

110.000 - ZONING ORDINANCE Ord. No. 25

PREAMBLE

An ordinance to provide for the establishment of zoning districts; to encourage and regulate the proper location of use of land, buildings, and structures for residents, trade, industry, or other purposes; to regulate the height and bulk of buildings, the density of population and the minimum dimensions of yards, courts, and other open spaces; to provide for the administration, enforcement, penalties for violation and amendment of said ordinance and to provide an effective date hereof.

Windsor Charter Township, under the authority of Act. No. 110 of the Public Acts of 2006 (MCL 125.3101 et seq.), as said statute may be amended from time to time, hereby ordains:

(Amend. eff. 7-18-07)

ARTICLE I

110.100 - SHORT TITLE

110.101 - Short Title.

Sec. 1.1. This ordinance shall be known as the zoning ordinance of Windsor Charter Township.

ARTICLE II

110.200 - PURPOSES

110.201 - Purposes.

Sec. 2.1. It is the purpose of this zoning ordinance to promote the safety, health, convenience and general welfare; to encourage the use of lands 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 due to flooding; to lessen congestion on the public streets and highways; to facilitate the adequate provision of streets and highways, sewerage and drainage, water supply and distribution, educational and recreational facilities, and the expenditure of funds for public facilities and services by establishing herein standards for physical development in accordance with the objectives and policies contained in the comprehensive development plan for Windsor Charter Township; and to provide for the enforcement of such standards.

ARTICLE III

110.300 - ADMINISTRATION AND ENFORCEMENT

110.301 - Administration.

Sec. 3.1.

3.1.1. *Administration.* The provisions of this ordinance shall be administrated by the Windsor Charter Township Board, its designees, and the Planning Commission in accordance with the State of Michigan Township Planning Commission Act, Act No. 168 of the Public Acts of 1959 (MCL 125.321 et seq.) and Act 110 of the Public Acts of 2006 (MCL 125.3101 et seq.), as both said statutes may from time to time be amended.

3.1.2. *Building permits.* All applications for and the issuance of building permits shall be made in accordance with procedures established by the Eaton County Building Department and/or the Township Board. A fee as established by the Eaton County Building Department shall be charged for each building permit issued.

3.1.3. *Zoning referral permit.* Prior to the issuance of a building permit, the applicant must obtain a zoning clearance permit from the Township Supervisor, or other official appointed by the Township Board, to ensure that the proposed work is in conformity with the Zoning Ordinance.

There shall be submitted with any zoning clearance permit a site plan that meets the requirements of Article VI, Section 6.8 of this ordinance.

3.1.4. *Inspection.* The development and usage proposed by any building permit issued by the Eaton County Building Department shall be subject to an inspection to ensure that such development and usage is in conformity with the provisions of this ordinance. Such inspection shall be made by a zoning inspector who shall be appointed or designated by the Township Board.

(Amended: 6-12-01; eff. 7-18-07)

110.302 - Enforcement.

Sec. 3.2.

3.2.1. *Violations and penalties.* The Township Board, through the Township Supervisor or other official appointed by the Township Board, shall enforce the provisions of this ordinance. Violations of any provision of this ordinance are declared to be a nuisance per se. Any and all land use activities considered possible violations of the provisions of this ordinance shall be reported to the Township Board.

- (A) *Inspection of violation.* The Township Supervisor, or other official appointed by the Township Board, shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
- (B) *Correction period.* Except in cases involving imminent health or safety hazards, all violations shall be corrected within a period of thirty (30) days after the order to correct is issued, or such longer period of time not to exceed six (6) months as the official shall permit. A violation not corrected within the described period shall be subject to the violations and remedies provided herein.
- (C) *Criminal violations.* For each and every day the violation continues beyond the permissible correction period, a separate offense shall be declared. Any person, firm, corporation, or other entity violating any provision of this ordinance shall be adjudged guilty of a misdemeanor and of maintaining a nuisance per se. Such violation shall be punishable by imprisonment in the Eaton County Jail or such other facility as the court shall determine for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or both such fine and imprisonment.
- (D) *Municipal civil infractions.* Any person, firm, corporation or entity that violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance or conditions of the Board of Appeals, Planning Commission or Township Board adopted pursuant to this ordinance is responsible for a municipal civil infraction, subject to payment of a civil forfeiture, costs and attorney fees. The amount of the civil forfeiture under this section shall be five hundred dollars (\$500.00) per violation, or as otherwise set according to a schedule adopted by the Township Board by resolution, plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues shall be deemed a separate municipal civil infraction.
- (E) *Cumulative rights and remedies.* The rights and remedies provided herein are cumulative and are in addition to any other remedies provided by law including equitable and injunctive relief.

3.2.2. *Conflicting regulations.* In the interpretation, application, and enforcement of the provisions of this ordinance, whenever any provision is more stringent than any other law or ordinance, then the provisions of this ordinance, or the limitation imposed or required by the provisions of this ordinance, shall govern; provided, that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such other law or ordinance shall govern.

(Amended: 8-26-14)

ARTICLE IV

110.400 - BOARD OF APPEALS

110.401 - Creation and membership.

Sec. 4.1.

4.1.1. *Establishment.* There is hereby established a Board of Appeals in accordance with Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as said Act may be amended from time to time. The Board of Appeals shall perform its duties and exercise its powers as provided by said act, as amended, in such a way that the objectives of this ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured.

4.1.2. *Membership and terms of office.* The Board shall consist of not less than five (5) members, one of whom shall be the Chairperson of the Township Planning Commission, and one of whom shall be a member of the Township Board appointed by that Board. The term of the Township Board Member shall not exceed said member's term of office on the Township Board. The remaining members shall be electors of the Township residing outside of incorporated areas, and shall be appointed for terms of three (3) years. Vacancies for unexpired terms shall be for the remainder of the term.

Members may be reappointed and an elected officer of the Township shall not serve as Chairperson of the Zoning Board of Appeals, and employees or contractors of the Township may not serve as members of the Board. A member of the Board shall be disqualified from a vote in which the member has a conflict of interest.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) 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 shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

(Amend. eff. 7-18-07)

110.402 - Organization and procedures.

Sec. 4.2.

4.2.1. *Rules of procedure.* The Board of Appeals shall 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 own chairman, and in his absence, an acting chairman.

4.2.2. *Meetings and quorum.* Meetings of the Board of Appeals shall be held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.), which is generally known as the Open Meetings Act. They shall be held at the call of the chairperson at such other times as the Board in its rules of procedure may specify. The Board of Appeals shall not conduct business unless a majority of its regular members are present.

4.2.3. *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.

The Township Clerk shall serve as Secretary and the minutes shall be kept in accordance with the above paragraph.

4.2.4. *Counsel.* The Township Attorney shall act as legal counsel for the Board of Appeals and shall be present at all meetings upon request of the Board of Appeals.

4.2.5. *Hearings.* Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, a written notice stating the nature of the interpretation request or appeal and the time, date and place of the public hearing on the interpretation request or appeal shall be sent by first class mail or served by personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If the occupant's name is not known, the term "occupant" may be used.

Following the receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for a hearing of the request, and shall provide notice as required by Section 103 of Act 110 of the Public Acts of 2006 (MCL 125.3101 et seq.) and as same may be amended from time to time.

4.2.6. *Decisions.* The Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. The Zoning Board of Appeals shall state the grounds of any decision or determination of the Board. Any decision of the Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such Order, unless the Board of Appeals shall find that immediate effect of such Order is necessary for the preservation of property or personal rights and shall so certify on the record.

4.2.7. *Majority vote.* The concurring vote of a majority of the members of the Board of Appeals shall be necessary to decide in favor of the applicant on any matter upon which they are required to pass under this ordinance or to effect any variation in this ordinance.

(Amend. eff. 7-18-07)

110.403 - Appeals.

Sec. 4.3.

4.3.1. *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. Such appeal shall be filed with the Township Clerk and shall specify the grounds for the appeal within twenty-one (21) days after the date of the action or decision which forms the subject matter of the appeal.

4.3.2. *Stay.* The filing of an appeal, pursuant to this section, shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would in his opinion cause eminent peril to life or property in which case proceedings shall not be stayed except by restraining order.

4.3.3. *Fees.* A fee as established from time to time by resolution of the Township Board shall be paid to the Township Clerk at the time of the filing of the 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.

(Amend. eff. 7-18-07)

110.404 - Duties and powers.

Sec. 4.4. The 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 ordinance, but does have the power to act on those matters where this ordinance provides for an administrative review, interpretation, variance, exception, or special approval permit as defined in this section.

4.4.1. *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 any official in administering or enforcing any provisions of this ordinance.

4.4.2. *Interpretation.* The Board of Appeals shall have the power to:

- (A) Interpret, upon request, the provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance.
- (B) Determine the precise location of the boundary lines between zoning districts.
- (C) Classify a use which is not specifically mentioned as part of the use regulations of any zoning districts so that it conforms to the comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- (D) Determine the off-street parking and loading space requirements of any use not specifically mentioned in Article VII, Section 7.1 or 7.2.

4.4.3. *Variations.* The Board of Appeals shall have the power to authorize, upon an appeal, specific variations from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, provided all of the basic conditions listed herein and one of the special conditions listed thereafter can be satisfied.

(1) *Basic conditions:* That any variance granted from this ordinance:

- (A) Will not be contrary to the public interest or to the intent and purpose of this Ordinance;
- (B) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required;
- (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;
- (E) Will relate only to property that is under the legal or equitable ownership of the applicant.

(2) *Special conditions:* When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

- (A) There are practical difficulties which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.
- (B) There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant.
- (C) 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 variations:

- (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 Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- (B) Each variance granted under the provisions of this ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance. The occupancy of land, premises, or a building authorized by the variance shall take place within one (1) year after the granting of the variance.
- (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 (1) 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.
- (D) In addition to any other limitations contained in this Ordinance, the Board of Appeals shall not have jurisdiction to grant "use variations" and no appeal may be taken to the Board of Appeals from decisions related to special use permits, planned developments, or decisions of the Board of Trustees.

4.4.4. *Special exceptions.* When, in its judgment, the public welfare will be served and the use of neighboring property will not be injured thereby, the Board of Appeals may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this ordinance in harmony with the general character of the district and the intent and purposes of this ordinance. The granting of a special exception shall in no way constitute a change in the basic uses permitted in the district affected nor on the property wherein the exception is permitted. The Board of Appeals may issue either temporary or conditional permits as special exceptions for the following land and structure uses:

(1) *Temporary permits.* For temporary uses, temporary structures, partial structures, subject to the following procedures and limitations:

- (A) An application for a permit for use of a temporary or partial structure for dwelling purposes, shall be made to the Township Clerk.
- (B) The Township Clerk shall give due notice to the applicant and to all property owners within three hundred (300) feet of the property affected at least five (5) days before the hearing will be held on such application.
- (C) A temporary permit shall not be granted unless the Board of Appeals finds adequate evidence that the proposed location of the use will not

be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Barry-Eaton District Health Department.

- (D) 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.
- (E) The permit 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 two (2) years. No permit shall be transferable to any other owner or occupant.
- (2) *Conditional permits.* When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Board of Appeals. The land or structure use may be permitted to be established and to continue in use as long as the conditions unique to the use exist. The permit may be cancelled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specified conditions under which continued use may be allowed. Conditional permits may be issued for the following uses:
 - (A) Permit more than two (2) roomers in any one (1) dwelling, but not more than four (4), when it can be demonstrated to the satisfaction of the Board of Appeals that such an expanded capacity is a clear necessity for satisfaction of this particular housing demand; that adequate off-street parking space can be provided in accordance with standards stated in Article VII, Section 7.1; and that such use will not injure the character or value of the immediate neighborhood.
 - (B) The Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or off-street loading regulations in Article VII, Sections 7.1 and 7.2 when it can be demonstrated that circumstances or extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board of Appeals. Under all these circumstances, in no case shall the off-street parking or off-street loading standards be reduced by more than twenty-five (25) per cent.

SITE DEVELOPMENT STANDARDS

Schedule A

NOTE: Each Zoning District needs to be checked for additional dimensional requirements as they relate to specific uses and/or the relationship to other Uses and Zoning Districts.

Site Development Standard	Zoning District	Zoning District											
		A-1	R-1A	R-1B	R-1C	R-1D	R-1M	O-1 Office	B-1 Business	B-2 Business	M-1 Light Industrial	M-2 Heavy Industrial	
Minimum net lot area	Single-family	1 ac	30,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	Minimum 1-A for industrial	Minimum 1-A for industrial	
	Two-family	—	—	—	—	12,000 sq. ft.	12,000 sq. ft.						
	Multiple-family	—	—	—	—	2 ac.	2 ac.						
Minimum lot width	Single-family	150 ft.	125 ft.	100 ft.	80 ft.	66 ft.	66 ft.	100 ft.	100 ft.	100 ft.	Min. lot width for M-1 IND.: 150 ft.	Min. lot width for M-2 IND.: 150 ft.	
	Corner lot	150 ft.	125 ft.	105 ft.	95 ft.	95 ft.	95 ft.						
	Two-family	—	—	—	—	80 ft.	80 ft.						
	Multiple-family	—	—	—	—		70 ft.						

