, for evaluative purposes, measure:
 - (a) Short-term effects which do not last beyond initial construction or development.
 - (b) Medium-term effects resulting from the operation of the project and therefore do not extend beyond the life of the operation or project.
 - (c) Long-term effects lasting beyond the life of the operation or project which may be irreversible and permanent.

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- (2) The EIS should explore and propose alternatives detailing the comparative pros and cons of each as it relates to minimizing an adverse impact.
- (3) Diagrams, maps, charts and illustrations should be included to clarify and summarize data for evaluative purposes.
- o. A cover letter shall be included providing the following information.
 - (1) Name and address of deed holder of land to be utilized.
 - (2) Name and address of other owners of land to be utilized and of each interest (option, land contract, etc.).
 - (3) Name and address of each person, firm or corporation who will actually conduct landfill operation.
 - (4) Location, size and legal description of total site .

- a. A letter of intent generally describing the proposed development and its location, consistency or inconsistency with the township's comprehensive development plan, and how the development will potentially impact surrounding properties and the community generally.
- b. A legal description of the property in question.
- c. A written description of the approximate type, number, and square footage of the various proposed uses and a calculation of the approximate floor area ratio.
- d. A written description of general proposals for setbacks, building height, open space, buffers, and other site development standards related to the proposed development.
- e. Preliminary proposals regarding water supply, sanitary sewer, stormwater drainage, and roads.
- f. All known natural resources and natural features.

6.5 DEVELOPMENT PROCEDURES FOR POD DISTRICT DEVELOPMENT

A. District application requirements. The approval of an application for a POD Planned Office Development zoning district shall constitute an amendment of this zoning chapter and the zoning districts map. The approved development district map and text and any conditions imposed on the approval shall constitute an inseparable part of this chapter. Applications for a POD Planned Office Development zoning district shall follow the procedures listed in this section and shall not be required to follow the procedures listed in [Section 7.10](#) for amendments.

- 1. Preapplication conference. Prior to the submission of an application for approval of a POD Planned Office Development zoning district, the applicant shall meet with the planning director, together with any staff and/or consultants that the director deems appropriate. The preapplication conference is intended to be advisory in nature. It serves as an opportunity for the applicant to become familiar with the application procedures and development requirements. At the conference, or conferences, the applicant shall present the following information:

- 2. Zoning district application. Following the preapplication conference or conferences, the applicant may apply for the Planned Office Development (POD) zoning district. Application shall be made by submitting all application materials to the community development department. A complete application will then be forwarded to the planning commission for consideration. A complete application shall include all of the following information:
 - a. A completed application form.
 - b. An application fee, as established by resolution of the board.
 - c. Proof of ownership or legal interest in the property.
 - d. 30 copies of the proposed development district map, which shall be accurately, clearly, and legibly drawn in sufficient size and scale to show the details of the map clearly and which shall contain the following:
 - (1) The name, address, telephone number, and professional seal of the person or company responsible for preparation of the plan.



- (2) North arrow, scale, and date prepared.
 - (3) A location sketch of the site in relation to the surrounding area.
 - (4) Sheet number and total number of sheets comprising the development district map.
 - (5) All existing property lines with dimensions.
 - (6) All existing topographic contours at intervals not to exceed two feet.
 - (7) The location and width of any and all existing easements.
 - (8) The location and size of all existing sanitary sewers, county drains, water mains, fire hydrant, and other utilities on or beneath the subject property and adjacent roads.
 - (9) The general location and size of all existing structures, driveways, parking areas, and vegetation on site.
 - (10) All areas within the 100-year floodplain, wetland areas, or bodies of water.
 - (11) Zoning classifications and existing uses of adjacent properties, including the general location of existing buildings within 100 feet of property lines.
 - (12) Proposed minimum building setbacks, location and minimum width of landscaped buffer areas, and any known open space areas.
- e. The proposed development district text, which shall include all of the following:
- (1) The legal description of the property, including common street addresses and site area.
 - (2) A description of the proposed uses and square footage to be devoted to each use.
 - (3) A narrative describing how future development of the property will meet the site development requirements listed in [Section 3.16](#) and [Section 3.36](#). The narrative shall list the proposed building setbacks, building height, floor area ratio, open space percentage, and the other requirements of said section.
- (4) A statement describing how the proposed Planned Office Development (POD) zoning district meets the objectives of this section including, but not limited to, the qualifying conditions for a POD zoning district and the standards for approval.
- f. A proposed building construction phasing plan, in the form of a written agreement between the applicant and the township board, which shall include all of the following:
- (1) A description of the year each phase of construction will commence and the duration of construction for each phase.
 - (2) A description of the total square footage of executive and administrative offices and the aggregate total square footage of all other uses that will be built during each phase.
 - (3) The overall length of the building construction phasing plan, beginning at the date of approval of the development district by the board and ending at the commencement of construction of the final phase. Said length shall not be more than ten years. For purposes of this section, commencement of construction shall be evidenced by the applicant proceeding with work authorized by an issued building permit.
- g. Professional studies, as may be necessary to demonstrate that development in the proposed Planned Office Development (POD) zoning district will be adequately served by necessary public services, facilities, and utilities. Such studies may include, but not be limited to, traffic impact studies and public water, sanitary sewer, and storm drainage studies. All such studies shall be prepared by a competent and qualified professional.



- 3. Public hearing. At a regular or special meeting, the planning commission shall receive the application and set the time and place for a public hearing on the application. Notice that the public hearing will be held shall be provided as required pursuant to section 103 of the Michigan Zoning Enabling Act (MCL 125.3103) for other public hearings.
- 4. Standards for approval. Following the public hearing and review of the development district map and text, the planning commission shall recommend approval, approval with conditions, or denial of the application and forward its recommendation to the board. In making a recommendation for approval, the planning commission shall find that the request meets the intent and purpose of the Planned Office Development (POD) zoning district and the following standards:
 - a. The proposed district will be harmonious and in accordance with the principles of the township's comprehensive development plan.
 - b. The proposed uses will be consistent with the intended character of the area and will not be detrimental to existing or future uses in the area.
 - c. The property will be adequately served by essential public facilities and services, such as highways and streets, public water and sewage facilities, storm drainage, police and fire protection, and refuse disposal.
 - d. Development in the proposed district will conserve and protect natural resources and energy and will promote the social and economic well-being of those who will use the land and uses in the district.
 - e. Approval of the district will result in a beneficial effect in terms of public health, safety, and welfare that could not be achieved under any other single zoning classification.
- 5. Conditions of approval. The planning commission may impose conditions that are deemed necessary to protect public, health, safety, and general welfare, for the protection of individual property rights, and for ensuring that the intent of this chapter will be observed and that there will be compliance with the provisions of this chapter.
- 6. Township board action. The planning commission shall transmit its written recommendation to the township board. The board shall consider the recommendation of the planning commission at a regular meeting or special meeting called for such purpose. The township board shall hold a public hearing with notice to be provided as required pursuant to section 103 of the Michigan zoning enabling act (MCL 125.3103). The board shall make no change or departure from the recommendation of the planning commission unless the proposed change or departure is first referred to the planning commission for consideration. The planning commission shall have 30 days, or other such time as the board may select, from and after receipt of the referral to make further recommendations to the board. After receiving further recommendations of the planning commission, the township board may approve, approve with conditions, or deny the application for a Planned Office Development (POD) zoning district, in accordance with this article, the standards for approval, and the conditions of approval described herein.



7. Effect of approval. The Planned Office Development (POD) amendment, including the approved development district map and accompanying development district text, and any and all conditions imposed shall constitute the permitted land use and density authorization for the property. Only those uses specifically identified in the approved development district text are allowed on the property. All improvements and uses shall be in accordance with this article, this chapter, and the approved development district map and development district text, including any and all conditions imposed by the board.
8. Building construction phasing plan. A building construction phasing plan that is executed by both the applicant and the township shall constitute the total building area that may be constructed during the respective phases of construction. Where construction is not commenced on any phase or phases described in the building construction phasing plan prior to the expiration of the plan, the building area proposed in said phase or phases shall not be permitted to be constructed. Any and all uses and improvements previously approved in the development district map and/or the development district text that would have been built in said phase or phases would be disallowed upon expiration of the plan. Any construction proposed following the expiration of the building construction phasing plan would be subject to a major modification to the development district map and development district text, as described in [Section 6.5.C.1](#). A building construction phasing plan may be modified by mutual consent of the applicant and the township board, pursuant to the provisions of [Section 6.5.C.3](#).
9. Site plan review required. Construction shall not commence on any portion of a planned office development until the township has approved a site plan, pursuant to the requirements of [Section 6.5.B](#).
 - B. Site plan. After approval of an application for a Planned Office Development (POD) zoning district by the board, the applicant may submit for approval of a site plan for development.
 1. Administrative review required. Before an application for site plan review will be placed on the planning commission's agenda, the applicant must apply for administrative review. The applicant shall submit two copies of the materials required in [subsection 2](#) of this section and the established fee to the community development department. The purpose of the administrative review is for the planning director to confirm that the application is complete and to identify any substantive problems or deficiencies that must be addressed prior to formal review by the planning commission. A minimum of ten business days and a maximum of 60 days from the receipt of a complete application should be allowed for this review.
 2. Site plan review application. Application for site plan review shall be made by submitting all application materials to the community development department. A complete application will then be forwarded to the planning commission for consideration. A complete application shall include all of the following information:
 - a. A completed application form.
 - b. An application fee, as established by resolution of the board.
 - c. Proof of ownership or legal interest in the property.
 - d. 20 copies of the proposed site plan, which shall be accurately, clearly, and legibly drawn in sufficient size and scale to show the details of the plan clearly and which includes all of the information described in [Section 6.1](#).
 - e. Plans, drawings, and text as may be needed to show compliance with the approved development district map, development district text, and any conditions imposed by the board with the approval of the Planned Office Development (POD) zoning district.



- f. Any and all additional information necessary to demonstrate compliance with the site development requirements listed in [Section 3.16](#) and [Section 3.36](#).
 - g. Professional studies, as may be necessary to demonstrate that the proposed development will be adequately served by necessary public services, facilities, and utilities. Such studies may include, but not be limited to, traffic impact studies and public water, sanitary sewer, and storm drainage studies. All such studies shall be prepared by a competent and qualified professional.
 - h. A sequenced scheduling plan for the project showing the timing of various elements, including infrastructure, structures, circulation, landscaping, and open space improvements.
 - i. A written statement describing consistency with an executed building construction phasing plan.
3. Site plan review. Each site plan shall be reviewed for the purpose of determining that it meets all the requirements set forth in this chapter, the site development requirements listed in this article, the requirements of the development district map and development district text, as approved by the board, and an executed building construction phasing plan, and will:
- a. Be harmonious with and in accordance with the general principles and proposals of the comprehensive development plan of the township.
 - b. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - c. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
 - d. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, and water and sewage facilities.
4. Conditions of approval. The planning commission may impose conditions that are deemed necessary to protect public, health, safety, and general welfare, for the protection of individual property rights, and for ensuring that the intent of this chapter will be observed and that there will be compliance with the provisions of this chapter.
5. Duration of approval. Construction shall be commenced within 24 months following approval of the site plan and prior to the expiration of the building construction phasing plan. If construction is not commenced within such time, any approval of the site plan shall expire and become null and void. However, an extension may be granted for a specified period by the planning commission upon a showing of good cause by the applicant and only if such request is made prior to the expiration of the initial period and is consistent with the building construction phasing plan. In the event that a site plan has expired, a new application for site plan review shall be required.
6. Commencement of construction. Construction shall not commence on site until the applicant has obtained a building permit, pursuant to the requirements of [Section 7.3](#) and [Section 7.4](#). Constructed buildings shall not be occupied until a certificate of occupancy has been issued, pursuant to the requirements of [Section 7.5](#).
- C. Modifications.
- 1. Modifications to the approved development district map or text. Major modifications to an approved development district map or development district text, as described in this subsection, shall be reviewed in accordance with the procedures established for the original district application, as described in [Section 6.5.A](#).
 - a. Increases to approved maximums including, but not limited to, an increase in the floor area ratio, an increase in intensity or area devoted to one or more uses, an increase in land area, an increase in building height, or the addition of a use or uses not previously approved.
 - b. Decreases to approved minimums including, but not limited to, a reduction in building setbacks, or a lower open space percentage.



6.6 SITE CONDOMINIUM SUBDIVISION DEVELOPMENT PROCEDURES

- c. Construction proposed after the expiration of the building construction phasing plan.
- 2. Modifications to an approved site plan. The planning director is authorized to approve certain minor modifications to an approved site plan provided that all of the following conditions are met:
 - a. A request for modification is filed with the community development department, together with two copies of the revised site plan that shows all pertinent information, and a fee as established by the board for administrative reviews.
 - b. There is no increase in the number of structures, nor shall the revised plan provide for any increase in building heights or the total floor area or storage space authorized on the previously approved site plan.
 - c. No reductions are proposed to setback, yard, or open space requirements, as shown on the previously approved plan.
 - d. The proposed modification shall be in compliance with the approved development district map and development district text.
 - e. The proposed modification shall not violate any requirement of this or any other applicable township ordinance.

Any modification that does not meet the conditions listed in this subsection shall be submitted for site plan review by the planning commission in the manner described in [Section 6.5.B](#) for new applications.
- 3. Modifications to a building construction phasing plan. Certain modifications to an executed building construction phasing plan may be approved by mutual consent of the applicant and the township board. Such modifications may include changes to the number, duration, or start date of a phase or phases. In no case shall the overall length of the building construction phasing plan be more than ten years, beginning at the date of approval of the development district by the board and ending at the commencement of construction of the final phase.

- A. Purpose and scope.
 - 1. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a lot for purposes of determining compliance with the requirements of this zoning chapter and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project's location, any land use permitted by the township zoning ordinance may be permitted in a site condominium project.
 - 2. The purpose of this section is to ensure that plans for developments within the township proposed under the provisions of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). It is also the intent of this section to ensure that such development is in conformance with the requirements of this zoning chapter and article III of chapter 20; and other applicable township ordinances and state and federal regulations.



B. Site condominium review and approval procedures. Application for review and approval of a site condominium subdivision shall be in accordance with the following procedures:

1. Step I preliminary review.
 - a. Prior to the formal application for a site condominium subdivision, the developer shall meet with the planning commission. The purpose of this meeting is to inform the planning commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the township building official who shall distribute it to all planning commission members, the township manager, township planner, and township engineer:
 - (1) A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
 - (2) A statement regarding the provision of sewer service and water supply.
 - b. During the preliminary discussion meeting, the planning commission, based on the information available to it, shall inform the applicant about the following:
 - (1) General requirements of this section and other applicable provisions of this chapter and chapter 20.
 - (2) Planned or anticipated sites of parks and recreation areas and other public uses.
 - (3) Utility system capabilities.
 - (4) Planned or anticipated public improvements, including streets, utility extensions, and the like.
 - (5) Street plans and potential problems relative to the natural features of the area including, but not limited to, floodplains, soil conditions, topography, and ground water tables.

(6) Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward final approval of the site condominium project.

- c. Step I review is intended for information purposes only and does not constitute binding commitments on the part of the township. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
2. Agency review. Following step I preliminary review the applicant shall submit the site condominium subdivision plans to the following agencies for their review and comment and, if required, their approval:
 - a. Clinton County Health Department.
 - b. Clinton County Road Commission.
 - c. Clinton County Drain Commission.
 - d. Michigan Department of Natural Resources and Environment.
 - e. Southern Clinton County Municipal Utilities Authority.
 - f. Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.
 - g. Lansing Board of Water and Light.
3. Step II preliminary review by planning commission.
 - a. Submission requirements. An application for preliminary review of a site condominium subdivision project shall be made to the township building official along with the appropriate fees as required by township board resolution. The application shall, at a minimum, contain the following information:



- (1) Application for certificate of zoning compliance, which upon issuance, shall ensure that the project as proposed is capable of being developed in conformity with the zoning regulations applicable to the district in which the project is located, subject to the customary procedures applicable to township approval of individual uses on individual building sites as required by [Section 7.4](#).
 - (2) The applicant's name, address, and phone number.
 - (3) Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
 - (4) The name, address, and phone number of the owner of record if different than the applicant.
 - (5) The legal description, address and tax parcel number of the property.
 - (6) Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing etc.
 - (7) Gross and net size of the parcel in acres.
 - (8) Written comments and/or approvals from the agencies listed in [Section 6.6.B.2](#), as applicable.
 - (9) A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
 - (10) A copy of any preliminary agreements which may be required before final plan approval is granted.
 - (11) A copy of the proposed master deed of the project and the supportive information which is intended to be recorded with the register of deeds as required by state law.
 - b. The applicant shall provide at least 12 copies of the preliminary site condominium project plan and additional copies if deemed necessary by the official. The plans shall contain the information required for preliminary site condominium plans as required by this section.
 - c. The application and plans shall be submitted at least 20 days before the next regularly scheduled meeting of the planning commission.
 - d. Upon receipt of the preliminary site condominium project plans, the official shall forward one copy to each member of the planning commission, and the township engineer, for consideration at the next regularly scheduled meeting of the planning commission.
4. Planning commission step II review. The building official shall notify by mail the members of the planning commission that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of said hearing shall be given at least 15 days prior to the hearing by one publication in a newspaper of general circulation in the township and by notice by certified mail to each public utility company and to each railroad within the geographical sections or divisions of the township affected by the proposed development. Notice of said hearing shall also be sent, not less than five days before the date fixed therefor, by certified mail to the applicant and to all owners of land immediately adjoining the subject property. The official shall also give such notice of the meeting as is required by the Open Meetings Act. In reviewing the preliminary plan, the planning commission shall give particular attention to the requirements of [Section 6.6.C](#). The planning commission shall also review all deed restrictions and covenants for the site condominium project and find that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the preliminary plan meets the requirements of this section and all other applicable local, county, state and federal regulations, the planning commission shall grant it preliminary approval. The planning

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commission shall forward one copy of the preliminary plan along with a notation indicating preliminary approval and any recommendations to the township board for step II review and approval. If the plan does not meet the requirements of this section, the planning commission shall:

- a. Recommend denial of the preliminary plan, setting forth the reasons in writing; or
- b. Recommend granting of preliminary plan approval contingent upon completion of the revisions as noted.