Minimum required setbacks for principal buildings	Single-family	Front Front	50 ft.	50 ft.	30 ft.	30 ft.	30 ft.	25 ft.		30 ft.	30 ft.	30 ft.	50 ft.	50 ft.
	Corner lot	Front	50 ft.	50 ft.	30 ft.	25 ft.	25 ft.	25 ft.	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	50 ft.
		Side	25 ft.	25 ft.	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	25 ft.	25 ft.
		Rear	50 ft.	50 ft.	40 ft.	35 ft.	35 ft.	30 ft.	20 ft.	20 ft.	20 ft.	20 ft.	25 ft.	25 ft.
Two-family	Front	—	—	—	—	—	30 ft.	30 ft.				Note: 150 ft. setback when next to residential		
	Side	—	—	—	—	—	10 ft.	10 ft.						
	Rear	—	—	—	—	—	35 ft.	35 ft.						
Multifamily	Front	—	—	—	—	—	—	30 ft.						
	Side	—	—	—	—	—	—	10 ft.						
	Rear	—	—	—	—	—	—	30 ft.						
Maximum lot coverage	All buildings			20%	20%	30%	30%	35%	40%	40%	40%			
Minimum ground floor area per unit	Single-family	1 st.	1,000	1,000	1,000	750 sf.	750 sf.	750 sf.						
		1½ st.	sf.	sf.	sf.	700 sf.	700 sf.	700 sf.						
		2 st.	750	750 sf.	900 sf.	650 sf.	650 sf.	650 sf.						
Split/bi		sf.	750 sf.	750 sf.	700 sf.	700 sf.	700 sf.							
Two-family	—	—	—	—	—	—	700 sf.	700 sf.						
	—	—	—	—	—	—	—	550 sf.						
	—	—	—	—	—	—	—	—						
Maximum building height	Residential		40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.						
	Other uses								40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	
Net DU per acre	Single-family		1 DU.	1.4 DU	2.9	4.3 DU	4.3 DU	5.1 DU						
		Two-family			DU.		7.2 DU	7.2 DU						
		Multifamily							10.8 DU					

Note: The dimensional setback requirements shall be measured from property lines.

In the case of front yard setbacks: The setback line shall be measured from the street right-of-way. On interior residential streets where the normal right-of-way is 66 feet and in some cases may be more or less, the front yard setback shall be measured from the street right-of-way line.

In the case of primary or secondary streets: The setbacks shall be measured from the existing street or the R.O.W. that may be projected for the future. The Transportation Policies and Goals are addressed in the Comprehensive Plan and can be referred to in determining the class of street that may be involved. These Policies and Goals can assist in determining the need to reserve lands for future street widening.

(C) Joint use of off-street parking areas may be authorized when the capacities outlined in Article VII, [Section] 7.1 are complied with and when a copy of an agreement between joint users shall be filed with the application for a zoning transmittal and is recorded with the Register of Deeds of Eaton County guaranteeing continued use of the parking facilities for each party.

(Amend. eff. 2-9-05; 7-18-07)

110.405 - Bond for compliance.

Sec. 4.5.

4.5.1. *Bond authorized.* In authorizing any variance, or in granting any conditional, temporary, or special approval permits, the Board of Appeals may require that a bond of the type acceptable to the Board of Appeals be furnished to insure compliance with the requirements, specifications, and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by stipulated time.

ARTICLE V

110.500 - DISTRICT REGULATIONS

110.501 - General provisions.

Sec. 5.1.

5.1.1. *Establishment of districts.* For the purpose of promoting the public health, safety, convenience, and general welfare, the area within Windsor Charter Township is hereby divided into the following districts:

A-1	—	Agricultural district
R-1A	—	One-family rural residential district
R-1B	—	One-family low density residential district
R-1C	—	One-family medium density residential district
R-1D	—	Medium density residential district
R-1M	—	Multiple-family residential district
O-1	—	Office district
B-1	—	Limited business district
B-2	—	Business district
B-3	—	Neighborhood mixed land use district
B-4	—	Community mixed land use district
M-1	—	Industrial district

5.1.2. *Zoning district maps.* The boundaries of these districts are hereby defined and established as shown on a map entitled "Zoning Map of Windsor Charter Township, Eaton County, Michigan" which accompanies this ordinance, and which map with all explanatory matter thereon is hereby made a part of this ordinance.

The Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following words: "This is to certify that this is the Zoning Map referred to in Article V, Section 5.1.2 of the Windsor Charter Zoning Ordinance adopted on _____ / _____ / _____ ."

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall not be considered final and zoning clearance shall not be issued until changes have been made on the Zoning Map. Such map changes shall be made within three (3) normal working days after the effective date of the ordinance amendment. Each map change shall be accompanied by a

reference number on the zoning map which shall refer to the official action of the Township Board. A copy of the Zoning Map will be maintained and kept up to date and on file in the Township Clerk's office.

5.1.3. *Interpretation of district boundaries.* When uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the streets or highways, the center line 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 midway between the main tracks.
- (E) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- (F) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line 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 (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals after recommendation from the Planning Commission.

5.1.4. *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 ordinance and with the regulations specified for the district in which it is located.

- (A) The regulations applying to each district include specific limitations on the use of land and structures, height and bulk of structures, density of population, lot area, yard dimensions, and areas of lot that can be covered by each structure.
- (B) The 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.

5.1.5. *Essential services.* Essential services shall be permitted as authorized and regulated by law and other ordinances of Windsor Charter Township, it being the intention hereof to exempt such essential services from the application of this ordinance.

5.1.6. *Uses not permitted in any district.* The following uses are not permitted in any district, subject to the conditions imposed herein:

- (A) The wrecking, open storage, or dismantling of motor vehicles is prohibited, except in a salvage yard. Vehicles belonging to the property owner may be stored in a totally enclosed building.
- (B) The maintenance and/or operation of salvage yards is prohibited, except as provided for in Article VIII, Section 8.6.3(2).
- (C) No conditions shall be allowed to exist which will constitute a hazard to health, welfare, or safety, are unsightly, or in any way create a nuisance or damage adjoining property.

5.1.7. *Mobile home dwellings.* No person shall use, occupy, or permit the use or occupancy of a mobile home as a dwelling within any district within Windsor Charter Township not designated as a mobile home park unless:

- (A) A zoning clearance transmittal for the placement thereof has been obtained from the Township Supervisor or other official appointee;
- (B) Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Zoning Ordinance relating to uses, size or [of] premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premise is situated;
- (C) Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the Barry-Eaton District Health Department. If public water and sanitary sewage disposal facilities are available to said premises, said mobile home shall be connected thereto;
- (D) Said mobile home shall be installed pursuant to the manufacturer's set-up instructions and shall have a wall of the same perimeter and type as required in the applicable building code for single-family dwellings, and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission. All construction required herein shall be commenced only after a building permit has been obtained from the Eaton County Building and Zoning Department in accordance with the building code applicable within Windsor Charter Township;
- (E) 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 (24CFR3280), and as from time to time amended;
- (F) If placed within a flood zone, said mobile home shall meet all requirements for construction of dwelling on-site within said zone; and

- (G) Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Development Mobile Home Construction and Safety Standards.

5.1.7(1). The foregoing requirements in section 5.1.7 notwithstanding, the placement and use of a mobile home in any zoning district permitting single family residences within Windsor Charter Township shall be aesthetically compatible with single-family dwellings in the district, and as a minimum said mobile home shall:

- (A) Meet the definition of "dwelling unit", as herein defined.

The compatibility of design and appearance shall be determined in the first instance by the Township Supervisor or other official appointee upon review of the plans submitted for a particular dwelling. This determination may be subject to an appeal by an aggrieved party to the Board of Appeals within a period of fifteen (15) days from receipt of notice of the Township Supervisor's decision.

Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design, and appearance of one (1) or more residential dwelling located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) per cent of the lots situated within said area; or, where said area is not so developed by the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

5.1.7(2). As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, and potable water utilities.

5.1.7(3). No person shall occupy any mobile home as a dwelling within the Township until a certificate of occupancy has been issued by the Eaton County Building and Zoning Department, which certificate shall indicate satisfactory compliance with all requirements of the Windsor Charter Township Zoning Ordinance and applicable building code.

(Amended: 6-12-01; 8-25-09)

110.502 - R-1A: One-family rural residential district.

Sec. 5.2.

5.2.1. *Intent and purpose.* This section establishes the R-1A One-family rural residential district to encourage the development of residential properties of a semi-rural character within areas of the Township presently without public water and sewerage services and likely to remain without such services for an indefinite period. This district includes existing low density one-family properties as well as areas within which such development appears both likely and desirable.

In order to avoid intrusion of undesirable uses and to foster all possible benefits for a continued high quality residential environment, all non-residential land and structure uses in this district, as well as other residential districts in this ordinance, have been classified into three (3) categories: (1) Those uses permitted by right; (2) Those uses permitted under special conditions; and (3) Those uses permitted by special permit. The latter classification has been established to facilitate the inclusion within the district of certain non-residential uses which have been generally accepted as reasonably compatible with one-family neighborhoods but which present potential injurious effects upon residential and other property unless authorized under specific and controlled conditions.

5.2.2. *Uses permitted by right.*

- (1) One-family dwelling.
- (2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (a) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (b) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- (3) Public recreation.
- (4) Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
- (5) A family day care home, as herein defined.
- (6) An adult foster care family home, as herein defined.

5.2.3. *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction within the period of one (1) year, whichever is the lesser time period.
- (2) Railroad right-of-way, including all necessary trackage, switches, and operating devices, but excluding storage, marshalling yards, freight yards, or sidings.
- (3) Golf courses and country clubs, other than golf driving ranges and miniature golf courses, subject to the following conditions:
 - (a) The site area shall be fifty (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 that meets the requirements of Article VI, Section 6.8 shall be submitted to the Planning Commission for approval, modification or denial.
 - (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 two hundred (200) feet from any adjacent property line.
 - (d) The minimum number of off-street parking spaces shall be provided as required in Article VII, Section 7.1, including additional spaces which may be required for each accessory building used as a restaurant or bar.
 - (e) Whenever a swimming pool, in ground is to be provided, said pool shall be located at least one hundred (100) feet from any adjacent property line and shall be provided with a protective fence four (4) feet in height and entry shall be by means of a controlled gate.
 - (f) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any adjacent lands.
- (4) Cemeteries, public or private, subject to the following conditions:
 - (A) The site shall be no less than twenty (20) acres and shall be so designed as to provide all ingress and egress directly onto or from a major arterial, as classified in the Comprehensive Development Plan of Windsor Charter Township.
 - (B) The location of proposed service roads, entrances, and driveways shall be so designed in relation to the major arterial that pedestrian and vehicular traffic safety is encouraged.
 - (C) No principal or accessory building shall be closer than fifty (50) feet from any adjacent property line.
- (5) Customary agricultural operations, including general farming, truck farming, fruit orchards, nursery, greenhouses, and usual farm buildings, but subject to the following restrictions:
 - (A) Horses and ponies may be kept on a non-commercial basis when adequately housed and fenced. In addition to the minimum lot area for the district, at least forty thousand (40,000) square feet shall be provided for each horse or pony kept within a private stable.
 - (B) Other customary farm animals may be kept on a non-commercial basis when adequately housed and fenced. In addition to the minimum lot area for the district, at least forty thousand (40,000) square feet shall be provided.
 - (C) Private stables and buildings housing other farm animals shall be located no closer than one hundred (100) feet to any adjoining lot line. All farm buildings other than those housing horses and other farm animals shall be located no closer than fifty (50) feet of any adjoining lot line.
 - (D) No manure or odor or dust producing materials shall be stored or used within one hundred (100) feet of any adjoining lot line.
- (6) Private in-ground swimming pools, provided that whenever an unenclosed swimming pool is constructed, said pool shall be provided with a protective fence at least four (4) feet in height.
- (7) Customary home occupations, provided the requirements stated in Article VI, Section 6.2.3 are met.

5.2.4. *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article and section cited, are complied with:

- (1) Institutions for human care: Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions. Refer to Article VIII, Section 8.2.2.
- (2) Religious institutions: Churches, convents, parsonages, and other housing for religious personnel. Refer to Article VIII, Section 8.2.2.
- (3) Educational and social institutions: Public or private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for social activities. Refer to Article VIII, Section 8.2.2.
- (4) Public buildings and public service installations: Publicly owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and sub-stations. Refer to Article VIII, Section 8.2.2.
- (5) A residential care facility, as herein defined.
- (6) A day care center, as herein defined.
- (7) A group day care home, as herein defined.
- (8) An adult foster care small group home, as herein defined.
- (9) An adult foster care large group home, as herein defined.
- (10) An adult foster care congregate facility, as herein defined.
- (11) Bed and breakfast as herein defined.

5.2.5. *Site development standards.*

- (1) All applicable requirements of Schedule A shall be met. For permitted exceptions, refer to Article VI, Section 6.3.
- (2) Site plan review. Refer to Article VI, Section 6.8.
- (3) Single-family dwellings shall meet the requirements of a "dwelling unit", as defined herein.
- (4) Supplementary area regulations. Refer to Article VI, Section 6.3.
- (5) Supplementary yard regulations. Refer to Article VI, Section 6.4.
- (6) Accessory buildings. Refer to Article VI, Sections 6.2.2 and 6.4.2.
- (7) Supplementary building heights. Refer to Article VI, Section 6.5.
- (8) Parking. Refer to Article VI, Section 7.1.1.
- (9) Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.

(Amended: 6-23-98, eff. 7-1-98; 6-12-01; 11-24-01; 2-11-03, eff. 2-24-03)

110.503 - R-1B: One-family low density residential district.

Sec. 5.3.

5.3.1. *Intent and purpose.* The only essential difference between the R-1A and the R-1B district is that a higher density of population will be permitted by allowing one-family dwelling units to be constructed on smaller lot areas. The district also includes areas within the Township which presently have or will have within a reasonable future period public water and sewer facilities.

5.3.2. *Uses permitted by right:*

- (1) One-family dwelling.
- (2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (A) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (B) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- (3) Public recreation.
- (4) Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
- (5) A family day care home, as herein defined.
- (6) An adult foster care family home, as herein defined.

5.3.3. *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.
- (2) Private in-ground swimming pools, provided that whenever an unenclosed swimming pool is constructed, said pool shall be provided with a protective fence at least four (4) feet in height. Refer to Article VI, Section 6.4.3.
- (3) Customary home occupations, provided the requirements stated in Article VI, Section 6.2.3. are met.
- (4) Customary agricultural operations, including general farming, truck farming, fruit orchards, nursery, greenhouses, and usual farm buildings, but subject to the following restrictions:
 - (a) Horses and ponies may be kept on a non-commercial basis when adequately housed and fenced. In addition to the minimum lot area for the district, at least forty thousand (40,000) square feet shall be provided for each horse or pony kept within a private stable.
 - (b) Other customary farm animals may be kept on a non-commercial basis when adequately housed and fenced. In addition to the minimum lot area for the district, at least forty thousand (40,000) square feet shall be provided.
 - (c) Private stables and buildings housing other farm animals shall be located no closer than one hundred (100) feet to any adjoining lot line. All farm buildings other than those housing horses and other farm animals shall be located no closer than twenty-five (25) feet of any adjoining lot line.
 - (d) No manure or odor or dust producing materials shall be stored or used within one hundred (100) feet of any adjoining lot line.