The planning commission shall forward the planning commission's recommendations to the township board.

5. Township board step II review, and approval of preliminary plan. After receipt of the preliminary plan and recommendations from the planning commission, the township board shall consider the preliminary plan at its next meeting, or within 30 days from the date of receipt from the planning commission.

a. The township board shall consider the preliminary plan along with the recommendations of the planning commission. If the plan meets the preliminary plan requirements of this section, the board shall grant step II preliminary plan approval. The township clerk shall sign the plan with the notation that it has received step II approval and the applicant shall be so notified. Step II approval shall give the applicant the following rights for a two year period from the date of approval:

- (1) That the general terms and conditions under which step II approval was granted will not be changed by the township.
- (2) That the building site sizes, orientation, and street layout have been approved.

b. If the preliminary plan substantially meets the requirements of this section, the township board may grant tentative approval of step II. This approval shall be conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete step II. Upon the submission of such changes, revisions, or additional material to the township board, the preliminary plan shall be granted unconditional step II approval and the applicant shall be so notified.

c. If the preliminary plan cannot meet the requirements of this section, the township board shall deny step II approval and shall notify the applicant along with the reasons for denial.

6. Financial guarantee. In lieu of completion of all public improvements prior to approval of the final plan, the township board may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any public agency other than the township responsible for the administration, operation, and maintenance of the applicable public improvement. Completion of improvements shall be required prior to the issuance of occupancy permits for any dwelling or business establishment.

a. Cash deposit, certified check, irrevocable letter of credit.

- (1) A cash deposit, certified check, or irrevocable letter of credit shall accrue to the respective public agency responsible for administering the construction, operation, or maintenance of the specific public improvement. These deposits shall be made with the treasurer of the respective unit of government of which the public agency is a part, or deposited with a responsible escrow agent, or trust company, subject to the approval of the respective governmental body.



- (2) The dollar value of the cash deposit, certified check, or irrevocable letter of credit shall be equal to the total estimated cost of construction of the specified public improvement.
 - (3) The escrow time for the cash deposit, certified check, or irrevocable letter of credit shall be for a period to be specified by the respective public agency responsible for administering the construction, operation or maintenance of the specific public improvement.
 - (4) In the case of either cash deposits or certified check, an agreement between the respective public agency and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check to the extent of the estimated cost of the completed portion of the public improvement in accordance with the standard practices of the public agency responsible for administering the specific public improvement.
- b. Penalty for failure to complete the construction of a public improvement. In the event the developer shall, in any case, fail to satisfactorily complete the required construction of a public improvement within such period of time as required by the conditions of the guarantee for the completion of public improvements, the township board may declare the developer to be in default and require that all the improvements are installed regardless of the extent of the building development at the time the guarantee is declared to be in default. The township board may obtain sums necessary for the cost and expense of such installation by appropriating the amounts necessary to complete the project from the cash deposit, certified check, or irrevocable letter of credit. Nothing contained herein shall prohibit the township from the pursuit of any other remedies which may be available for breach of agreement and/or for damages including requests for actual attorney fees and costs.
7. Effect of step II approval. Approval of a step II preliminary site condominium subdivision project by the township board shall serve as conditional authorization to proceed with the project and the construction of required improvements to the land in conformity with approved project plans. Step II preliminary site condominium subdivision approval shall not serve as the direct authorization for construction of buildings on individual building sites within the subdivision. Prior to building construction, individual uses shall be subject to the customary provisions of [Section 7.4](#) and any general or special regulations applicable to the individual use as outlined or referenced in the applicable district regulations of this chapter.
 8. Final plan approval.
 - a. Within two years from the date of step II approval of the preliminary plan, the applicant shall prepare and submit the necessary copies of the final site condominium plan to the township clerk along with a completed application form and any fee established by the township board at least two weeks prior to the next regularly scheduled board meeting. The applicant shall also submit the following:
 - (1) Two copies of as-built plans of all required public improvements which shall be reviewed by the township engineer for compliance with applicable township ordinances.
 - (2) A copy of all final agreements and the master deed which is to be recorded with the county register of deeds.
 - (3) Letters of approval from all applicable agencies or utilities stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.
 - b. If all submissions are found acceptable, the clerk shall submit the same to the township board at its next regular meeting for approval.



- c. The board shall approve or reject said final plan based upon the plans and other material submitted and recommendation of the township engineer and notify the applicant in writing.
 - d. If the final plan is rejected, the clerk shall notify the applicant stating the reasons for denial.
 - e. All provisions of the site condominium subdivision project plans which are approved by the township board must be incorporated, as approved, in the master deed for the condominium project. A copy of the master deed as filed with the county register of deeds for recording must be provided to the township clerk within ten days after such filing with the county.
- C. Site condominium subdivision plans.
1. Required content; preliminary plan. Site plans submitted for a site condominium subdivision shall be prepared in accordance with the following requirements. The preliminary plan shall be drawn at a scale of not more than 100 feet to the inch and shall include or be accompanied by the following information:
 - a. The name of the project, the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the plan; and a description of the property to be subdivided.
 - b. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
 - c. North arrow, scale, contour interval, and legend when appropriate.
 - d. Contour elevations adjusted to USGS datum at not more than five foot intervals.
 - e. Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
 - f. The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property.
 - g. The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:
 - (1) Street and sub-street right-of-way locations, width and curve radii.
 - (2) Proposed street names.
 - (3) Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten square feet.
 - h. The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
 - i. The locations and tentative sizes of proposed sanitary sewers, storm sewers and catchbasins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
 - j. Statements regarding:
 - (1) Intent to utilize private water or sewage facilities.
 - (2) Zoning and lot size requirements.
 - (3) Zoning requirements for front, side and rear yards.
 - (4) Size and type of street in accordance with county road commission standards.
 - (5) Intent to install gas, sidewalks, street lights, and shade trees.
 - (6) Use of waterways, rivers, streams, creeks, lakes or ponds.
 - k. The location of all general and limited common elements.
 - l. The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the master deed.
 2. Final plan. The final plan for a site condominium subdivision shall include:
 - a. One set of approved as-built or final construction plans for all required improvements to be kept on file by the township.



- b. One copy of the final master deed intended for recording.
 - c. Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights, or shade trees.
 - d. One copy of any financing arrangements between the township and the proprietor for the installation of required improvements, if any.
- D. Site condominium and subdivision layout, design, and required improvements.
1. Conformance with zoning. All land uses and building sites within a site condominium subdivision project shall be subject to the requirements of this chapter for that zoning district in which it is located.
 2. Layout, design and required improvements. Site condominium subdivision plans shall conform to the design, layout, and improvement standards included in chapter 20 and specifically the following sections which are included herein by reference:
 - a. Section 20-126 Planting strips and reserve strips
 - b. Sections 20-151–20-154 Trafficways; streets and roads
 - c. Sections 20-205–20-213 Nonmotorized transportation plan
 - d. Section 20-206 Nonmotorized transportation plan–Sidewalks
 - e. Sections 20-211–20-213 Blocks
 - f. Sections 20-235–20-243 Lots division of platted and unplatted parcels. The term "lot," as used therein, shall be interpreted as meaning building site for the purpose of these regulations.
 - g. Sections 20-265–20-267 Public sites and open spaces
 - h. Section 20-267 Preservation of natural features and amenities
 - i. Section 20-298 Required public improvements
 3. Law. The requirements, procedures, regulations, and powers set forth in the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), shall apply except as provided by this chapter.
 4. Inspection and specifications. The township board may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this chapter. All plans and installation of improvements called for shall be subject to the approval of the township or its agent, or such other competent persons as designated by the township. All inspection fees shall be paid by the applicant before the final plan is signed by the township unless adequate sureties or deposits to cover these expenses are given to the township prior to final plan approval.
- E. Variances.
1. Building site area, width, and depth regulations. Variances with respect to individual building site width, depth, and area regulations governed by the district regulations of the zoning district in which the site condominium project is located shall be made to the zoning board of appeals pursuant to the procedures, rules, and conditions contained in [Section 7.9.P](#) unless the proposal is for a planned unit development. In such instances, [subsection E.2](#) of this section shall apply.
 2. Planned unit developments. Variances with respect to building site dimensions and uses for planned unit developments under the site condominium form of development may be achieved under the procedures and standards contained in [Section 3.27](#), planned unit developments.
 3. Required public improvements or utilities. The township board, with the recommendations from the planning commission, may grant a variance with respect to required public improvements if, in their best judgment, said installations shall be impractical. Provided, however, that variances with respect to required public improvements shall not normally be granted unless the average width of a building site in the proposed development, as measured at the street frontage is 200 feet or more, and the average building site size is at least 40,000 square feet, or the proposed development is an extension of an existing plat or development which does not have the particular improvement. In considering variances from the standards for public improvements and utilities, the



township board shall find, based upon recommendations from the planning commission that undue hardship or practical difficulties may result from strict compliance with the requirements, or that application of the requirement or standard is impractical. The planning commission shall only recommend a variance that it deems necessary or desirable to the public interest. In making its findings, the planning commission shall take into account the nature of the proposed development, existing land use in the vicinity of the proposed development, the number of persons to reside or work in the proposed development, and, as applicable, the traffic circulation and conditions within and in the vicinity of the proposed development. No such variance shall be recommended unless the planning commission finds, after public hearing, all of the following:

- a. That there are such special circumstances or conditions affecting the property that the strict application of the improvement standard would clearly be impractical or unreasonable. In such cases, the developer shall first state the developer's reasons in writing as to the specific provision or requirement involved and submit them to the planning commission.
- b. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- c. That such variance will not violate the provisions of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), nor create a violation of this chapter.
- d. That such variance will not have the effect of nullifying the intent and purpose of these regulations and the comprehensive development plan of the township.

- 4. Application. Applications for any variance or planned unit development shall be made in writing by the petitioner prior to the time when the step II preliminary plan is filed for the consideration of the planning commission. The application shall state fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the planning commissioner or zoning board of appeals in the analysis of the proposed variance. In the case of a requested planned unit development, the plans submitted shall comply with the provisions of [Section 3.27](#)

6.7 EARTH CHANGE DEVELOPMENT REGULATIONS

The purpose of this section is to establish regulations for the alteration of land contours resulting from the importation of materials.

- A. Earth change activities requiring a permit. Except as exempted by [subsection B](#) of this section, anyone who engages in earth change activities in the township which disturbs land shall be required to have a permit.
- B. Exemptions. Earth change activities exempted from the provisions of this article.
 - 1. Earth change activities not involving the importation of materials from off-site locations.
 - 2. Earth change activities on less than one acre in area, subject to the following:
 - a. Activities will not exceed six months' duration.
 - b. Fill materials from off site shall not exceed an average volume greater than eight cubic yards for each 100 square feet of affected area.
 - c. Fill materials from off site shall be native to the site from which they were removed. These soils must be free of wood, debris, yard wastes, or any other contaminants of a solid or liquid nature.
 - 3. Earth changes within public rights-of-way that are incidental to the construction of local or state roads under the authority of the Clinton County Road Commission and the Michigan Department of Transportation.



4. Earth changes incidental to and in conjunction with an approved final preliminary plat pursuant to article III of chapter 20.
5. Earth changes incidental to and in conjunction with an approved site plan and/or special use permit.

Exceptions provided above shall not be construed as exemptions from the requirements and/or procedures pursuant to Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.) governing soil and sedimentation control or the state department of natural resources and environment governing water management or any other applicable local, county, state and federal laws as may be applicable.

C. Use requiring administrative review. With the exception of exempt activities as described in **subsection B** of this section and activities allowed by special use permit as described in **Section 6.7.D**, all earth change activities shall comply with the administrative review set forth in the following:

1. Application.
 - a. An application shall be submitted on a form available at the planning and zoning office for that purpose. The application shall be accompanied by a filing fee as shall be adopted by resolution, which may be amended from time to time, by the township board. Said application shall be filed not less than 45 days prior to the commencement of any earth change activity.
 - b. The application and related documents shall be submitted through the planning and zoning office and shall contain the following:
 - (1) Name, address, and telephone number of the applicant.
 - (2) Name, address and telephone number of the owner of the property. If not the title holder of the property, written acknowledgement from the title holder of the property authorizing or giving permission to conduct the earth change activity being applied for shall be obtained.
 - (3) Duration of the earth change activity proposed in hours per day, months and years.

- (4) A description of the earth change activity; the intent and purpose it is intended to achieve; and the number and types of equipment that will be used to accomplish the same.
 - (5) A description of any fill materials being transported to the site including: location of the source, the property owner, the composition of the fill, activities historically undertaken at the source location, specific details of all substances contained in the fill which are other than native soils.
 - (6) A map depicting the haul route being proposed.
- c. Sketch plan. A sketch plan of the affected area which is to scale and of sufficient detail to clearly describe: the size and location of the affected area; topography; natural and physical features including structures; and the general manner in which the activities will change the site, including alterations to the topography and drainage.
2. Conditions of approval. The township official responsible for the administration of zoning regulations, to be known as administrator, shall have the authority to approve an earth change permit upon a finding that all the following conditions are met:
 - a. Activities are confined to an area of less than three acres and a duration of less than eight months.
 - b. Fill materials from off site shall be native to the site from which they were removed. These soils must be free of wood, yard wastes, or any other contaminants of a solid or liquid nature.
 - c. Complies with all local, state, and federal requirements including drainage, soil erosion, wetland protection, etc.

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- d. Adequate assurance that the activities can be reasonably conducted without the creation of undue, prolonged hardship or hazard to public health, safety or welfare and that appropriate precautions will be taken to ensure that any negative impacts from associated activities including dust, noise, dirt on public streets, etc., will be mitigated to the maximum extent practical.
 - e. A determination by the administrator that no special conditions could be discerned that might warrant more extensive evaluation and/or protection as could best be afforded under the special use permit procedures set forth in [Section 6.7.D](#).
3. Appeal from administrator's decision.
- a. Appeal from administrative denial of an application for an earth change activity permit shall be to the township planning commission.
 - b. An appeal shall be made in writing and specify the grounds for the same.
 - c. An appeal, in order to be eligible for review by the township planning commission, shall be filed not more than 20 days from the date of official notice of administrative denial.
- D. Use requiring special use permit. Earth change activities which do not comply with the standards set forth in [Section 6.7.B](#) and [Section 6.7.C](#) may be permitted in any district by special use permit, subject to the following conditions:
- 1. The general requirements and procedures for special use permits, as set forth in [Section 6.1](#) are met.
 - 2. Compliance with local, state, and federal agency regulations and recommendations including drainage, flood control, wetland protection, soil erosion mitigation, haul route designation, etc.
3. All applications shall be reviewed for approval on the basis of their impact on surrounding properties and whether they can be reasonably conducted without the creation of undue, prolonged or permanent hardship or hazard to the public health, safety or welfare and approval to ensure the same. Said conditions may include any reasonable requirements deemed necessary to achieve the intent and purpose of this section.
- E. Basis for permit revocation.
- 1. Violation of any of the terms of the approved permit.
 - 2. Violation of the terms of any township, county, state or federal permit required in conjunction therewith.
 - 3. Expiration of the permit.
- F. Provision not to be construed to waiver county, state or federal regulations. Nothing herein shall be construed as a waiver from any regulations required by county, state or federal law.



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Article 7.0 Administration, Appeals and Enforcement



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7.0 Administration, Appeals, and Enforcement

7.1 ADMINISTRATION

The provisions of this chapter shall be administered by the township planning commission and the township board in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

7.2 ENFORCEMENT

- A. The township board shall employ a building and zoning official hereafter called official to act as the township board's officer to effect proper administration of this chapter. The term of employment, rate of compensation and other conditions of employment shall be established by the township board. The official shall have the power to enforce this chapter according to the procedures authorized by law.
- B. All applications and certificates required by the provisions of this chapter shall be submitted to the official and shall be verified by him as to compliance with this chapter prior to issuance of any permit or certificate as required herein.
- C. The official, under no circumstances, is permitted to alter or vary the terms of this chapter and has discretionary power only as specifically stated within this chapter.
- D. The validity of all information provided the official on any application required by this chapter shall be the responsibility of the applicant and shall be subject to the penalty provisions of this chapter.

7.3 CERTIFICATES OF ZONING COMPLIANCE

- A. For structures exempted from building permits under state and federal laws, a certificate of zoning compliance shall be required.
- B. The purpose of the certificate will be to ensure compliance with this chapter as the chapter regards allowable uses, how they are allowed, such as by right or special use permit, and shall be further to ensure compliance with other zoning requirements such as height, width, minimum and maximum square footage, setbacks from property lines, fencing, screening, etc.
 1. Application for a certificate of zoning compliance shall be prior to commencement of the erection, addition to, alteration of or moving of a structure exempted from building permit and shall require submission of a site plan as specified under [Section 7.4.B.2](#).

2. Upon completion of the work, one inspection shall be performed by the zoning official to determine compliance with approved site plans prior to issuance of the certificate.
3. An application for certificate of zoning compliance shall be accompanied by a fee as shall be established by the township board and which may be amended from time to time by the board by resolution.
4. A property owner not wishing to exercise his right to exemption from building permit for an agricultural storage building ([See Section 7.4.E](#)) may under regular procedure obtain a building permit to have said structure inspected according to normal department procedures. Agricultural storage buildings covered by regular building permit shall be exempt from the requirement for a certificate of zoning compliance.

7.4 BUILDING PERMITS

The following requirements shall apply to the issuance of any building permit:

- A. Building permit secured from official.
 1. Excavation for any building or structure shall not be commenced, and the erection, addition to, or alteration of, moving of any building or structure shall not be undertaken until a building permit has been secured from the official. No building permit shall be issued for a use not allowed in a zoning district or use requiring a special use permit until after such special use permit has been granted and issued in accordance with the provisions contained in [Section 6.1](#).
 2. Any building permit issued prior to the effective date of the ordinance from which this chapter is derived shall be valid even though not conforming to the provisions herein, provided that construction is commenced within 90 days from the date of issuance of said permit and that the entire building shall be completed according to the plans filed with the permit application, within one year from the date of issue.