5.3.4. *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article and section cited, are complied with:

- (1) Institutions for human care: Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institut Article VIII, Section 8.2.2.
- (2) Religious institutions: Churches, convents, parsonages, and other housing for religious personnel. Refer to Article VIII, Section 8.2.2.
- (3) Educational and social institutions: Public or private elementary and secondary schools, institutions for higher education, auditoriums, and other places of assembly, and centers for social activities. Refer to Article VIII, Section 8.2.2.
- (4) Public buildings and public service installations: Publicly owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and sub-stations. Refer to Article VIII, Section 8.2.2.
- (5) Private non-commercial recreations areas: Private, non-profit swimming clubs, community recreation centers, or other non-commercial recreation activities.
- (6) A residential care facility, as herein defined.
- (7) A day care center, as herein defined.
- (8) A group day care home, as herein defined.
- (9) An adult foster care small group home, as herein defined.
- (10) An adult foster care large group home, as herein defined.
- (11) An adult foster care congregate facility, as herein defined.
- (12) Bed and breakfast as herein defined.

5.3.5. *Site development standards:*

- (1) All applicable requirements of Schedule A shall be met. For permitted exceptions, refer to Article VI, Section 6.3.
- (2) Site plan review. Refer to Article VI, Section 6.8.
- (3) Single-family dwellings shall meet the requirements of a "dwelling unit", as herein defined.
- (4) Supplementary area regulations. Refer to Article VI, Section 6.3.
- (5) Supplementary yard regulations. Refer to Article VI, Section 6.4.
- (6) Accessory buildings. Refer to Article VI, Sections 6.2.2 and 6.4.2.
- (7) Supplementary building heights. Refer to Article VI, Section 6.5.
- (8) Parking. Refer to Article VII, Section 7.1.
- (9) Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.

(Amended: 6-23-98, eff. 7-1-98; 6-12-01; 11-24-01; 2-11-03, eff. 2-24-03)

110.504 - R-1C: One-family medium density residential district.

Sec. 5.4.

5.4.1. *Intent and purpose.* The only essential difference between the R-1C and the R-1A and the R-1B districts is that a higher density or population will be permitted through one-family dwelling unit construction on smaller lot areas. This district has been designed to include existing one-family development within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable, and areas which presently have or will have within a reasonable future period public water and sewer facilities.

5.4.2. *Uses permitted by right:*

- (1) One-family dwelling.
- (2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (A) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (B) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Sections 6.2.2. and 6.4.2.
- (3) Public recreation.
- (4) A family day care home, as herein defined.
- (5) An adult foster care family home, as herein defined.

5.4.3. *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.

- (2) Private in-ground swimming pools, provided that whenever an unenclosed swimming pool is constructed, said pool shall be provided with a protective fence at least four (4) feet in height. Refer to Article VI, Section 6.4.3.
- (3) Customary home occupations, provided the requirements stated in Article VI, Section 6.2.3. are met.

5.4.4. *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article and section cited, are complied with:

- (1) Institutions for human care: Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions. Refer to Article VIII, Section 8.2.2.
- (2) Religious institutions: Churches, convents, parsonages, and other housing for religious personnel. Refer to Article VIII, Section 8.2.2.
- (3) Education and social institutions: Public or private elementary and secondary schools, institutions for higher education, auditoriums, and other places of assembly, and centers for social activities. Refer to Article VIII, Section 8.2.2.
- (4) Public buildings and public service installations: Publicly owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and sub-stations. Refer to Article VIII, Section 8.2.2.
- (5) Private non-commercial recreations areas: Private, non-profit swimming clubs, community recreation centers, or other non-commercial recreation activities.
- (6) Planned unit developments. Refer to Article VIII, Section 8.3.
- (7) A residential care facility, as herein defined.
- (8) A day care center, as herein defined.
- (9) A group day care home, as herein defined.
- (10) An adult foster care small group home, as herein defined.
- (11) An adult foster care large group home, as herein defined.
- (12) An adult foster care congregate facility, as herein defined.
- (13) Bed and breakfast as herein defined.

5.4.5. *Site development standards:*

- (1) All applicable requirements of Schedule A shall be met. For permitted exceptions, refer to Article VI, Section 6.3.
- (2) Site plan review. Refer to Article VI, Section 6.8.
- (3) Single-family dwellings shall meet the requirements of a "dwelling unit", as herein defined.
- (4) Supplementary area regulations. Refer to Article VI, Section 6.3.
- (5) Supplementary yard regulations. Refer to Article VI, Section 6.4.
- (6) Accessory buildings. Refer to Article VI, Sections 6.2.2 and 6.4.2.
- (7) Supplementary building heights. Refer to Article VI, Section 6.5.
- (8) Parking. Refer to Article VII, Section 7.1.1.
- (9) Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.

(Amended: 6-23-98, eff. 7-1-98; 6-12-01; 11-24-01; 2-11-03, eff. 2-24-03)

110.505 - R-1D: Medium density residential district.

Sec. 5.5.

5.5.1. *Intent and purpose.* This district is intended to provide for a diverse residential environment whereby both single-family and two-family dwellings can be accommodated side by side. It provides for a mixture of these two (2) housing types and thereby offers a greater choice in living environments for Township residents. The district also includes areas within the Township which presently have or will have within a reasonable future period public water and sewer facilities.

5.5.2. *Uses permitted by right:*

- (1) One-family dwelling.
- (2) Two-family dwelling.
- (3) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (A) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (B) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.

- (4) Public recreation.
- (5) A family day care home, as herein defined.
- (6) An adult foster care family home, as herein defined.

5.5.3. *Uses permitted under special conditions.* The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

- (1) Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.
- (2) Private in-ground swimming pools, provided that whenever an unenclosed swimming pool is constructed, said pool shall be provided with a protective fence at least four (4) feet in height. Refer to Article VI, Section 6.4.3.
- (3) Customary home occupations, provided the requirements stated in Article VI, Section 6.2.3 are met.

5.5.4. *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article and section cited, are complied with:

- (1) Institutions for human care: Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions. Refer to Article VIII, Section 8.2.2.
- (2) Religious institutions: Churches, convents, parsonages, and other housing for religious personnel. Refer to Article VIII, Section 8.2.2.
- (3) Educational and social institutions: Public or private elementary and secondary schools, institutions for higher education, auditoriums, and other places of assembly, and centers for social activities. Refer to Article VIII, Section 8.2.2.
- (4) Public buildings and public service installations: Publicly owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and sub-stations. Refer to Article VIII, Section 8.2.2.
- (5) Private non-commercial recreations areas: Private, non-profit swimming clubs, community recreation centers, or other non-commercial recreation activities.
- (6) A residential care facility, as herein defined.
- (7) A day care center, as herein defined.
- (8) A group day care home, as herein defined.
- (9) An adult foster care small group home, as herein defined.
- (10) An adult foster care large group home, as herein defined.
- (11) An adult foster care congregate facility, as herein defined.
- (12) Bed and breakfast as here in defined.

5.5.5. *Site development standards:*

- (1) All applicable requirements of Schedule A shall be met. For permitted exceptions, refer to Article VI, Section 6.3.
- (2) Site plan review. Refer to Article VI, Section 6.8.
- (3) Single-family dwellings shall meet the requirements of a "dwelling unit", as herein defined.
- (4) Supplementary area regulations. Refer to Article VI, Section 6.3.
- (5) Supplementary yard regulations. Refer to Article VI, Section 6.4.
- (6) Accessory buildings. Refer to Article VI, Sections 6.2.2 and 6.4.2.
- (7) Supplementary building heights. Refer to Article VI, Section 6.5.
- (8) Parking. Refer to Article VII, Section 7.1.1.
- (9) Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.

(Amended: 6-23-98, eff. 7-1-98; 6-12-01; 11-24-01; 2-11-03, eff. 2-24-03)

110.506 - R-1M: Multiple-family residential district.

Sec. 5.6.

5.6.1. *Intent and purpose.* It is the intent of this district to provide for high density residential developments in portions of the Township served by public utilities and services, and collector or arterial streets. It is expected that high density residential developments will be provided with or have close access to recreational facilities and open space. It is also the intent of this section to provide for the development of certain non-residential facilities which can provide convenient services, while at the same time preserving the overall residential character of the district.

5.6.2. *Uses permitted by right:*

- (1) One-family dwelling.
- (2) Two-family dwelling.
- (3) Non-commercial parks, playgrounds, and playfields.
- (4) A family day care home, as herein defined.
- (5) An adult foster care family home, as herein defined.

5.6.3. *Uses permitted by special use permit:*

- (1) Planned unit developments. Refer to 803.
- (2) Public and semi-public institutional structures and uses.
- (3) Essential service structures and buildings.
- (4) Mobile home parks. Refer to 804.
- (5) Functional family dwellings.
- (6) Housing for the elderly.
- (7) A residential care facility, as herein defined.
- (8) A day care center, as herein defined.
- (9) A group day care home, as herein defined.
- (10) An adult foster care small group home, as herein defined.
- (11) An adult foster care large group home, as herein defined.
- (12) An adult foster care congregate facility, as herein defined.
- (13) Bed and breakfast as herein defined.

5.6.5. *Site development standards:*

- (1) All applicable requirements of Schedule A shall be met. For permitted exceptions, refer to Article VI, Section 6.3.
- (2) Site plan review. Refer to Article VI, Section 6.8.
- (3) Single-family dwellings shall meet the requirements of a "dwelling unit", as herein defined.
- (4) Multiple-family dwellings: No space below grade level shall be used for dwelling purposes, except as follows:
 - (a) When the finished floor grade of the space below grade level is no more than four (4) feet below the finished outside ground level at any point on the periphery that part of the structure enclosing the below grade dwelling space.
 - (b) On sloping sites when the finished grade of the space below grade level is above finished outside ground level for at least the length of one (1) wall, such dwelling spaces shall have either adequate through or cross ventilation.
- (5) Supplementary area regulations. Refer to Article VI, Section 6.3.
- (6) Supplementary yard regulations. Refer to Article VI, Section 6.4.
- (7) Accessory buildings. Refer to Article VI, Sections 6.2.2 and 6.4.2.
- (8) Supplementary building heights. Refer to Article VI, Section 6.5.
- (9) Parking. Refer to Article VII, Section 7.1.
- (10) Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.

5.6.6. *Multifamily site development standards.* Two (2) or more residential buildings of similar or different character may be built upon one (1) lot or parcel of land when a site plan is submitted to and approved by the Planning Commission, and when the following site development requirements have been complied with:

- (1) Minimum site area: No multifamily development shall be authorized with a gross site area no less than two (2) acres.
- (2) Minimum lot area: No multifamily development shall be established on a lot or parcel having a width less than one hundred fifty (150) feet, provided however that for group housing the average lot area per family or dwelling unit shall not be less than four thousand (4,000) square feet.
- (3) Maximum lot coverage: Not more than thirty-five (35) per cent of the net area within property lines within a multifamily development, including accessory buildings, shall be covered by buildings:
- (4) Yards and other open space:
 - (a) Between buildings: The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be fifty (50) feet for buildings one (1) story in height. This distance shall be increased by not less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one (1) end if modifications are permitted by the Planning Commission to accommodate plans which are not conventional in their outline or in their relation to other buildings.
 - (b) Between ends of buildings: The horizontal distance between ends of buildings shall be twenty (20) feet or more for one (1) or two (2) story

buildings. These distances shall be increased by not less than five (5) feet for every story added.

- (c) Closed courts: No closed courts shall be permitted however, open arcades or garden walls not over six (6) feet in height shall not be deemed enclosing features.
 - (d) Yard dimensions: For buildings up to thirty-five (35) feet in height, no building shall be closer than twenty-five (25) feet to any street; thirty-five (35) feet to any rear property line; ten (10) feet to an interior side property line. For each one (1) foot of building height above thirty-five (35) feet, one (1) foot shall be added to required front, side, and rear yards.
 - (e) Other dimensions: No dwelling unit in a group housing development shall be closer to a street or private access drive than twenty-five (25) feet; or shall be further from a street or private access drive than one hundred fifty (150) feet.
 - (f) Usable open space: A minimum usable open space area of one hundred (100) square feet per dwelling unit shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space area so provided shall have a minimum total area of twelve hundred (1,200) square feet and shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, but shall be usable for greenery, recreational space, and other leisure activity normally carried on outdoors.
 - (g) Buffer strip: A buffer strip not less than twenty-five (25) feet wide shall be developed along all district property lines which face, abut, or are adjacent to residential districts. This buffer strip shall be planted and maintained with trees and shrubs as approved by the Planning Commission.
- (5) Maximum building height: The maximum height of building housing the principal use shall be governed by the yard and lot area requirements. Accessory buildings shall not exceed fifteen (15) feet in height.
 - (6) Signs: Shall be in accordance with requirements specified in Article VI, Section 6.2.3.
 - (7) Off-street parking space: Shall be provided as specified in Article VII, Section 7.1.
 - (8) 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 meet county road commission standards.
 - (b) No dead end street or roadway shall serve more than one hundred (100) families 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 fifty (50) feet shall be required for all turnarounds, and additional width may be required by the Planning Commission after consideration of the vehicular needs of a particular group housing development proposal.
 - (d) Satisfactory arrangements shall be made with the Planning Commission regarding the maintenance and repair of streets, roadways, or access drives.

(Amended: 6-12-01; 11-24-01; 2-11-03, eff. 2-24-03)

110.507 - O-1: Office district.

Sec. 5.7.

5.7.1. *Intent and purpose.* This section is established to provide for a variety of office uses of a business and professional nature as well as activities compatible with these uses.