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B. Application. An application shall be submitted to the official on the form provided for that purpose by the official and shall be accompanied by two copies of a site plan, plot plan or survey, drawn to scale with the following information:

1. Building permit. All information as required on form provided for that purpose.
2. Site plan, plot plan or survey drawn to scale showing lot dimensions, the plan required herein shall exhibit.
 - a. Size of proposed and existing structures.
 - b. Location of proposed and existing structures on property from property lines.
 - c. Easements that prevail for drains or utilities.
 - d. Utility service connection locations for sewer, water, gas and electric (overhead and underground).
 - e. Existing and proposed structure uses.
 - f. Square feet of lot coverage proposed and existing.

C. Duration and extensions.

1. A building permit shall be:
 - a. Void if work does not commence within 120 days of issuance.
 - b. Void if work stops for 120 consecutive days.
 - c. Void after one year, unless renewed by written request at one-half the initial fee.
2. One 90-day extension to any of the requirements of **Section 7.4.C** may be granted on written request and the approval of the official and shall be made prior to expiration of the original permit.
3. Any permit may be revoked by the official whenever the holder or applicant, his agents or representatives:
 - a. Shall have made a false or fraudulent statement in the procurement, or in the exercise of such permit;
 - b. Violates any provisions of this chapter; or
 - c. Fails to satisfy the requirements of this chapter.

D. Inspections. The official shall make four inspections of the site and structures covered by the permit as follows:

1. First. After stake-out, but prior to excavation.
2. Second. After excavation and forming for footings, prior to pouring concrete.
3. Third. Rough frame, after roof, rough plumbing, electrical, mechanical distribution, but prior to covering any structural detail.
4. Fourth. After building is finished and ready for occupancy and final inspections of mechanical, electrical, and plumbing are complete.

D. Fees. All fees for inspection and issuance of permits or certificates required under this chapter shall be collected by the official in advance of issuance. The amount of such fees shall be established and may be amended by resolution of the township board and shall be in an amount sufficient to defray the cost of inspections and supervision necessary for the implementation and enforcement of this chapter. A copy of the schedule of such fees currently in effect shall be kept in the office of the township clerk and the official.

E. Exemptions. Agricultural type storage buildings unless limited to the storage of agricultural material and/or equipment in conjunction with farming shall not be exempt from building permits. Storage of any other equipment in an agricultural building shall result in the interpretation of said structure as not being exempt under state statute and a building permit shall be required.

7.5 CERTIFICATE OF OCCUPANCY

No building shall be used, occupied, or changed in use until a certificate of occupancy shall have been issued by the official.

- A. Certificates for new structures. The certificate of occupancy shall be issued after final inspection and shall certify that all required inspections are completed satisfactorily and that the unit complies with all provisions of this chapter and is ready for occupancy.
- B. Certificates for existing structures. Certificates of occupancy may be issued upon written request for existing buildings, structures or parts thereof after inspection and verification that the building or structure is in compliance with the provisions of this chapter and minimum standards for existing buildings under the adopted state construction code.



- C. Changes in use and occupancy. No change in the occupancy or use of an existing building or structure shall be allowed without reapplication in writing for a new certificate of occupancy certifying the change being in compliance with the provisions of this chapter.
- D. Certificates for nonconforming use. Any use or occupancy of any land or building not specifically permitted in its particular zoning district shall require the issuance of a certificate of occupancy for continued use. The certificate shall indicate the nature of the authorized nonconforming use, the approximate date of commencement of said use, the dimensions of the building, if any, and any limiting conditions imposed upon said use.
- E. Application for certificates. Application for certificates of occupancy shall be made at the time of application for building permit or, in the case of existing buildings or uses of land, by application in writing to the official. An application for certificate of occupancy of new construction shall be automatic with an application for a building permit and shall be issued at the completion of the final inspection. In case of existing buildings or uses of land, a certificate of occupancy shall be issued within ten days after the receipt of such application if the building, structure, or use of land is in accordance with the provisions of the chapter. If such certificate is refused for cause, the applicant, shall be notified of such refusal in writing.
- F. Temporary certificates of occupancy. The official may issue a temporary certificate of occupancy for a specified period of time not to exceed one year for a principal building on a project before full completion of screening, planting, fencing and parking if, in the official's judgment such items could not have been completed at the same time as the principal building and further, where a performance bond equal to the estimated cost of these improvements has been posted.
- G. Records of certificates. A record of all certificates issued shall be kept on file in the office of the building official and copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

7.6 WIND ENERGY CONVERSION SYSTEM PERMITTING REQUIREMENTS

- A. **Small wind energy conversion systems.**
 - 1. The zoning compliance certificate permit and building permit application for any small WECS and accessory tower/structure mounted WECS must include:
 - a. A project summary, including:
 - (1) A general description of the project, including its approximate name plate capacity, the potential equipment manufacturer(s), type (s), of the WECS(s), number of WECS(s) and capacity of WECS, the maximum height and diameter of the WECS rotors, the general location of the project;
 - (2) A description of the applicant, owner and operator, including their respective business entities.
 - b. The name(s), address(s) and phone number(s) of the applicant(s) and property owner(s).
 - c. A description for the location of the WECS tower and/or structure mounted system and the location of property lines of adjoining property owners.
 - d. A site plan for the installation of the WECS, showing location of each WECS tower, primary structures, property lines, setback lines, height, ancillary equipment and layout of all structures within geographical boundaries of any applicable setbacks.
 - e. An evaluation prepared by appropriate professionals of the likely impact of the proposed WECS on vibration, shadow flicker, and aesthetic impact on adjoining properties as well as any other information required to demonstrate compliance with this Section or any other ordinance, regulation, or law of the township, county, state, or federal government.
 - f. All required studies, reports, certifications and approvals demonstrating compliance with the provisions of this section and this article.
 - g. Documentation that the proposed WECS shall be properly grounded to safely sustain natural lightning strikes.

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B. **Large wind energy conversion systems.**

1. The application for a special use permit must be accompanied by:
 - a. An evaluation prepared by appropriate professionals of the likely impact of the proposed WECS in the following areas:
 - (1) Noise and vibration impacts at any property line.
 - (2) Potential impact on wildlife, including native and migrating birds.
 - (3) Shadow flicker and glare impacts on adjacent properties.
 - (4) Aesthetic impact of the WECS on adjoining properties.
 - b. The following information must be detailed to supplement the site plan required for a special use permit application:
 - (1) Property lines, dimension, acreage and contours with appropriate intervals for site evaluation.
 - (2) Location and elevation of the proposed large WECS.
 - (3) Locations and dimensions of all existing structures and uses on the lot within 300 feet of the system.
 - (4) Height of any structures or trees over 35 feet within a 500-foot radius, on-site or off-site of the proposed large WECS.
 - (5) Surrounding land use and structures, irrespective of height, within 500 feet of the large WECS location.
 - c. Additional information required:
 - (1) Standard drawings of the structural components of the large WECS, including structures, tower, base and footings. A registered or professional engineer shall certify drawings and any necessary calculations demonstrating that the system complies with all applicable local, state and federal building, structural and electrical codes.

- (2) Certification from a registered or professional engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site.
- (3) Registered engineer's certification of the design and safety for the proposed tower to withstand any high wind speeds, and that the large WECS can be operated successfully on the subject property.

7.7 ENFORCEMENT—VIOLATIONS AND PENALTIES.

The official shall enforce the provisions of this chapter. Violations of any provisions of this chapter are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this chapter observed or communicated to police and fire department employees or to any township officials shall be reported to the official.

- A. Penalties. It shall be unlawful and punishable as provided herein for any person, firm, corporation, or entity to commence, to continue, or maintain any use, condition, or maintain any condition or conduct contrary to the provisions of this chapter. Upon conviction thereof, such person, firm, corporation or entity shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500.00 or by both such fine and imprisonment. Each day that a violation exists shall constitute a separate punishable offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter. Violation of this chapter is hereby declared a nuisance per se and conviction of the penal provisions shall not preclude proceedings to abate such a nuisance.
- B. Cumulative rights and remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law, including, but not limited to such injunctive relief as may be appropriate.