5.7.2. *Uses permitted by right:*

1. *Public buildings:* Post offices, libraries and governmental administrative offices.
2. *Banks* and other financial institutions (without drive through facilities).
3. *Professional and administrative:* Physicians, surgeons, dentists, clinics, architects, artists, engineers, executive, legal, clerical, accounting, insurance, real estate and other related fields.
4. *Restaurants:* Including lunch counters, dairy bars, coffee shops, and other establishments which provide for consumption on the premise. These establishments shall not have drive through facilities and must be located within an office building.
5. Bed and breakfast as herein defined. Exception: This use shall not be allowed in the M-1 light industrial district or the M-2 heavy industrial district.

5.7.3. *Special use permits:*

1. Hotels and motels (Refer to 5.8-A.3.(14)).
2. Shopping centers.
3. Public service installations.
4. Public and semi public buildings and uses.
5. Restaurants without drive through facilities.

6. Banks, credit unions, financial institutions with drive through facilities.
7. Private clubs, meeting halls and other similar uses for non-profit service organizations.
8. A day care center, as herein defined.
9. Health clubs.
10. Radio and TV studios.
11. Private or commercial communications transmission facilities, including communications towers.
12. Other personal service establishments similar to and compatible with office uses.

5.7.4. *Parking.* Refer to 7.1.

(Amended: 11-24-01; 2-11-03, eff. 2-24-03)

110.508 - B-1: Limited business district.

Sec. 5.8.

5.8.1. *Intent and purpose.* This section is established to provide zoning for certain commercial businesses designed to provide for convenient shopping and service. These areas will be compatible with the surrounding area.

5.8.2. *Uses permitted by right.* All of the following uses must be conducted wholly in a permanent fully-enclosed building.

- (1) Anything by right in O-1 office district, and with any restrictions as listed there:
 - (a) Public buildings.
 - (b) Banks.
 - (c) Health offices.
 - (d) Professional offices.
 - (e) Administrative offices.
 - (f) Restaurants.
- (2) Retail food establishments, which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs 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.
- (3) Other retail businesses, such as drug, variety, second hand stores, dry goods, clothing, notions, music, book or hardware which supply commodities on the premises.
- (4) Personal service establishments, which perform services on the premises, such as barber or beauty shops, repair shops for shoes, radio, television, appliance, jewelry, dry cleaner and laundry pickup stations, and photographic studios.
- (5) Restaurants, including lunch counters, dairy bars, coffee shops, and other establishments which provide for consumption on the premises, provided that such establishments shall not be so-called "drive-in" facilities.
- (6) Temporary outdoor uses, such as sidewalk sales displays, Christmas tree sale lots, revival tents, or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the Township Supervisor, provided that such permit shall not be issued for more than thirty (30) days in any one (1) year.
- (7) Sales of new and used vehicles, such as automobiles, trailers, and boats, provided:
 - (a) That any outdoor storage space is paved and adequately maintained so as to provide a durable, smooth and dustless surface.
 - (b) That the site is so graded and provided with adequate drainage facilities that all collected surface water is effectively carried away from the site.
- (8) Bed and breakfast as herein defined. Exception: This use shall not be allowed in the M-1 light industrial district of the M-2 heavy industrial district.

5.8.3. *Uses permitted by special use permit:*

- (1) Self-service laundry and dry cleaning establishments.
- (2) Taverns and bars.
- (3) Bus passenger terminals and stations.
- (4) Hospitals, nursing and convalescent homes.
- (5) Caretaker residence.
- (6) Private or commercial communications transmission facilities, including communications towers.
- (7) Adult book stores, provided following requirements are met:
 - (a) Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, except that no building or land, and no building hereafter

erected, converted or structurally altered, shall be used as an adult bookstore, adult motion picture theater, adult mini-motion picture theater if that building or land is located within eight hundred (800) feet of the property line of any residentially zoned district as defined in this Zoning Ordinance or within two thousand six hundred and forty (2,640) feet of any church, public school building or facility, and except that no adult bookstore, adult motion picture theater, or adult mini-motion picture theater shall be located within eight hundred (800) feet of any other establishment that is an adult bookstore, adult motion picture theater, or adult mini-motion picture theater.

(b) Definitions as used in this subsection:

- (1) "Adult bookstore" means an establishment that has, as a substantial or significant portion of its stock in trade, sexual paraphernalia, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sado-masochistic abuse or sexual conduct.
- (2) "Adult motion picture theater" means an establishment, whether in a completely enclosed building or not, that offers, for an admission fee, membership fee or other valuable consideration, the viewing during more than twenty-five (25) per cent of its operating hours of motion picture films, pictures or photographs, which are distinguished or characterized by their emphasis on nudity, sado-masochistic abuse or sexual conduct.
- (3) "Adult mini-motion picture theater" means an enclosed building or any portion of a building which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct, nudity or sado-masochistic abuse, by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television (including videotape or closed circuit) or live performance for observation by patrons therein.
- (4) "Nudity" means uncovered or less than opaquely covered postpubertal human male or female genitals, pubic areas or buttocks.
- (5) "Sado-masochistic abuse" means flagellation or torture by or upon a human.
- (6) "Sexual conduct" means any of the following actual or simulated acts of:
 - (a) Human sexual intercourse, homosexual or heterosexual;
 - (b) Human or animal masturbation;
 - (c) Bestiality;
 - (d) Fellatio;
 - (e) Cunnilingus; or
 - (f) Human excretory functions.

(c) Purpose: In addition to the purpose expressed as the purpose of this Zoning Title, the purpose of the locational requirements of this section is to prevent crime, protect and preserve the quality of life in the Township's retail trade, maintain property values, protect and preserve the quality of life in the Township, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhood and commercial districts.

(8) A day care center, as herein defined.

5.8.4. *Parking.* Refer to 7.1.

(Amended: 6-23-98, eff. 7-1-98; 11-24-01; 2-11-03, eff. 2-24-03)

110.508-A - B-2: Business district.

Sec. 5.8-A.

5.8-A.1. *Intent and purpose.* This section is established to provide zoning for certain commercial businesses designed to provide for community shopping and services. These areas will be established as business districts and will be compatible with surrounding areas.

5.8-A.2. *Uses permitted by right:*

- (1) All uses permitted by right in the O-1 and B-1 district, subject to special restrictions pertaining to said uses within said zoning classifications.
 - (a) Public buildings.
 - (b) Banks.
 - (c) Professional and administrative offices.
 - (d) Restaurants.
 - (e) Retail food establishments.
 - (f) Other retail businesses.
 - (g) Personal service establishments.
 - (h) Temporary outdoor uses.
- (2) Public assembly buildings, including theaters (except drive-in), auditoriums, churches, clubs and lodges.

- (3) Printing, publishing, photographic reproduction, blueprinting and related trades and arts.
- (4) Pet shops, provided that animals and birds are kept entirely within the building at all times.
- (5) Building supply and equipment store.
- (6) Open air businesses, such as retail sales of products, landscaping materials, plant materials not grown on the premises, sales of lawn furniture, playground equipment, land garden supplies, provided that:
 - (a) Any outdoor storage space or display area is prepared and maintained so as to provide a durable, smooth and dustless surface.
 - (b) The site is graded and drained so that all water is effectively carried away from the site.
- (7) Bed and breakfast as herein defined. Exception: This use shall not be allowed in the M-1 light industrial district or the M-2 heavy industrial district.

5.8-A.3. *Uses permitted by special use permit:*

- (1) Funeral homes or mortuaries (excluding crematories).
- (2) Veterinary hospitals, clinics and kennels.
- (3) Fur and dry cleaning establishments, limited to materials and clothing picked up over the counter of said premises.
- (4) Commercial recreation facilities, such as bowling alleys, arcades, game rooms, billiard halls, indoor archery ranges, indoor skating rinks, or other similar uses, provided that all uses will be conducted wholly within a completely enclosed building, and that such building is located at least one hundred (100) feet from any front, side or rear yard of any lot within an adjacent residential district.
- (5) Drive-in businesses (except drive-in eating establishments), provided:
 - (a) Service may be in automobiles or outdoors, but all other activities shall be carried on within a building.
 - (b) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained.
 - (c) Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) streets.
 - (d) All lighting shall be shielded from adjacent residential districts.
 - (e) All motor vehicle parking and standing areas shall be provided and improved in accordance with the requirements stated in Article VII, Section 7.1.
- (6) Car wash establishments, provided that the site development requirements for gasoline service stations in Article VIII, Section 8.5.A are met.
- (7) Mini-warehouses, provided:
 - (a) The minimum lot area shall be one (1) acre with a minimum width of one hundred fifty (150) feet.
 - (b) Motor vehicular parking shall be provided in accordance with the requirements stated in Article VII, Section 7.1.
 - (c) All driveways, parking and loading areas shall be paved and maintained so as to provide a durable, smooth and dustless surface.
 - (d) Chain link fencing to a minimum of six (6) feet around the entire periphery of the property.
 - (e) A buffer strip not less than twenty-five (25) feet wide shall be developed and maintained along all district property lines which face, abut, or are adjacent to a residential district.
- (8) Manufacturing and processing establishments selling their entire output at retail on the premises.
- (9) Private or commercial communications transmission facilities, including communications towers.
- (10) Automobile, truck, trailer and boat service stations under the following conditions:
 - (a) No more than ten (10) per cent of the gross area of this district shall be utilized for this purpose.
 - (b) The site development requirements of Schedule A shall be met.
 - (c) Automobile, truck, and trailer repair, and sale of automotive accessories shall be permitted only as an accessory use to an automobile or truck service station, and shall be conducted within a wholly enclosed building.
- (11) Drive-in restaurants, provided the following conditions are met:
 - (a) All motor vehicle parking and standing areas shall be provided and improved in accordance with the requirements stated in Article VII, Section 7.1.
 - (b) The site development requirements of Schedule A shall be met.
- (12) Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.
- (13) Miniature golf, trampoline, drive-in theaters, temporary and transient amusement enterprises, golf driving ranges or similar public amusements, provided the additional site development requirements of Article VIII, Section 8.6.3(4) are met.
- (14) Motel, motor hotel, and transient lodging facilities (but not including trailer camps or tent sites), under the following conditions:
 - (a) Minimum floor area: Each guest unit shall contain not less than two hundred fifty (250) square feet.
 - (b) Minimum lot area: One (1) acre lot with a minimum width of one hundred fifty (150) feet, provided that there shall be no less than eight hundred (800) square feet of lot area for each guest unit.
 - (c) Maximum lot coverage: All buildings, including accessory buildings, shall not occupy more than twenty-five (25) per cent of the net area within

property lines of land developed at any one time.

- (d) Minimum yard dimensions; All buildings shall be set back no less than seventy-five (75) feet from any street line, and no less than forty (40) feet from any side or rear property line.
 - (e) Maximum building height: Height will not exceed forty (40) feet.
 - (f) Site screening: The site may be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six (6) 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 motor vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.
 - (g) Lighting: No lighting shall have a source of illumination visible outside the property lines of the parcel or lot and shall in no way impair safe movement of traffic on any street or highway.
 - (h) Swimming pools and other outdoor recreational uses: Such uses must be 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.
 - (i) Accessory uses, such as meeting rooms, tavern, bar, or similar uses are permitted, 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.
- (15) A contractors establishment with related offices, providing the following conditions are met:

Definition: "Contractors establishment" means a use utilized for commercial construction activities which includes an office an/or storage of contractors equipment and building materials.

- (a) The site shall contain a minimum of twenty thousand (20,000) square feet.
- (b) The site shall have direct access to a county primary or secondary road.
- (c) The site shall have a minimum street frontage of one hundred (100) feet.
- (d) All storage of equipment and materials shall be in an enclosed building unless specifically approved by the Planning Commission as part of site plan approval.
- (e) No retail sales shall be permitted unless it is specifically defined at the time a special use permit is reviewed and approved.
- (f) The type of repair and maintenance shall be specifically defined with the review of the Special Use Permit.
- (g) A land use intensity plan shall be submitted as part of the application. The Planning Commission shall utilize the proposed land use intensity during their review of the Special Use Permit request. Additionally, the Planning Commission shall, to the extent feasible, establish limits on the intensity of use as part of the Special Use Permit approval.

Intensity of use is normally measured, (but not limited to) by the following criteria:

- (1) Amount of vehicular traffic generated.
- (2) Amount of pedestrian traffic generated.
- (3) Noise, odor, and air pollution generated.
- (4) Potential for litter and debris.
- (5) Type and location of storage of materials connected with the use.
- (6) Type of equipment associated with the development.
- (7) Total structure coverage and structure height on the parcel.
- (8) The location of the proposed development on the site and its relationship to the adjacent land use pattern.
- (9) Hours of operation.
- (10) Number of employees.
- (11) Type of advertising.

(16) A day care center, as herein defined.

(17) A commercial garage as defined. (See [Section 110.1002](#) Definitions: Garage, commercial.)

And further defined as: Where any of the following activities, (but not limited to) are preformed; Bumping, painting, replacements of body parts, engine repair other than normal tune-up repair, engine replacement, replacement of transmissions or internal transmission parts.

The following conditions shall be met:

- (a) The site shall contain fifteen thousand (15,000) square feet.
- (b) The site shall have direct access to a county road or secondary road.
- (c) The site shall have a minimum frontage of one hundred (100) feet.

- (d) The storage of equipment materials parts etc. shall be in an enclosed building unless specifically approved by the Planning Commission as part of and approval.
- (e) No retail sales shall be permitted unless it is specifically defined at the time a special use permit is reviewed and approved.
- (f) The type of repair and maintenance shall be specifically defined at the time a special use permit is reviewed and approved.
- (g) In addition to the standards for reviewing a special use permit the intensity of land use, as defined, in Section 110.1002 Definitions, shall also be criteria for review.

5.8-A.4. *Bond for compliance.* In approving any site development proposal under this section, the Planning Commission may require that a bond of ample sum be furnished by the owner or lessee to insure compliance with the requirements, specifications, and conditions imposed with the approval of a site plan.

5.8-A.5. *Site development requirements.* For size and setbacks refer to Schedule A.