7.8 SIDEWALKS

- A. Designation, enforcement. It shall be the responsibility of the Community Development Department, or designated person by the department, to supervise and control all sidewalks and shared use pathways and the construction, repair, and maintenance thereof, including inspection, and to enforce the provisions of this article.
- B. Inspections. Complaints received regarding defective sidewalks or shared use pathways shall result in inspection of the alleged defective condition by the Community Development Department. If a violation exists, the person responsible shall be required to repair or remove the violation under the terms of [Section 7.8.E](#).
- C. Authority of Township Board. The Township Board or the board's designated official shall have the authority to provide for the construction or repair of sidewalks or shared use pathways by general contract, or in such other manner as it shall determine.
- D. Violations. A violation of any of the provisions of this section or failure to comply with any of its requirements shall constitute a municipal civil infraction. Any person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in Chapter 22 of the Code of Ordinances. Nothing herein contained shall prevent the township board, or any other public official from taking such other lawful action as is necessary to restrain or prevent any violation of this article.
- E. Repair of sidewalks or shared use pathways.
1. It shall, in all cases, be the responsibility of owners of lots or parcels abutting any street required to construct sidewalks or shared use pathways within or adjacent to the non-pavement right-of-way or easement, to keep the sidewalks or shared use pathways within or adjacent to their lot or parcel in good repair. Sidewalks or shared use pathways shall be repaired or replaced when the condition of the same is detrimental to the safety of the general public. These requirements shall be enforced except under the provisions of [Section 7.8.E.2](#). Conditions that require repair include, but are not limited to, the following:
 - a. A rise or drop of more than three-quarters of an inch between any two sections of sidewalk or shared use pathway at the connection joint.
 - b. More than two cracks of one-quarter inch in width or more in any two lineal feet of sidewalk or shared use pathway section.
 - c. Any section of sidewalk or shared use pathway which is tilted in excess of one inch per foot from edge to edge.
 - d. If, in any five-foot lineal section of sidewalk or shared use pathway, more than fifty percent of the surface has spalled off to a depth of one-quarter inch or greater, that section of the sidewalk or shared use pathway shall be replaced.
 - e. The concrete has dipped to allow water to pond to a depth of three-quarters inch or more.
 2. Single-family residences on lots or parcels within the A zoning district, or in conjunction with residences in the R-1 through R-6 zone unless as approved as part of a plat to include such shared use pathway. The Township Board will be responsible for the maintenance or repair of shared use pathways that are exempt from single-family residences.
 3. Whenever the Community Development Department determines that a sidewalk or shared use pathway is in a state of disrepair, a notice shall be sent by certified mail to the owner of the adjacent lot or parcel to repair the sidewalk or shared use pathway. The notice shall specify the time period within which such work shall be commenced. In no case shall the time period allowed for repair of a sidewalk or shared use pathway exceed ninety days. Repairs required under this section shall be completed during the construction season.

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F. Construction or repair by the township. If any owner shall fail or neglect to construct or repair any sidewalk or shared use pathway adjacent to their lot or parcel of land within such time as herein required, or as may be required by resolution of the Township Board, the Township Board may cause the same to be done, and the cost of said construction or repair may be paid out of the contingent fund of the township or financial guarantee posted for that purpose, and the Township Board may pursue the means necessary to recover the cost of said construction or repair from the owner as applicable.

G. Variances and deferments and exemptions.

1. Variances. The Township Board may, upon recommendation of the Planning Commission, grant a variance from the requirements of [Section 5.3.E](#) for the construction standards of a sidewalk or shared use pathway including but not limited to surface material, width or slopes. The Township Board shall only grant a variance if the proposed variance will not impair the public health, safety or general welfare of the inhabitants of the township. The Township Board shall not grant a variance unless it finds that a strict application of the construction standards would result in practical difficulties due to an undue hardship upon the owners of such lots or parcels. Practical difficulties may include, but shall not be limited to, severe variations in topography, unsuitable soils or difficulty in providing safe separate between pedestrian and vehicular traffic due to site location, layout or existing building arrangements.

2. Deferments. The Planning Commission may, upon application from a non-residential property owner, grant a deferment from the requirements of [Section 5.3.C](#) to defer construction of a sidewalk or shared use pathway for a period of time as the Planning Commission shall determine, but not to exceed three years, if no sidewalk or shared use pathway is present on the same side of the street within 300 feet, or if an adjacent property within 300 feet has been granted a deferment prior to the subject property. Provided, that as a condition of such deferment, a restrictive covenant affirming that the sidewalk or shared use pathway will meet the construction requirement as to said property within the period specified

by the Planning Commission shall be recorded with the county register of deeds, which shall run with the land and be binding upon the applicant and the applicant's successors in interest in said property. Lots abutting a crosswalk or signalized intersection shall not be eligible for a deferment.

i. Renewal of Deferment. A property owner may request a renewal of the deferment for a period not to exceed three years, provided that the requirements and conditions listed in [Section 7.8.G.2](#) are satisfied. The process for granting a renewal shall be subject to approval by the Community Development Department.

ii. Revocation of Deferment. Deferments under this section may be revoked at any time by the Planning Commission if the requirements and conditions listed in [Section 7.8.G.2](#) are no longer met. The Planning Commission shall notify the property owner of the intent to revoke the deferment thirty days prior to the meeting date.

Appeal from this [Section 7.8.G.2](#) shall be to the Township Board.

3. Exemptions. The Township Board may, upon recommendation of the Planning Commission, grant an exemption from the requirements of [Section 5.3.C](#) for the construction requirement of a sidewalk or shared use pathway. The Township Board shall only grant an exemption if the proposed exemption will not impair the public health, safety or general welfare of the inhabitants of the township. The Township Board shall not grant an exemption unless it finds that one of the following standards are met:

i. That a strict application of such requirements would result in practical difficulties due to an undue hardship upon the owners of such lots or parcels. Practical difficulties may include, but shall not be limited to, severe variations in topography, unsuitable soils or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout or existing building arrangements.



- If, as a result of the practical difficulties the cost of installing the sidewalk is in excess of ten percent of the overall project cost, the Township Board may grant the exemption. However, the Township Board may determine that the proposed sidewalk or pathway is a significant connection and deny the exemption.
- ii. The property in question is not identified in the Non-Motorized Transportation Plan or Comprehensive Development Plan as a future sidewalk or shared use pathway. However, in the event of unanticipated development that may have a significant impact on non-motorized transportation, sidewalks or shared use pathways may be required even though they may not be identified in the Non-Motorized Transportation Plan.
4. Process. A variance, deferment, or exemption request shall be filed by the property owner or their designated agent. An application for a variance, deferment or exemption shall be submitted to the Township's Community Development Department in writing and shall set forth the basis, rationale or reasons the applicant feels the request qualifies for the variance, deferment or exemption. The application shall be submitted, in writing, at least two weeks in advance of a regular meeting of the Township Planning Commission and shall be accompanied by the appropriate fee as shall be established from time to time by resolution of the Township Board.
 5. Reports. The Community Development Department shall have the responsibility of preparing a written report which shall be submitted to the Township Planning Commission or the Township Board as applicable prior to the meeting at which the application will be considered.

7.9 ZONING BOARD OF APPEALS

- A. Establishment. There is hereby established a zoning board of appeals (hereafter board of appeals). The board of appeals shall perform its duties and exercise its powers as provided by Public Act No. 110 of 2006, article VI (MCL 125.3601 et seq.).
- B. Membership, terms of office.
 1. The board of appeals shall consist of seven members.
 - a. The first member of such board of appeals shall be a member of the township planning commission and appointed by the township board for said member's term of office;
 - b. The second member shall be a member of the township board, appointed by the township board for said member's term of office; the member from the township board or any elected township official shall not be the chairperson of the board of appeals; an employee or contractor of the township board may not serve as a member of the board of appeals;
 - c. The five remaining members shall be as set forth in section 601(5) of Public Act No. 110 of 2006 (MCL 125.3601 (5)).
 2. The township board may appoint not more than two alternate members who are electors of the township for the same term as regular members of the 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 on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the board of appeals.
- C. Rules of appeals procedure. The board of appeals will adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The board of appeals shall choose its chairman, a vice-chairman, and a secretary.

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- D. Meetings. Meetings shall be held at the call of the chairman and at such times as the board of appeals may determine. All meetings of the board of appeals shall be open to the public. The board of appeals may declare any meeting, or part of any meeting a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- E. Records. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the township clerk and shall be made available to the general public.
- F. Counsel. The township attorney shall act as legal counsel for the board of appeals and shall be present at all meetings upon request by the board of appeals.
- G. Hearings. The board of appeals shall fix a reasonable time for the hearing of the appeal and shall give notice of the hearing as required by law. Any party may appear in person or be represented by an agent or an attorney. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all powers of the officer from whom the appeal was taken. Final decisions of the board of appeals shall be subject to judicial review.
- H. Decisions. The board of appeals shall return a decision on each case within 90 days after a hearing is held by the board of appeals after a request for appeal has been filed unless a further extension of time is consented to by the applicant. The decision of the board of appeals shall be final upon approval of the minutes of the meeting/hearing wherein the decision was made, or when the decision is certified. The board of appeals may act to certify a decision at the same meeting when a decision is made. The board of appeals shall state the grounds for any determination made by the board of appeals.

- I. Majority vote. The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the official or to decide in favor of the applicant on any matter upon which the board of appeals is required to pass under this Section or to effect any variation in this chapter, and no business shall be conducted unless a majority of the regular members of the board of appeals is present.
- J. Filing of appeals. Appeals to the board of appeals may be made by any person aggrieved, or by any officer, department, or board of the township. An appeal under this section shall be taken within such time as prescribed by the zoning board of appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- K. Stay. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.
- L. Fees. A fee as established by resolution of the township board shall be paid to the township clerk or the official at the time of filing application with the board of appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the board of appeals in connection with the appeal.



- M. Duties and powers. The board of appeals shall hear and decide questions that arise in the administration of this zoning chapter, including the interpretation of zoning maps, and may adopt rules to govern its procedures sitting as a board of appeals. The board of appeals shall also hear and decide on matters referred to the board of appeals or upon which the board of appeals is required to pass under this zoning chapter. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of the provisions adopted under the zoning ordinance from which this chapter is derived. The township board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this chapter. Further, the board of appeals shall not hear or decide appeals from decisions relating to special land uses or planned unit development requests.
- N. Review. The 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 official in administering or enforcing any provisions of this chapter.
- O. Interpretation. The board of appeals shall have the power to:
1. Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter.
 2. Determine the precise location of the boundary lines between zoning districts.
 3. Classify a use which is not specifically mentioned so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 4. Determine the off-street parking and loading space requirements for any use not specifically mentioned in [Sections 5.9](#) and [5.10](#).