1. Motor vehicle access: All site plan proposals submitted shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a minor or residential street. All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two (2) streets.

When a proposed site plan is located adjoining or within one-half (½) mile of an existing or proposed state or interstate limited access highway interchange, the Planning Commission shall determine that an acceptable traffic safety relationship exists between the owner's or lessee's site plan and the design of the state or interstate facility. The Planning Commission shall require written approval from the Michigan Department of Transportation be provided relative to traffic safety requirements of a particular site plan proposal. In an Industrial Park, approval would only need to be obtained for the first site developed if the same access is being utilized.

2. Transition strips: There shall be included, in addition to and as an integral part of any site development within this district, a strip of land fifty (50) feet or more in width on all sides of the proposed site which abuts as residential or agricultural district, except on the side fronting on a major street or highway. This strip shall serve as a transition between the subject use and the adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the site functions, except that thirty (30) feet thereof may be used for parking area. Further, the transition strip shall be occupied by plant materials or structural fences or walls, used separately or in combination. The plans and specifications for site development shall include the proposed arrangement for such plantings and structures.
3. General use requirements: Noise emanating from a use in this district shall not exceed the level of ordinary conversation (65 decibels) at the boundaries of the lot. Short intermittent noise peaks may be allowed if they do not exceed normal traffic noise peaks at any point on the lot boundaries. No odors shall be humanly perceptible at or beyond the lot boundaries at a height of less than twenty-five (25) feet. No physical vibrations humanly perceptible at or beyond the lot boundaries shall be allowed.
4. Signs. Refer to Article VI, Sections 6.2.3 and 6.2.4.
5. Off-street parking: Parking and loading and unloading spaces shall be provided and maintained in accordance with the requirements specified in Article VII, Sections 7.1 and 7.2. Parking is not permitted within the first twenty (20) feet from the road right-of-way of the required front yard in office, business and industrial districts. Loading areas may not occupy any front yard setback. The side yard setback area along the street side of a corner lot shall not be used for loading spaces. Wheel stops shall be provided and so located so as to prevent any vehicle from projecting over lot lines, required setbacks or sidewalks. Whenever a side or rear yard is used for parking and abuts a residential district, a masonry wall or solid fence at least four (4) feet in height shall be placed along all such boundary lines, and in addition shall conform to the following locational criteria:
 - (A) Motels, motor hotels, and other transient residential uses: Parking shall be furnished on the immediate premises of the developed site.
 - (B) Restaurants and drive-in businesses: Parking shall be provided on the premises or in the district within five hundred (500) feet of the building, as measured from the nearest point of the parking area to the nearest point of the building and shall be located upon the same side of the major roadway as the establishment.
6. Storage of refuse: All space required for the accumulation and outloading of garbage, trash, scrap, and waste shall be stored in closed containers and entirely screened from view.

(Amended: 6-12-01; 11-24-01; 2-11-03, eff. 2-24-03)

110.508-B - B-3: Neighborhood mixed land use district.

Sec. 5.8-B.

5.8-B.1. *Intent and purpose:* This section is established to provide zoning for a mixture of more intensive non-residential land uses and residential land uses which are based on a unified site plan and which have access to public utilities, meet the objectives of the Comprehensive Plan, and meet the dimensional requirements of this section.

5.8-B.2. *Uses permitted by right:*

- (1) All residential uses permitted by right in the R-1M Multiple-family district (Section 5.6.2) and those uses permitted by right in the B-2 Business district (Section 5.8-A.2), with the addition of blueprinting and agricultural use categories.

5.8-B.3. *Uses permitted by special use permit:*

- (1) Essential public service structures and buildings;
- (2) Functional family dwellings;
- (3) Nursing homes, convalescent homes and assisted living and residential care facilities;
- (4) Day care centers and group day care homes;
- (5) Adult foster care, small group and large group homes and adult foster care congregate facilities;
- (6) Bed and breakfast facilities;
- (7) Hotels and motels;
- (8) Neighborhood retail centers;
- (9) Public service installation;
- (10) Restaurants;
- (11) Private clubs and meeting halls;
- (12) Health clubs;
- (13) Radio and television studios;
- (14) Self-service laundry and dry cleaning structures and facilities;
- (15) Taverns and bars;
- (16) Hospitals;
- (17) Funeral homes or mortuaries (excluding crematories);
- (18) Commercial recreation facilities;
- (19) Drive-in businesses and restaurants;
- (20) Car wash establishments.

5.8-B.4. *Site development requirements:* The following standards shall apply to all uses and structures in this mixed use zoning district:

- (1) Minimum project area: Ten (10) acres;
- (2) Location: Areas designated in the Comprehensive Plan suitable for such mixed use;
- (3) Residential density: As required within the R-1M district;
- (4) Site perimeter: In compliance with Section 8.3.4.D;
- (5) Performance objectives: Shall meet the requirements of Section 8.3.4.E.

5.8-B.5. *Development agreement and financial guarantees:* Must be compatible with the requirements of Section 8.3.5.

5.8-B.6. *Approval process:* Applications for neighborhood mixed land use and the process for approval shall follow the requirements and procedures set forth in Section 8.3.6 pertaining to planned unit developments.

(Amend. eff. 8-31-09)

110.508-C - B-4: Community mixed land use district.

Sec. 5.8-C.

5.8-C.1. *Intent and purpose:* This section is established to provide zoning for a mixture of more intensive non-residential land uses and residential land uses which are based on a unified site plan, have access to public utilities, meet the objectives of the Comprehensive Plan, and meet the dimensional requirements of this section.

5.8-C.2. *Uses permitted by right:*

- (1) Those permitted non-residential land uses in the B-3 Neighborhood mixed land use district;
- (2) Manufacturing, compounding, processing, packaging, or treatment of projects;
- (3) Rail and truck terminal freight facilities;
- (4) Rail transfer and storage;
- (5) Research laboratories and offices;
- (6) Accessory structures to the uses permitted herein;
- (7) Outdoor storage;
- (8) Contractor storage;
- (9) Warehouse and wholesale facilities;

- (10) Sales of new and used vehicles;
- (11) Building supplies and equipment, sales and storage;
- (12) Open air businesses;
- (13) Agricultural uses.

5.8-C.3. *Uses permitted by special use permit:*

- (1) All special uses permitted in the B-3 Neighborhood mixed land use district;
- (2) Residential uses permitted in the R-1M Multiple-family district;
- (3) Private or commercial transmission facilities, including towers;
- (4) Bus, rail passenger terminals and stations;
- (5) Kennels;
- (6) Mini-warehouse developments;
- (7) Auto, truck trailer and boat service establishments;
- (8) Billboards;
- (9) Contractors' establishments with related offices.

5.8-C.4. *Site development requirements.*

The following standards shall apply to all uses and structures in this mixed use zoning district:

- (1) Minimum project area: Twenty (20) acres;
- (2) Location: Areas designated in the Comprehensive Plan;
- (3) Residential density: Shall meet the requirements of the R-1M district;
- (4) Site perimeter: Shall meet the requirements of Section 8.3.4.D;
- (5) Performance objectives: Shall meet the requirements of Section 8.3.4.E.

5.8-C.5. *Development agreement and financial guarantees:*

- (1) Must be compatible with the requirements of Section 8.3.5.

5.8-C.6. *Approval process:*

- (1) Application for community mixed use and the process for approval shall follow the requirements of Section 8.3.6 pertaining to Planned Unit Developments.

(Amend. eff. 8-31-09)

110.509 - M-1: Light industrial district.

Sec. 5.9.

5.9.1. *Intent and purpose.* The M-1 light industrial district is designed to accommodate wholesale, warehousing and industrial activities whose operational and physical characteristics do not detrimentally effect any of the surrounding districts, and further, the light industrial district can be used for the interim use of land for agricultural purposes. It is understood that the manufacturing, processing, compounding, and packing, assembling or treatment of items allowed by this chapter will be within an enclosed building. In addition to the foregoing it is also understood that commercial and office activities both independent and those which are associated with any principal use will be accommodated in this district. It is further the intent that the location of the light industrial district shall be in compliance with the Comprehensive Development Plan for the Township.

5.9.2. *Review procedure.* Before a zoning permit for a use within this district shall be issued, the owners or lessees shall submit the following material to the Planning Commission for review and approval:

- (1) A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, screening fences or walls, and other construction features which may be proposed.
- (2) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- (3) Engineering and architectural plans for:
 - (a) The treatment and disposal of sewage and industrial waste or unusable by-products.
 - (b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation.

- (4) The proposed hours of operation and the maximum number of employees working on said property.

5.9.3. *Principal permitted uses.* In the M-1 light industrial district the following are principal permitted uses:

- (a) Any principal permitted use allowed in the O-1 office district, B-1 limited business district, and the B-2 business district, subject to the standards of each district;
- (b) Any of the following manufacturing, compounding, processing, or packaging uses provided they are conducted within an enclosed building:
- (1) The manufacturing, compounding, processing, packaging or treatment of products, including, but not limited to the following:
 - A. Bakery goods;
 - B. Candy;
 - C. Food products, not including slaughter houses;
 - D. Cosmetics;
 - E. Pharmaceuticals; and
 - F. Toiletries;
 - (2) The manufacturing, compounding, processing or treatment of light sheet metal products, including, but not limited to, electric or neon signs, heating and ventilation equipment, cornices, eaves and the like, hardware and cutlery;
 - (3) The manufacturing, compounding, assembling or treatment of items from the following, (but not limited to), materials which are prepared previously at another site: bone, canvas, cellophane, cloth, cork, elastomer, feathers, felt, fiber, fur, glass, hair, leather, horn, paper, plastics, rubber, precious or semiprecious metals, stones, sheet metal, forged or cast steel or iron, shells, textiles, tobacco, wax, wire, wood, or yarn;
 - (4) The commercial manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns which are fired only by electricity or gas;
 - (5) The manufacture of musical instruments, toys, novelties, metal or rubber stamps, or other small molded products;
 - (6) The manufacture or assembly of electrical appliances, electronic instruments and devices or components of electronic instruments and devices, radios, televisions, etc.;
 - (7) Hot, warm, and cold metal forming operations, excluding drop hammer forging;
 - (8) Medical, experimental, film or testing laboratories;
 - (9) The manufacture or repair of electric or neon signs;
 - (10) Dry cleaning plants or laundries;
 - (11) Furniture refinishing, stripping, upholstery or manufacture;
- (c) Railroad and truck terminal freight facilities, railroad transfer and storage tracts or railroad right-of-ways;
- (d) Any of the following public utilities structures or facilities:
- (1) Offices;
 - (2) Telephone exchange buildings;
 - (3) Electrical transformer stations or substations;
 - (4) Gas regulator station or gas tank holders;
 - (5) Water supply plants, water tank holders, wells or pumping stations;
- (e) Research, industrial/manufacturing research, laboratories, offices and the production of proto and prototype products.
- (f) An accessory structure or use customarily incidental to any principal use permitted in the M-1 district, including but not limited to a caretaker or watch person's residence and any outside or inside storage of materials or equipment used in the normal function of the principal permitted use;
- (g) An outdoor storage or sales facility which sells new building materials, sand, gravel, or lumber;
- (h) The storage of a contractor's material or equipment;
- (i) Warehouse and wholesale establishments;
- (j) Agricultural uses as specified under Section 5.10.2(2), (3), and (4), Section 5.10.3(2) and Section 5.10.4(3), (5), (10), and (12);
- (k) Any other use which, by the decision of the Planning Commission is similar to the uses described in this section. Intensity of use, (but not limited to) as described in Section 5.8-A.3 of this ordinance will be the initial criteria used to measure and make a decision.

5.9.4 *Uses permitted by special use permit.* In the M-1 light industrial district the following uses are permitted by special use permit and are subject to the procedures set forth in Article VIII of this ordinance:

- (a) Any of the uses that are not a principal permitted uses in this district and are permitted by special use permit in the B-1 limited business district, Section 5.8.3 and the B-2 business district, Section 5.8-A.3 and those land uses that are listed as miscellaneous special uses under Section 8.6 of this ordinance with the exception of the following:
- (1) Sanitary fills, incinerators, and energy recycling facilities.

- (2) Salvage yards.
- (3) Sewage treatment and disposal installations.
- (4) Sand or gravel pits, shale, clay and muck quarries.

5.9.5. *Use requirements.* In this district the following use requirements shall be met:

(1) Sound: The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

In Decibels (dba)	Adjacent Use	Where Measured
55	Residential	Common lot line
65	Commercial	Common lot line
70	Industrial and other	Common lot line

The sound level 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.

- (2) Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one (1) inch measured by any lot line of its source.
- (3) 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 (1) volume of odorous air to four (4) or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
- (4) Gases: The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
- (5) 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.
- (6) Light: Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one (1) foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
- (7) Electromagnetic radiation: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this ordinance, and shall be on file in the office of the Township Supervisor.
- (8) 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 (4) minutes in any one half (½) hour which is:
 - (a) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.

The quantity of gas-borne or air borne solids shall not exceed twenty one-hundredths (0.20) grains per cubic foot of the charring medium at a temperature of five hundred (500) degrees Fahrenheit.

- (9) Drifted and blown material: The drifting or air borne 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.
- (10) Radio active materials: Radio active materials or radiation shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards.
- (11) The manufacturing process does not include the production or storage of any materials designed for use as an explosive.

5.9.6. *Site development requirements:*

- (1) Minimum lot area: One (1) acre.
- (2) Minimum lot width: One hundred fifty (150) feet.
- (3) Yards:
 - (A) All structures shall observe a setback of not less than seventy-five (75) feet measured from edge of road right-of-way. Side and rear yards shall be twenty-five (25) feet from lot line. Where a lot in this district abuts a lot in any residential district, no building in the M-1 district shall be

closer than one hundred fifty (150) feet to the property line of such residential district lot.