- P. Variances. Upon a showing of practical difficulty, the board of appeals shall have the power to authorize upon an appeal, specific variances from dimensional requirements, such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, relating to construction, structural changes, or alteration of buildings or structures, provided all of the basic conditions and any one of the following special conditions listed shall be satisfied:
1. Basic conditions. That any variance granted from this chapter:
 - a. Will not be contrary to the public interest or to the intent and purpose of this chapter.
 - b. Shall not permit the establishment within a zoning district of any use which is not permitted by right or by special use permit within that district.
 - c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - d. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
 2. Special conditions. When all of the foregoing basic conditions are satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated.
 - a. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and when such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of the ordinance from which this chapter is derived and when such circumstances or conditions shall not have resulted from any act of the applicant in violation of a prior zoning requirement applicable to said property.



- b. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- 3. Rules. The following rules shall be applied in the granting of variances:
 - a. The board of appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.
 - b. Each variance granted under the provisions of this Section shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within two years after the granting of the variance.
 - (2) The use or occupancy of land, premises, or buildings authorized by the variance has taken place within one year after the granting of necessary permits.
 - c. No application for a variance which has been denied wholly or in part by the board of appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board of appeals to be valid.
- Q. Temporary permits. For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations and those of [Section 7.12](#), temporary housing occupancy.
 - 1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the board of appeals.
 - 2. The board of appeals shall hold a public hearing on every request for temporary permit presented to it. The board of appeals shall give due notice of the hearing as provided for hearings on appeals to the board of appeals, as described in [Section 7.9.G](#).

- 3. A temporary permit shall not be granted unless the board of appeals finds adequate evidence that the proposed location of the temporary dwelling will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department.
- 4. The board of appeals may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
- 5. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed one year. No permit shall be transferable to any other owner or occupancy.
- R. Bond for compliance. In granting any variance, or conditional permit, the board of appeals may require that a bond in such amount and sureties as the board of appeals may determine, be furnished to ensure compliance with the requirements, specifications, and conditions imposed with the grant of variance or permit and to ensure the discontinuance of a conditional or temporary use by a stipulated time. Such bond shall not exceed the cost of removal of such uses, or the sum of \$5,000.00, whichever is the highest.

7.10 AMENDMENTS

- A. Township board action. The regulations and provisions stated in the text of this chapter and the boundaries of zoning districts shown on the zoning districts map of the township may be amended, supplemented or changed by appropriate action of the township board in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and Public Act No. 33 of 2008 (MCL 125.3801 et seq.).
- B. Initiation of amendments. Proposals for amendments, supplements or changes may be initiated by the township board on its own motion, by the planning commission, or by petition of one or more owners of property to be affected by the proposed amendment.



- C. Amendment procedure; petition to township. Each petition by one or more owners for an amendment shall be submitted in application to the community development department on a standard form provided. A fee, as shown in the schedule of fees, as established by resolution of the township board, shall be paid at the time of application to cover costs of notice and procedures necessary to process the application. No part of such fee shall be returnable to a petitioner.
- D. Conditional rezoning. It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of section 405 of Public Act No. 110 of 2006 (MCL 125.3405), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
 - 1. Application. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without an offer of conditions, except as modified by this section.
 - 2. Offer of conditions. The offer of conditions shall meet all of the following requirements:
 - a. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - b. Any use or development proposed as part of an offer of conditions that would require any additional approvals, including but not limited to, site plan approvals, special use permit approvals, variance approvals, and land Section approvals may only be commenced if such approvals are granted, in accordance with applicable township ordinances.
 - 3. Failure to offer conditions. The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.
- c. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and provided in writing. An owner may withdraw all or part of owner's offer of conditions any time prior to final action on the rezoning request by the township board, provided that if such withdrawal occurs subsequent to the public hearing held by the planning commission in accordance with **Section 7.10.G**, then the rezoning application shall be referred to the planning commission for a new public hearing, including the notice required in said section.
 - E. Referral to planning commission. Every proposed amendment, supplement, or change shall be referred to the planning commission for its recommendation and action.
 - F. Planning commission recommendation. The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the comprehensive development plan of the township. The planning commission may recommend any additions or modifications to the original amendment proposal.
 - G. Public hearing. The planning commission shall conduct a public hearing on any matter for which a public hearing is required by law, and notice of such public hearing shall be given in the manner required by then-effective statutes.



H. Action by township board. The planning commission shall then transmit its recommendations concerning the proposed amendment, together with a summary of comments received at the public hearing to the township board. If the township board shall deem that any amendments, changes, additions, or departures are advisable to a proposed ordinance text amendment or the zoning district boundaries recommended by the planning commission, or if, following a recommendation by the planning commission, an owner proposes any amendments to an offer of conditions that has been provided pursuant to [Section 7.10.D](#), the township board shall refer the same back to the planning commission for a report thereon within a time specified by the board. The township board may thereafter adopt the amendment with or without changes at any regular meeting of the board. The board shall hold additional public hearings if it considers same to be necessary. Notice of such public hearing shall be given as required by law.

I. Approval with conditions. Where an application for rezoning includes an offer of conditions, and the township board finds the proposed zoning district and offer of conditions acceptable, the requirements of this section shall be met.

J. Statement of conditions.
 1. The offered conditions shall be incorporated into a formal written statement of conditions that is acceptable to the owner and conforming in form to the provisions of this section.

a. Elements of the statement of conditions. The statement of conditions shall:

- (1) Be in a form that is recordable with the county register of deeds or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the township board.
- (2) Contain a legal description of the land to which it pertains.
- (3) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of land.

(4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

(5) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the township with the county register of deeds.

(6) Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

b. Map designation. Upon the rezoning taking effect the zoning map shall be amended to reflect the new zoning district along with a designation that the land was rezoned with a statement of conditions. The community development department shall maintain a listing of all lands rezoned with a statement of conditions.

c. Waiver of recording. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the county register of deeds. The township board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.

d. Effect of conditions. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.



- e. Compliance with conditions. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this section and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- 2. No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
- K. Time period for complying with conditions. When approving an application for rezoning that includes an offer of conditions, the township board may establish an appropriate time period by which the conditions shall be met. This time period may be extended by the township board upon receipt of a written request by the owner. If the conditions are not satisfied within the time period specified by the township board, the land shall revert to its former zoning classification.
- L. Subsequent rezoning of land.
 - 1. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning district or to the same zoning district, but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to [Section 7.10.K](#) or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon receipt of a written request from the property owner, the township clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
 - 2. Nothing in the statement of conditions nor in the provisions of this article shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

- M. Resubmittal. No application for a rezoning which has been denied by the township board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the township board to be valid.
- N. Statutory amendment. The foregoing procedure notwithstanding, if any amendment shall be made to any statute which shall have the effect of altering any of the procedures required herein, the township shall comply with said statutory changes in the amendment of this chapter.

7.11 NON-CONFORMING USES

- A. Intent and purpose.
 - 1. It is the intent of this Section to permit the continuance of a lawful use of any building or land existing at the effective date of the ordinance from which this chapter is derived, although such use of land or structure may not conform to the provisions of this chapter.
 - 2. Further, it is the intent of this Section that nonconforming uses or structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the township shall be subject to the conditions and requirements set forth in this section.
 - 3. Repair of nonconforming buildings. Nothing in this Section shall prohibit the repair, improvement, or modernization of a lawful nonconforming building to correct deterioration, obsolescence, depreciation and wear.
 - 4. Reconstruction and restoration. Any lawful nonconforming use damaged by fire, explosion, an act of God, or by other causes, may be restored, rebuilt, or repaired, provided that the damage does not exceed more than 60 percent of the real valuation of the building, exclusive of land and foundation, and provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

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5. Discontinuance or abandonment. Whenever a nonconforming use has been discontinued for six consecutive months or for 18 months during any three-year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished and any future use shall be in conformity with the provisions of this chapter.
6. Enlargement of nonconformities. The expansion of a nonconforming structure in which the nonconformity is solely dimensional in nature shall be permitted, provided that the actual addition or accessory building is in compliance with this chapter. In no event, however, shall the expansion of nonconforming uses be permitted when the nonconformity does not relate to the basic uses permitted as a matter of right in the zoning district classification wherein the property is located.
7. Changing uses. If no structural alterations are made, the board of appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming use. A nonconforming use of a building existing at the time of the adoption of the ordinance from which this chapter is derived may be extended throughout the building.
8. Prior construction approval. Nothing in this Section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived, provided that construction is commenced within 60 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the building permit.
9. Illegal nonconforming uses. Nonconforming uses of buildings or land not existing at the effective date of the ordinance from which this chapter is derived, shall be declared illegal nonconforming uses and shall be discontinued.
10. Signs and billboards. Any nonconforming signs or billboards shall be removed within a period of two years from the adoption of the ordinance from which this chapter is derived.
11. Basement, cellar or garage home. No basement cellar or garage home or other incomplete dwelling in existence on the date of the ordinance from which this chapter is derived shall be used as such after the lapse of one year from the date of enactment of the ordinance from which this chapter is derived. If a vacancy in occupancy occurs prior thereto, then said use shall terminate and be void forthwith.
12. District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.
13. Nonconforming residences. The following, with reference only to nonconforming residences, shall not be construed as enlargements or expansions in the context of this Section and shall be allowed as provided herein, provided all other applicable provisions of this Section and state construction codes can be met:
 - i. Small sheds, 120 square feet or less, that are not attached to the primary structure and do not have footings below grade.
 - ii. Private aboveground swimming pools.
 - iii. Patio decks, not to exceed 40 percent of the area of the nonconforming dwelling, that are not attached to the residence, do not have permanent belowgrade footings and as long as they are unenclosed and remain uncovered.
 - iv. Fencing, in compliance with current ordinance restrictions pertaining to type, location and height.