- (B) Off-street parking: Parking and loading and unloading spaces shall be provided and maintained in accordance with the requirements specified in Article VII, Sections 7.1 and 7.2. Parking is not permitted within the first twenty (20) feet from the road right-of-way of the required front yard in office, business and industrial districts. Loading areas may not occupy any front yard setback. The side yard setback area along the street side of a corner lot shall not be used for loading spaces. Wheel stops shall be provided and so located so as to prevent any vehicle from projecting over lot lines, required setbacks or sidewalks. Whenever a side or rear yard is used for parking and abuts a residential district, a masonry wall or solid fence at least four (4) feet in height shall be placed along all such boundary lines.
 - (C) Structures and solid fences or walls shall be no closer to the lot boundary than a distance equal to twice their height. This provision shall not apply to main buildings, fifteen (15) feet or less in height, nor to accessory structures, fences, or walls ten (10) feet or less in height.
 - (D) A buffer strip not less than fifty (50) feet wide shall be provided along all industrial district property lines which face, abut or are adjacent to a residential zoning district. This buffer strip shall be planted with trees and shrubs. The buffer strip shall be graded with a berm at least five (5) feet above the highest ground elevation within twenty-five (25) feet of the buffer strip. The berm shall be continuous except for necessary access drives.
- (4) Maximum building height: Buildings shall not exceed three (3) stories in height or forty (40) feet.
 - (5) Signs: All signs shall conform to the requirements of Article VI, Section 6.2.

5.9.7. *Voiding of permit.* Any permit granted under this section shall become null and void unless the development proposed shall have passed its first building inspection within one (1) year from the date of the granting of the permit.

5.9.8. *Supporting evidence required.* In all instances in which the Planning Commission and/or the Board of Appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning transmittal shall not be issued.

(Amended: 6-23-98, eff. 7-1-98; 11-14-00)

110.509-A - M-2: Heavy industrial district.

Sec. 5.9-A.

5.9-A.1. *Intent and purpose.* The M-2 heavy industrial district is designed to accommodate wholesale, warehousing and industrial activities. Industrial activities are defined as and consist of manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared materials. Further, the heavy industrial district can be used for the interim use of land for agricultural purposes. It is understood that the manufacturing, processing, compounding, and packing, assembling or treatment of items allowed by this chapter will be within an enclosed building, or an outside enclosure, and any activity, operation or physical characteristics shall not have a detrimental effect on the surrounding districts. In addition to the foregoing, it is also understood that commercial and office activities both independent and those which are associated with any principal use will be accommodated in this district. It is further the intent that the location of the heavy industrial district shall be in compliance with the Comprehensive Development Plan for the Township.

5.9-A.2. *Review procedures.* See Section 5.9.2.

5.9-A.3. *Principal permitted uses.* In the M-2 heavy industrial district the following are principal permitted uses:

- (a) Any principal permitted use allowed in the M-1 Light Industrial District.
- (b) The manufacturing of automobile and automotive component parts and assembly plants and all manufacturing, engineering and administrative operations and accessory uses incidental to the foregoing;
- (c) An accessory structure or use customarily incidental to any principal use permitted in the M-2 district, including but not limited to a caretaker or watch person's residence, and any outside or inside storage of materials or equipment used in normal function of the principal permitted use;
- (d) Any other use which, by the decision of the Planning Commission is similar to the uses described in this section. Intensity of use, (but not limited to) as described in Section 5.8-A.3 of this ordinance will be the initial criteria used to measure and make a decision.

5.9-A.4. *Uses permitted by special use permit.* In the M-2 heavy industrial district the following uses are permitted by special use permit and are subject to the procedures set forth in Article VIII of this ordinance:

- (a) Any of the uses that are not a principal permitted use in this district and are permitted by special use permit in the M-1 light industrial district, Section 5.9.4.
- (b) A permanent or temporary cement plant, batch plant or asphalt plant which may or may not be in conjunction with an extraction operation.
- (c) The land uses that are listed as miscellaneous special uses. See Section 8.6 of this ordinance.

5.9-A.5. *Use requirements.* The use requirements for this district shall be the same as described in Section 5.9.5 of this ordinance.

5.9-A.6. *Site development requirements.* The site development requirements shall be the same as described in Section 5.9.6 of this ordinance.

5.9-A.7. *Void of permit.* See Section 5.9.7 of this ordinance.

5.9-A.8. *Supporting evidence required.* See Section 5.9.8 of this ordinance.

(Amended: 11-14-00)

110.510 - A-1: Agricultural district.

Sec. 5.10.

5.10.1. *Intent and purpose.* This district is intended to preserve, enhance, and stabilize existing areas within the Township which are presently used predominately for general farming and areas which, because of their soil characteristics and natural 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 developments with water, sewer, schools, roadways, and other public services. It is, therefore, the purpose of this district to promote the orderly and harmonious development of the Township by preserving predominately rural lands from premature urban development and to preserve the essential characteristics and economic value of these districts as agricultural lands.

To achieve these objectives, permitted uses within this district are limited to agricultural and low density rural residential use, together with such limited community facilities as schools, churches, and public open spaces.

5.10.2. *Uses permitted by right:*

- (1) Single-family dwelling. Refer to Schedule A.
- (2) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.
- (3) Raising and keeping of small animals, such as poultry, rabbits, and goats.
- (4) General and specialized farms, including the raising and keeping for profit of cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area of more than ten (10) acres.
- (5) Public and private conservation areas and structures for the conservation of water, soils, open space, forest, and wildlife resources.
- (6) Public areas, such as forest preserves, game refuges, forest type recreation parks, and similar public uses of low intensity character.
- (7) A family day care home, as herein defined.
- (8) An adult foster care family home, as herein defined.
- (9) Horses and ponies may be kept on a noncommercial basis when adequately housed and fenced. In addition to the minimum lot area of the district, at least forty thousand (40,000) square feet shall be provided for each horse or pony within a private stable.
- (10) Other customary farm animals may be kept on a noncommercial basis when adequately housed and fenced. In addition to the minimum lot area for the district, at least forty thousand (40,000) square feet shall be provided.
- (11) Private stables and buildings housing other farm animals shall be located no closer than one hundred (100) feet to any adjoining lot line. All farm buildings other than those housing horses and other farm animals shall be located no closer than twenty-five (25) feet of any adjoining lot line.
- (12) No manure or odor or dust producing materials shall be stored or used within one hundred (100) feet of any adjoining lot line.

5.10.3. *Uses permitted under special conditions.* The following uses of land and structure shall be permitted, subject to the conditions hereinafter imposed for each use.

- (1) Cemeteries, public or private, subject to the conditions specified for R-1A districts, Article V, Section 5.2.3(4).
- (2) Roadside stands selling products grown on the premises upon which the stand is located, provided that contiguous space for the parking of customer vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area, and provided further that all of the requirements for accessory buildings contained in Article VI, Section 6.2 shall be met.
- (3) Railroad right-of-way as specified for R-1A districts, Article V, Section 5.2.3.
- (4) Supplementary uses: Customary accessory uses and buildings incidental to the permitted principal use of a premise. The following accessory uses may be permitted under the conditions stipulated:
 - (a) The storage of not more than one (1) unoccupied travel trailer or motor home upon each lot or parcel.
 - (b) All signs shall conform to the requirements of Article VI, Section 6.2.3.
- (5) Private outdoor swimming pools, in ground, provided that whenever an unenclosed swimming pool is constructed, said pool shall be provided with a protective fence at least four (4) feet in height, and entry shall be provided by means of a controllable gate. Refer to Article VI, Section 6.4.3 and State of Michigan requirements.
- (6) Customary home occupations, provided the requirements stated in Article VI, Section 6.2.3 are met.

5.10.4. *Uses permitted by special use permit.* The following uses of land and structures may be permitted in any agricultural district by the application for and the issuance of a special use permit when all the procedural requirements specified in Article VIII, Section 8.1 are satisfied, together with any applicable requirements as outlined in the particular article and section cited:

- (1) Single-family dwelling with separate living quarters for related family members.
- (2) Public recreation and playgrounds.
- (3) Greenhouses and nurseries selling at retail on the premises.
- (4) Riding stables and livestock auction yards.
- (5) Raising of fur bearing animals for profit.
- (6) State licensed group day care homes.
- (7) Foster care group homes.
- (8) Game hunting or fishing preserves operated for profit.
- (9) Veterinary hospitals, clinics, and kennels.
- (10) Seasonal labor housing complexes associated with agricultural enterprises.
- (11) Sawmills.
- (12) Grain and seed elevators and sales: cold storage for cooperative and/or wholesale agricultural products.
- (13) Private non-commercial recreation areas: private non-profit swimming pool clubs, community recreation centers, or other non-commercial recreation activities.
- (14) Golf courses and country clubs, other than golf driving ranges and miniature golf courses.
- (15) Mobile home park developments. Refer to Article VIII, Section 8.4.
- (16) Institutions for human care, religious institutions, educational and social institutions. Refer to Article VIII, Section 8.2.
- (17) Public buildings and public service installations.
- (18) Sand or gravel pits, quarries, incinerators, sanitary land fills, salvage yards, public or semi-private sewage treatment and disposal installations. Refer to Article VIII, Section 8.6.3(1), (2), (3), (7).
- (19) Drive-in theaters, temporary and transient amusement enterprises, golf driving ranges, miniature golf courses. Refer to Article VIII, Section 8.6.3(4).
- (20) Special open space uses: public beaches, bath houses, private resorts, recreational camps, and other open space uses operated for profit. Refer to Article VIII, Section 8.6.3(5).
- (21) Communication transmission towers and electronic transmission and receiving towers. Refer to Article VIII, Section 8.6.2(8).
- (22) A residential care facility, as herein defined.
- (23) A group day care home, as herein defined.
- (24) A day care center, as herein defined.
- (25) An adult foster care small group home, as herein defined.
- (26) An adult foster care large group home, as herein defined.
- (27) An adult foster care congregate facility, as herein defined.
- (28) Bed and breakfast as herein defined.

5.10.5. *Site development standards:*

- (1) Minimum lot area and width: Refer to Schedule A. An agricultural operation which includes the raising and keeping of livestock for profit shall be located upon a lot having an area of more than ten (10) acres.
- (2) Minimum yard requirements: Refer to Schedule A.
- (3) Maximum building height: Refer to Schedule A. Structures for agricultural operations, such as barns or silos, may be permitted up to seventy-five (75) feet in height.
- (4) Minimum dwelling floor area: Refer to Schedule A.

(Amended: 6-23-98, eff. 7-1-98; 11-24-01; 2-11-03, eff. 2-24-03)

110.511 - Open space preservation overlay district.

Sec. 5.11.

5.11.1. *Intent and purpose.* The open space preservation overlay zoning district is intended to provide innovative options for creation of open space residential communities and the promotion of open space preservation within certain residential zoning districts, consistent with PA 2001 No. 177 (MCL 125.286h), which cannot be achieved through traditional zoning regulations.

The open space preservation overlay district is further intended to:

- Assure the permanent preservation of open space, agriculture lands, and other natural resources which are compatible with the future land use plan.
- Allow innovation and greater flexibility in the design of residential open space communities.
- Facilitate the provision and maintenance of residential infrastructure in a more efficient and economical manner.
- Ensure the design compatibility between adjacent properties and reduction of residential sprawl.

5.11.2. *The creation of an open space preservation overlay zoning district.* For the A-1 agricultural, the R-1A residential, and R-1B residential zoning districts which permit residential development at a density of not more than two (2) units per acre, or not more than three (3) units per acre if public sanitary sewer is available, the legal entity authorized to initiate an amendment as identified in Section 9.2 of the Windsor Charter Township Zoning Ordinance may request the creation of an open space preservation overlay district pursuant to this section. The open space preservation overlay zoning district shall require a minimum of fifty (50) percent of the land area to remain in an undeveloped state.

5.11.3. *Definitions.*

Agricultural land means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and similar uses and activities.

Conservation easement means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

Greenway means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

5.11.4. *Standards for an open space preservation overlay zoning district.* In addition to the standards established in the existing, underlying zoning district, the proposed open space preservation overlay zoning district must meet the following additional standards:

- A. A minimum of fifty (50) percent of the land area described as open space preservation overlay zoning district shall perpetually remain in an undeveloped state.
- B. The proposed residential development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of this option provided by this section would also depend upon such an extension.
- C. The open space preservation option as described by this section has not been previously exercised with respect to the land in question.
- D. The total number of dwelling units permitted within the open space preservation overlay district shall not exceed the maximum number of dwelling units permitted by the existing, underlying zoning district(s). Only fifty (50) percent of the land area of the existing, underlying zoning district(s) which is comprised of flood plain, wetland, surface water, or other natural features determined to be unbuildable by the zoning administrator may be utilized in the calculation of residential density.
- E. The minimum property size for an open space preservation overlay zoning district shall be ten (10) acres.
- F. Residential lot, site, or parcel size may be reduced to twenty five (25) percent of the underlying zoning district requirements.
- G. Front, side, and rear setbacks may be reduced to fifty (50) percent of the underlying zoning district requirements.
- H. Existing land uses on the property prior to the establishment of an open space preservation overlay zoning district which are proposed to remain shall be incorporated into the design of the development and shall meet all the minimum standards of this section.
- I. Open space preservation overlay zoning districts shall have direct access to public rights-of-way.
- J. Residential developments within open space preservation overlay zoning districts shall be required to submit a preliminary site plan which meets the requirements of Article 68 (Site Plan Review) and include it as part of the rezoning application.
- K. Prior to development of properties which have been approved as an open space preservation overlay zoning district, the applicant must receive final site plan approval under Article 68 of the Windsor Charter Township Zoning Ordinance.
- L. Residential development shall not occur within an open space preservation overlay zoning district until the property owner shall record an irrevocable conservation easement, plat, site condominium, restrictive covenant, or other legal means acceptable to Windsor Charter Township which shall describe that land area to remain in an undeveloped state.

5.11.5. *Procedures for establishing an open space preservation overlay zoning district.*

- A. The property owner shall exercise the open space preservation option as described in this section in writing to the Windsor Charter Township Zoning Administrator and shall include a legal description of the proposed open space preservation overlay zoning district.

- B. Upon the exercise of the open space preservation option, a rezoning application may be filed which meets the requirements of Article IX (Amendme
- C. The zoning amendment process shall meet the requirements of Article IX (Amendments).
- D. Applications for the creation of an open space preservation overlay zoning district shall be granted provided that they meet the requirements of this section.

(Amended: 2-11-03, eff. 2-24-03)

ARTICLE VI

110.600 - SUPPLEMENTARY REGULATIONS

110.601 - Miscellaneous regulations.

Sec. 6.1.

6.1.1. *Access to a street.* Every dwelling erected in Windsor Charter Township shall be located on a lot which has at least the frontage on a public street required in the applicable zoning district. A dwelling may be erected on a private street which now exists either as a part of a legally recorded subdivision plat or which has been in existence prior to the adoption of this zoning ordinance. Such dwelling must also have at least the frontage required in the applicable zoning district. These regulations will apply to all residential buildings in any zoning district except in the case of an officially approved group housing development as provided in Article V, Section 5.6.6.

In the case of land-locked property, an application for a variance may be made to the Board of Appeals. Refer to Article IV, Section 4.3.

6.1.2. *Rear dwelling prohibited.* No building in the rear of and on the same lot with a principal building shall be used for residential purposes, except for watchmen, caretakers, and domestic employees whose employment functions are related to the functions of the principal buildings, provided that all other requirements of this ordinance are satisfied.

6.1.3. *Required water supply and sanitary sewerage facilities.* After the effective date of this ordinance, no structure shall be erected, altered, or moved upon a lot or premise 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 excrete and domestic, commercial, and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Barry-Eaton District Health Department and the Michigan Department of Public Health.

110.602 - Supplementary use regulations.

Sec. 6.2.

6.2.1. *Uses of structures for temporary dwelling.* No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this ordinance and in the State Uniform Building Code. No garage or other accessory building, travel trailer, cellar, basement, tent, cabin, partial structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the Board of Appeals by the issuance of a temporary permit. Refer to Article IV, Section 4.4.4.

6.2.2. *Accessory building:*

- (1) An accessory building may be erected contemporaneously with the erection of the principal building.
- (2) An authorized accessory building may be erected as a part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or it may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building.
- (3) An accessory building not attached and not made a part of the principal building as provided in the preceding statement shall not be nearer than ten (10) feet from any other separate structure on the same lot. (For yard regulations, refer to Section 6.4.2.)

6.2.3. *Customary home occupations.* Occupations, such as the following, may be carried on in residential structures under the conditions of this section:

- (1) *Customary home occupations.* Professional office for occupancy by not more than two (2) resident physicians, dentists, attorneys, architects, engineers, or similar recognized professional practitioners, together with other customary home occupations such as hairdressing, dressmaking, bookkeeping, the giving of instruction in a craft or fine art with the residence, accountancy services, real estate and insurance sales and other similar activities.
- (2) *Conditions for use of residential structure for home occupation activities.* No residential structure shall be utilized for home occupation activities unless all of the following conditions are met:
 - (i) No more than one-half (½) of the floor area of one (1) story of the residential structure shall be devoted to such use;
 - (ii) No outdoor activities shall be carried on in connection with such use.

(iii) No persons shall utilize residential structures for occupational purposes as a home occupation unless said person is an occupant and resident of except that the home occupation professional(s) may employ one (1) assistant within the home who is not a resident.

(3) *Signage.* There shall be no external evidence of such occupations or uses except a small announcement or identification sign in accordance with Article VI, Section 6.2.4.

6.2.4. *Signs, name plates, and advertising structures.*

Purpose and intent The purpose and intent of these rules and regulations governing signs is to apply reasonable controls over size, placement and general appearance of signs in their use in each district that will insure, promote and safeguard standards for protecting the public health, safety and welfare.

(1) *Definitions*

Abandoned sign. A sign which no longer identifies or advertises a bona fide business.

Banner sign. A sign made of fabric or any nonrigid material with no enclosing framework.

Billboard. See "off-premise sign."

Changeable copy sign (automatic). A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable copy sign (manual). A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

Construction sign. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Directional/information sign. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

Double-faced sign. A sign with two (2) faces.

Electronic message center. (See "changeable copy sign, automatic")

Flashing sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "animated sign," "changeable copy sign").

Free-standing sign. A sign supported upon the ground by poles or braces and not attached to any building.

Government sign. Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Height (of a sign). The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Identification sign. A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal sign. A sign which does not meet requirements of this code and which has not received legal nonconforming status.

Maintenance. For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Marquee. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "awning").

Marquee sign. Any sign attached to or supported by a marquee structure.

Nameplate. A nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming sign.

(1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

Off-premise sign. A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

On-premise sign. A sign which pertains to the use of the premises on which it is located.

Painted wall sign. A sign which is applied with paint or similar substance on the face of a wall.

Political sign. For the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Portable sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Real estate sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof sign. Any sign erected over or on the roof of a building (compare "mansard," "wall signs").

Sign. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, area of.

- (1) Projecting and free-standing: The area of a free-standing or projecting sign shall have only one (1) face (the largest one (1)) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or two (2) individual cabinets:
 - (a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
 - (b) If the sign is composed of more than two (2) sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- (2) Wall signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Subdivision identification sign. A free-standing or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary sign. A sign not constructed or intended for long-term use.

Wall sign. A sign attached parallel to and extending not more than four (4) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign. A sign installed inside a window and intended to be viewed from the outside.

(2) *General provisions.*

Prohibited signs:

- A. Encroaching signs and roof signs as defined herein, are specifically prohibited.
- B. 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 (i.e., flashing signs).
- C. Signs which make use of words such as "STOP," "LOOK," "DANGER," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
- D. Abandoned 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 or maintenance.
- E. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- F. Any sign or other advertising structure containing any obscene, indecent or immoral matter.
- G. Any sign, unlawfully installed, erected or maintained after the effective date of this ordinance. (Illegal sign.)
- H. Signs having flashing, blinking or running type lights are prohibited except for signs presenting changing of copy for time, temperature and date.
- I. Any sign installed prior to the effective date of this ordinance without a permit, when in fact the prior ordinance required a permit. (Illegal sign.)
- J. Billboards except where off-premise signs are allowed.
- K. Billboards used for on-premise advertising are prohibited.
- L. Billboards located within three hundred (300) feet of residential districts.

Signs allowed in any district:

- A. No hunting, no trespassing signs and on-premise directional signs not exceeding four (4) square feet in area.
- B. Signs located in the interior of buildings.
- C. Any identification, address, or for sale sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square

feet in display surface; and not for the purpose of advertising a home occupation.

- D. Traffic control or other governmental signs such as, but not limited to, directional signs placed in right-of-ways, legal notices, railroad crossing signs, danger and other temporary emergency signs.
- E. Nameplates, 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.
- F. Flags or banners bearing the official design of a nation, state, municipality, educational institution and organization.

Sign regulation by specific zoning district:

Refer to Schedule A: A-1, R-1A, R-1B, R-1C, R-1D, and R-1M.

Refer to Schedule B: O-1, B-1, and B-2.

Refer to Schedule C: M-1, M-2.

Refer to Schedule D: Temporary Use of Signs.

Construction requirements: Refer to Eaton County Building Code requirements.

Sign permits: Sign permits issued on the basis of plans and applications approved by the Eaton County Building Department and shall authorize only the design and construction set forth in such approved plans and applications, and no other design.

The Zoning Administrator shall issue a zoning referral permit prior to the issuance of a building permit.

Permit fees: Permit fees will be established by the Eaton County Building Department.

Illegal, prohibited, and/or unsafe signs: For all signs hereafter erected without issuance of a required sign permit, the Zoning Administrator shall inform, by certified mail, the property owner upon whose property the sign is situated of the alleged violation of the Township Zoning Ordinance. If compliance is not accomplished in the prescribed thirty-day period, the Zoning Administrator shall initiate appropriate enforcement action pursuant to Article III.

Agriculture, mineral resource and residential district uses: In all agricultural, mineral resource and residential districts, the requirements of Schedule A shall govern sign use, area type, height and numbers, in addition to requirements elsewhere in this ordinance.

Schedule A					
Use/Purpose	Maximum Display Area	Sign Type	Maximum Height	Setback from Road Right-of-Way	Maximum Number of Signs
A. Education Religious Day care Human care Cemeteries Parks (public) Public buildings Other uses permitted in the above districts	18 square feet	Ground	8 feet	2 feet for each 1 foot of height	One per principle use
	10% area wall to be served	Wall	Not above upper wall line		
B. Farm enterprise aggregate company*	18 square feet	Ground	8 feet	See above	One per farm or enterprise

C. Housing developments including mobile home parks and apartments	30 square feet	Ground	8 feet	See above	One per street entrance
D. Home occupation*	4 square feet	Wall	Not above front wall	See above	One per home occupation
		Ground	5 feet		

* No permit required.

Commercial and development district uses: In all commercial and offices uses, the requirements of Schedule B shall govern sign use, area, type, height and numbers, in addition to requirements elsewhere in this ordinance.

Schedule B					
Use	Maximum Display Area (1)	Sign Type	Minumum/Maximum Height	Setback from Road Right-of-Way	Maximum Number of Signs
A. Individual commercial and office estab. (not located within a shopping center or office complex)	15% area of wall to be served	Wall, roof signs projecting	5 feet above roof	Not applicable	Not to exceed maximum display area
	100 sq. ft.	Free-standing	40 feet max. 10 feet min.	2 ft. for each 1 ft. of height over 10 feet	One pole or one ground sign (2)
	75 Sq. Ft.	Ground	12 feet	2 ft. for each 1 ft. of height	
	6 square feet	Marquee	Affixed to underside of building overhang	Not applicable	One per establishment
B. Commercial and office establishments located within a shopping center or office complex	15% area of wall to be served	Wall	Not above wall line	Not applicable	Not to exceed maximum display area
	Individual pole and ground signs prohibited				
	6 square feet	Marquee	Affixed to underside of building overhang	Not applicable	One per establishment

C. Off-premise signs prohibited except in B district by special use permit	600 square feet	Ground free-standing or billboard	40 feet	2 ft. for each 1 ft. height over 10 feet	1320 ft. spacing between signs regardless of side of street
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(1) Includes the area of manual/automatic changeable copy signs and electronic message centers.

(2) Corner locations may have one (1) pole or ground sign on each street with a maximum area of eighty (80) square feet each for pole signs and sixty (60) square feet each for ground signs.

Industrial district uses: In all industrial uses the requirements of Schedule C shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this ordinance.

Schedule C					
Use	Maximum Display Area (1)	Sign Type	Maximum Height	Setback from Road Right-of-Way	Maximum Number of Signs
A. Individual industrial establishment	15% area of wall to be served	Wall	Not above upper wall line	Not applicable	Not to exceed maximum display area
	100 Sq. Ft.	Free-standing	30 ft. maximum	2 ft. for each 1 ft. over 10 ft.	One pole or one ground sign per establishment (2)
	75 Sq. Ft.	Ground	12 ft.	2 ft. for each 1 ft. of height	
B. Industrial parks	100 Sq. Ft.	Free-standing	30 ft. maximum	2 ft. for each 1 ft. over 10 ft.	One sign per drive
	75 Sq. Ft.	Ground	12 ft.	2 ft. for each 1 ft. of height	
C. Commercial and office establishment located in industrial areas	15% area of wall	Wall	Not above upper wall line	Not applicable	Not to exceed maximum display area
	75 sq. ft.	Ground	12 ft.	2 ft. for each 1 ft. of height	One per establishment
	100 sq. ft.	Free-standing	30 ft. maximum	2 ft. for each 1 ft. over 10 ft.	One per establishment
D. Off-premises signs permitted in I District by special use permit	600 square feet	Free-standing ground or billboard	40 ft. maximum	2 ft. for each 1 ft. over 10 ft.	1320 ft. spacing between signs regardless of side of street

- (1) Includes the area of manual/automatic changeable copy signs and electronic message centers.
- (2) Corner locations may have one (1) pole or ground sign on each street with a maximum area of eighty (80) square feet each for pole signs and sixty (60) square feet each for ground signs.

Temporary use of signs: Signs intended for use over a limited period of time may be permitted. Temporary signs shall comply with all the requirements of this ordinance and Schedule D. All temporary signs not listed in Schedule D are prohibited.

Schedule D		
Use	Maximum Size Per Face	Maximum Duration
A. On-site real estate sale, rent or lease in residential districts	6 sq. ft. (single family)	All signs removed within 5 days of event purpose. No directional signs until one day prior to event.
	10 sq. ft. (multiple family)	
B. Off site real estate development marketing	32 square feet	5 days after purpose of sign fulfilled
C. Building construction signs for residential projects	20 sq. ft. (single family) 32 sq. ft. (multiple family)	First occupancy
D. Building construction, all other districts except residential (3)	80 sq. ft.	First occupancy
E. Political signs, all districts (no permit required)	32 sq. ft.	60 days, each election, removed within 5 days following election
F. Mobile or temporary*	40 sq. ft.	2 events limited to 30 days/yr.
G. Residential garage sales (no permit required)	4 sq. ft.	5 days

(1) For single-family subdivisions under development, sign(s) shall be removed within one (1) year after sale of ninety (90) percent of all lots.

(2) Trailer signs shall have owner's name and address clearly imprinted for identification purposes.

(3) Include proposed developments and openings, one (1) per street project, use or building (structure).

* No permit required.

6.2.5. *Reserved.*

6.2.6. *Excavation of top soil.* Top soil shall not be stripped, excavated, or otherwise removed for sale from any premise. Nor shall the top soil be used other than on the premises where it is originally located, except when as a product of an authorized excavation of other soils as provided in this ordinance. Refer to Section 8.7.2(7) or 8.6.3(7).

6.2.7. *Fences, walls, and screens.* No fence, wall, or structural screen, other than plant materials, shall be erected on any residential property higher than eight (8) feet. No fence, wall, screen, hedge, or other planting shall exceed a height of three (3) feet within any residential front yard within an area closer than twenty (20) feet to the street line on any corner lot, no fence or planting shall exceed a height of three (3) feet within twenty (20) feet of any corner so as to interfere with traffic visibility across the corner.