- v. Expansion of a nonconforming residential structure in which the nonconformity is solely dimensional in nature may be approved by the official, provided that the nonconforming setback is equal to or less than one half (1/2) of the distance required by ordinance and the nonconforming setback may be extended along the same plane as the existing nonconforming structure, provided that the setback itself is not further reduced. Appeals to a decision of the official shall be to the Zoning Board of Appeals depending upon the nature of the appeal.
- B. Non-conforming uses and structures within the Commercial Corridor Overlay District Number 1
1. Nonconforming uses and structures are those which do not conform to a provision or requirement of the DeWitt Charter Township Zoning Ordinance but were lawfully established prior to the effective date of the Ordinance. DeWitt Charter Township recognizes that nonconformities may have an impact on economic investment and reinvestment within the Corridor Improvement Authority District (CIA) and may require innovative land use regulations.
 - a. The zoning regulations established by this section are designed to guide the future use of land within the CIA and encourage economic investment and reinvestment of compatible and related uses so as to promote and protect the public health, safety, and welfare.
 - b. This section distinguishes by class the various nonconforming uses and structures. In general, Class I nonconforming uses and structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or to the intent of this section, the CIA Development Plan, the South Central Area Plan and should be encouraged to economically reinvest, expand, enlarge, and/or continue to exist. Class II nonconforming uses, on the other hand, are not consistent with the aforementioned and, as such, may not expand or enlarge.
 2. Class I Nonconforming Uses and Structures.
 - a. Class I nonconforming uses and structures are designated by the Planning Commission, after application by the property owner, designated representative, or the Zoning Official. The granting of a Class I nonconforming use or structure by the Planning Commission shall find that the nonconforming use or structure is not contrary to the public health, safety, and general welfare, and that continued use does meet the standards described in [Section 6.1.B.3](#), and that no useful purpose would be served by the strict application of the provisions of this Ordinance with which the use or structure does not conform. Class I non-conformities shall not conflict with the objectives of [Section 3.24](#).
 - b. Regulations for Obtaining a Class I Designation. The required application shall be filed with the Planning Commission and shall contain name and address of property owner, legal description, site plan drawn to scale which describes existing property lines, existing structures, height of structures, existing parking areas and driveways, and existing signage and lighting, a written description of the nonconforming use or structure, and a written description of any proposed additions or alterations to the exiting use or structure.
 - c. Planning Commission Review of Class I Non-conforming Use or Structure Applications. The Planning Commission shall receive a written report and recommendation from the Zoning Official. The Planning Commission shall review the facts of the application, and make a decision in writing which set forth the findings and reasons for approving or disapproving any application for a Class I Non-conforming Use or Structure. Any decision by the Planning Commission shall be based on the standards defined in [Section 6.1.B.3](#) and shall consider noise, hours and days of operation, motor vehicle traffic generated during peak hours of operation, existing building and fire

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code violations, as well as recommendations from the Police Department and Fire Department. Reasonable conditions may be attached which shall further assure that the use or structure is not contrary to the public health, safety, or welfare, the intent or provision of this Ordinance.

- d. Standards for Class I Nonconforming Use or Structure
 - (1) Structural alterations to the interior of the building are permitted without the approval of the Planning Commission.
 - (2) Reconstructions required as a result of fire damage or other casualty are permitted with the approval of the Planning Commission.
 - (3) Class I nonconforming uses or structures may be enlarged, extended, or moved to occupy a greater area of land than was originally occupied at the effective date of this Ordinance with the approval of the Planning Commission.
 - (4) Class I nonconforming uses or structures may be changed to another nonconforming use with the approval of the Planning Commission
- e. Discontinuation of Class I Nonconforming Uses or Structures. Class I nonconforming uses or structures shall not be resumed unless approved in accordance with this Ordinance if they have been discontinued for a period of eighteen (18) months based on a determination by the Zoning Official.
- f. Revocation of Class I Nonconforming Uses or Structures. A Class I nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance and the owner of such property shall be notified in writing by the Zoning Official. All violations of Class I nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation.

The Zoning Official shall notify the Planning Commission of all uncorrected Class I nonconforming uses and structures in violation of this Ordinance. Upon receipt of the information from the Zoning Official, the Planning Commission shall schedule a public hearing in accordance with [Section 6.1.C.3](#) and, after review of the testimony, findings of fact, and requirements of this Ordinance, shall determine if the Class I status shall be revoked.

- 3. Class II Nonconforming Uses and Structures
 - a. All nonconforming uses and structures not designated Class I are considered Class II.
 - b. Class II Nonconforming Uses or Structures shall not be enlarged upon, expanded or extended except in conformance with the existing regulations for nonconforming uses as outlined in [Section 7.11](#) of the DeWitt Charter Township Zoning Ordinance.
- C. Non-conforming structures and uses in the floodplains. Any existing structure or land uses within the floodplain which do not conform to the provisions of this article or subsequent amendments shall become subject to the following in addition to other applicable regulations pertaining to nonconforming uses within the township:
 - 1. Should a structure located in the floodplain, as defined by this chapter, be damaged by any means to an extent of more than 60 percent of the structure's pre-catastrophe market value, as recorded by the assessing officer, it shall not be reconstructed. The damage to the structure is the expenditure necessary to return the structure to its condition before destruction and shall be determined by the zoning official after:
 - i. Receiving an estimate of the structural damage from the fire chief;
 - ii. Receiving a figure representing the difference between the pre-catastrophe market value of the structure and the post-catastrophe value as determined by the assessing officer;



- iii. Dividing the sum of the figure derived in [Section 7.11.C.1.i](#) from the fire chief and [Section 7.11.C.1.ii](#) from the assessing officer by two.
- 2. Any building damaged by any means to an extent of less than 60 percent of the structure's pre-catastrophe market value, as recorded by the assessing officer, may be repaired, but any alterations or modifications which go beyond returning the structure to its original condition shall be considered substantial improvements and shall comply with all special use requirements of [Section 4.79](#). The costs of floodproofing shall not be included in determining the damage costs.
- 3. The board of appeals may permit reconstruction of a use if it is adequately protected against flood damage, is not located in the floodway, and when failure to permit reconstruction would create undue hardship on the applicant.
- D. Registration of nonconforming uses. All owners and/or occupants of nonconforming uses existing on the effective date of the ordinance from which this chapter is derived shall register the same with the official in writing and no later than six months from the effective date of the ordinance from which this chapter is derived. Failure to register such nonconforming uses shall be considered conclusive evidence of abandonment. No such nonconforming use that is not registered, as provided herein, shall be reestablished or in any manner restored or used.

7.12 TEMPORARY HOUSING OCCUPANCY

- A. The provisions of this article shall not be construed to enable conditional or temporary permits for substandard housing occupancy, individual mobile home units, or basement dwellings, except that in the extenuating circumstances in [subsection B](#) of this section temporary permits for occupancy of mobile homes may be allowed with the following restrictions, but in no instance shall a permit be issued unless the provisions of [Section 5.14](#) are met.

- B. Emergency housing when a dwelling is destroyed by fire, collapse, explosion, acts of God, or acts of the public enemy. Permits for temporary emergency occupancy of a mobile home on a private lot outside a mobile home park may be issued to the owner at the time of destruction by the zoning official for not more than six months. Any extensions must be taken to the appeal board; the appeal board may, or may not, grant the same for a period of not more than one additional year.

7.13 FLOODPLAIN ENFORCING AGENCY

- A. Agency designated. Pursuant to the provisions of the state construction code, in accordance with section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the community development director or his or her designee of the township is hereby designated as the enforcing agency to discharge the responsibility of the township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The township, assumes responsibility for the administration and enforcement of said act throughout the corporate limits of the community adopting this Section.
- B. Code appendix enforced. Pursuant to the provisions of the state construction code, in accordance with section 8b(6) of Act 230, of the Public Acts of 1972, as amended, appendix G of the state building code shall be enforced by the enforcing agency within the township.
- C. Designation of regulated flood prone hazard areas. The Federal Emergency Management Agency (FEMA) flood insurance study (FIS) entitled "Clinton County, Michigan (All Jurisdictions) and dated 5/3/11 and the flood insurance rate map(s) (FIRMS) panel number(s) of 26037C; 0302D, 0303D, 0304D, 0308D, 0310D, 0311D, 0313D, 0316D, 0317D, 0319D, 0330D, and 0336D and dated 5/3/11 are adopted by reference for the purposes of administration of the state construction code, and declared to be a part of section 1612.3 of the Michigan Building Code, and to provide the content of the "flood hazards" section of Table R301.2(1) of the state residential code.

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