(Amended: 6-23-98, eff. 7-1-98; 6-12-01; 4-10-07; eff. 5-3-07; 7-18-07)

110.603 - Supplementary area regulations.

Sec. 6.3.

6.3.1. Exceptions to required lot area for residential districts: Any residential lot created and recorded prior to the effective date of this ordinance 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 no adjacent land or lot is owned by the owner of the lot in question.
- (3) That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.

6.3.2. 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, or the alteration of any existing, building.

6.3.3. Lots located on irregular or curving streets, width shall be measured at the building line.

6.3.4. A single-family dwelling may be constructed on a lot of record which is of smaller dimensions and of less gross area than the minimum specified, provided that any lot so excepted shall be no less than fifty (50) feet wide at the street line, and that no lot shall be so reduced in area that required open spaces will be smaller than those established as a minimum for the district in which the lot is located.

6.3.5. Corner lots must be ten (10) feet wider than required width for the district, and the side yards must be fifteen (15) feet wider than required for the district.

110.604 - Supplementary yard regulations.

Sec. 6.4.

6.4.1. *Permitted yard encroachments:*

- (1) Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, provided:
 - (a) The paved area is unroofed and without such walls or other forms of solid, continuous enclosure that link the paved area to the principal building.
 - (b) The highest finished elevation of the paved area is not over three (3) feet above the average surrounding finished ground grade.
 - (c) No portion of any paved area is closer than five (5) feet from any lot line nor projects into any front yard setback area. Such paved areas may have an open railing or fence not over three (3) feet high, and may have windbreaks or visual screen fences or walls not over six (6) feet high.
- (2) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area, provided:
 - (a) The porch is no higher than one (1) story and is erected on piers.
 - (b) The porch is no closer than eight (8) feet at any point to any side or rear lot line.
- (3) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
- (4) No building hereafter erected or structurally altered shall project beyond the average front yard line so established.
- (5) Special structural elements, such as cornices, chimneys, eaves, and similar structural features may project into any yard up to a maximum of two (2) feet.
- (6) Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard area up to a maximum of five (5) feet.

6.4.2. *Accessory buildings:*

- (1) In a front yard. No accessory building or satellite communication or receiving antenna shall project into any front yard except in the case of a front yard which measures more than two-hundred sixty-seven (267) feet from the edge of the road right-of-way. An accessory building may be located in such front yard, but may not project in front of any adjoining residence within one hundred fifty (150) feet each side of the property line and may not be located closer than sixty-seven (67) feet from the road right-of-way.
 - (a) An exception to the above are school bus sheds which will be allowed in an A-1 district. Such buildings shall not exceed thirty-six (36) square feet or create a traffic hazard.
- (2) In a rear yard. No accessory building, including detached garages, shall be closer than five (5) feet to any lot line. For private stables housing horses and ponies and buildings housing other farm animals in residential districts, refer to Article V, Section 5.2.3.
- (3) An accessory building shall not occupy more than thirty (30) per cent of the area of any rear yard.
- (4) In a side yard. No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except in a residential district when an accessory building is located ten (10) feet or more to the rear of the principal building, then the accessory building shall be no closer than eight (8) feet to the side lot line.
- (5) On a corner lot. No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.

(6) Garage entrance. In no case shall the entrance to a garage be less than twenty-five (25) feet from a street right-of-way line.

6.4.3. *Private outdoor swimming pools.* No private outdoor swimming pool shall be erected closer than eight (8) feet to the side lot line or five (5) feet to the rear lot line. (Refer to Article V, Section 5.10.3(5) for fencing.)

(Amended: 6-23-98, eff. 7-1-98)

110.605 - Supplementary height regulations.

Sec. 6.5. Permitted exceptions:

- (1) There shall be no exceptions permitted for residential structures. Certain non-residential structures in residential districts may be permitted to exceed height limitations as specified in Article VIII, Section 8.2.
- (2) Structures for agricultural operations, such as barns and silos, may be permitted up to seventy-five (75) feet in height.

110.606 - Flood plain regulations.

Sec. 6.6.

6.6.1. *Intent and purpose.* The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain areas of the major rivers and their branches and tributaries within the Township so that the reservoir capacity shall not be reduced thereby creating danger to areas previously not so endangered in time of high water, or to impeded, retard, accelerate, or change the direction of the flow of carrying capacity of the river valley or to otherwise increase the possibility of flood. All lands included in the flood plain area shall be subject to the requirements specified herein, in addition to the normal zoning district requirements in which said land shall be located.

6.6.2. *Flood plain areas.* The areas of special flood hazards identified by the Federal Insurance Administration in a scientific and engineering report for Windsor Charter Township with accompanying flood insurance study is on file at the office of the Township Clerk.

6.6.3. *Permitted principal uses.* Notwithstanding any other provisions of this ordinance, no land shall be used except for one (1) or more of the following uses:

- (1) Open space uses such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, preserves, bridle trails, nature paths, private or commercial recreation, and other similar open uses.
- (2) Off-street parking uses, provided that all parking shall be at grade level and in conformance with the provisions of Article VII.
- (3) Utilities, roads, railroads, dams, rivers, etc. when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.
- (4) Yard and setback areas required for any district not within the flood plain areas may be included within the flood plain areas. Provided however that no accessory building or structures shall be placed within said flood plain area.

6.6.4. *Uses permitted by special use permit.* The following use of land may be permitted by the application for and the issuance of a special use permit with specified procedures and requirements as outlined and shall be subject to an engineering finding by the Township Supervisor that the requirements of this section are satisfied.

- (1) Dumping and backfilling in the flood plain areas with any material in any manner unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment capacity of the flood plain will be maintained or improved so that no significant or measured change in flow or reduction in impoundment capacity of the flood plain would thereby result.
- (2) Construction or location of outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances and storage of materials or equipment, provided such elements shall not cause any significant obstruction to the flow or reduction in the water impoundment capacity of the flood plain and are constructed according to the standards of the rules and regulations of the National Flood Insurance Program (44CER57 etc. - formerly 1909).

6.6.5. *Data submission.* Prior to the issuance of a permit for structures adjacent to flood plain areas, or the dumping or back-filling of flood plain areas, the designated county and/or Township Officer(s) shall require the applicant for such permit to submit topographic data engineering studies, proposed site plan, or other similar data 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 [data] shall be prepared by technically qualified persons and shall be accompanied by the necessary state and federal permits.

6.6.6. *Variance procedures.* The Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance consistent with the standards of the rules and regulations of the National Flood Insurance Program (44CER57 etc. - formerly 1909).

110.607 - Non-conforming uses.

Sec. 6.7.

6.7.1. *Intent and purpose.* It is the intent of this ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this ordinance although such use of land or structures may not conform with the provisions of this ordinance.

It is the intent of this ordinance that non-conformities shall not be enlarged upon, expanded, extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts.

6.7.2. *Changes in use.* Any changes of legal non-conforming uses must be authorized by the Board of Appeals.

6.7.3. *Discontinuance or abandonment.* Whenever a non-conforming use has been discontinued for six (6) consecutive months, or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the non-conforming use. At the end of this period of abandonment the non-conforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this ordinance.

6.7.4. *Elimination of non-conforming uses.* The Township Board may acquire properties on which non-conforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public use. The net cost of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

6.7.5. *Repair of nonconforming buildings.* Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of thirty (30) per cent of the assessed value of the building as determined by the assessing office, unless the subject building is changed by such repair to a conforming use.

6.7.6. *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 such restoration does not exceed sixty (60) per cent of its assessed value, as determined by the assessing officer; and provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

(Amended: 6-23-98, eff. 7-1-98)

110.608 - Site plan review.

Sec. 6.8.

6.8.1. *Purpose and intent.* The purpose and intent of this article is to establish a procedure for review and approval of all development in the Charter Township of Windsor so as to promote the most efficient use of land as it relates to existing and proposed development, compliance with the Land Use Plan for the Township, and to insure that the minimum standards of this ordinance are carried out.

6.8.2. *Site plans required.* A site plan shall be required for all the following activities and shall be approved prior to the start of construction or use of land.

- (a) Construction of any permanent or new structure, or the relocation of an existing structure.
- (b) Structural alteration of an existing structure when the effect of the alteration is to increase either the intensity of land use or the exterior physical dimension of the structure.
- (c) Any activity that involves the one hundred-year flood plain, such as but not limited to filling, excavation, building, and storage.
- (d) A special use permit.
- (e) A Planned residential development or planned unit development.
- (f) A site condominium development.
- (g) Any other activity that the Zoning Administrator determines to be necessary to carry out the intent of this ordinance, or may be required by law.

6.8.3. *Developments not requiring site plan approval from the Planning Commission shall be reviewed and approved by the Zoning Administrator in accord with the standards for site plan approval.* The following land uses shall not require site plan approval by the Planning Commission:

- (a) Single-family and two-family structures.
- (b) Customary accessory uses and structures in the agricultural and residential districts.
- (c) A proposed development that does not require more than ten (10) off-street parking spaces.
- (d) The Zoning Administrator may require review and approval of (a), (b), or (c) by the Planning Commission.

6.8.4. *Pre-preliminary site plan review.* An applicant may request a meeting with the Zoning Administrator for the purpose of reviewing and discussing a proposed development to determine if the requirements of the ordinance have been satisfied.

6.8.5. *Preliminary site plan requirements.* Any person requesting site plan review as required by this ordinance shall provide all of the information as outlined in the application form for site plan review. This application shall be provided by the Township Clerk. Upon completion of the application the applicant shall file the request with the Zoning Administrator who shall review the submitted materials to determine if all the required documentation has been provided. If the Zoning Administrator finds that the standards and intent of the ordinance has been satisfied he may give his approval for a preliminary site plan.

6.8.6. *Preliminary site plan optional requirement.* An applicant or the Zoning Administrator may request preliminary site plan review and approval by the Planning Commission.

6.8.7. *Planning Commission action—Preliminary site plan.* Based on a referral from the Zoning Administrator, the Planning Commission shall review the request and within sixty (60) days recommend approval, approval with conditions, or denial of the request and provide the applicant with a copy of its findings. Any extension beyond the sixty-day time period may be done with a request from the applicant in writing, and approval by the Planning Commission.

6.8.8. *Length of approval—Preliminary site plan.* Approval of the preliminary site plan shall be for a period of six (6) months, and may be extended for an additional six (6) months upon written request by the applicant to the Township Clerk and approval by the Planning Commission. If final site plan is submitted and approved during the time a preliminary site plan is valid, the final site plan shall be for a period of one (1) year from the date of approval.

6.8.9. *Final site plan review.* Following review and approval of a preliminary site plan by either the Zoning Administrator or the Planning Commission the applicant shall file an application for final site plan review provided by the Township Clerk and shall submit to the Zoning Administrator the required number of copies as specified by the application form. The Zoning Administrator shall forward the application and site plan to the Planning Commission for their consideration.

(1) Information required for final site plan review:

- (a) The final site plan shall contain all of the information required by the preliminary site plan application and any additional information set forth at the time of preliminary site plan approval.
- (b) Documentation of the relationship to the adjacent parcels including property lines, easements, structural location and natural features.
- (c) The proposed final landscape screening and buffering plan.
- (d) Pedestrian circulation, both public and private.
- (e) Public and private road systems and vehicular access points.
- (f) Public and or private utility facilities including easements.
- (g) Compliance with applicable state or federal regulations.
- (h) Proposed signage.
- (i) Emergency vehicle access and circulation.
- (j) Preservation of natural features.
- (k) Soils information.
- (l) Grading and drainage plan.
- (m) Method of solid waste disposal.
- (n) Professional seal of person preparing the plan.
- (o) Project completion date.

(2) Documentation that the final site plan has been reviewed and approved, (but not limited to) by the following:

- (a) Eaton County Road Commission.
- (b) Eaton County Health Department.
- (c) Eaton County Drain Commission.
- (d) State of Michigan Department of Transportation (if adjacent to MDOT ROW).
- (e) State of Michigan Department of Environmental Quality.
- (f) Public safety review (fire, police, and emergency services).

6.8.10. *Planning Commission action.* The Planning Commission shall review the requests for final site plan approval, and within sixty (60) days approve, approve with conditions or deny the request and provide the applicant with a copy of its findings. Any extension beyond the sixty-day time period may be done by the Planning Commission chairperson, or by a request from the applicant in writing, and approval by the Planning Commission.

6.8.11. *Length of approval.* Approval of the final site plan shall be for a period of one (1) year following the date of approval by the Planning Commission unless a zoning permit is applied for and granted within that time period. Approval of the final site plan shall expire one (1) year following the issuance of a zoning permit unless construction has commenced in accord with the approved final site plan. One (1) extension for six (6) months may be granted if the applicant can show reason for the extension.

6.8.12. *Site plan modification.* Any modification to a final site plan (either before or during construction) shall be submitted to the Township Clerk, (describing in detail the modification) for review by the Zoning Administrator. If the Zoning Administrator determines that the modification is in keeping with the general intent of the initial approval, he may give his endorsement however, if he determines that the modification is beyond the intent of what was first approved he shall forward the change or changes to the Planning Commission for their review and determination.

6.8.13. *Phasing of development.* Any applicant may propose development in two (2) or more phases, which shall be indicated at the time of preliminary site plan review.

6.8.14. *Fees.* Fees for the review of site plans shall be established by the Township Board.

6.8.15. *Violations.* An approved final site plan shall regulate development of the property. Any violation of the approved final site plan shall be deemed a violation, and shall be subject to the penalties of Article III.

6.8.16. *Appeal process.*

(a) An appeal of the Zoning Administrators decision shall be to the Township Board of Appeals.

(b) An appeal of the Planning Commission decision concerning a site plan shall be to the Circuit Court of Eaton County.

(Amended: 6-12-01)

110.609 - Bufferyard requirements.

Sec. 6.9.

6.9.1. *Intent:* It is the intent of this section to require landscape buffers and screening to reduce negative effects between adjacent land uses: and to enhance aesthetic qualities, character, privacy, and land values in the Township. Landscape plans shall preserve, to the extent practical, the existing vegetation on the site.

The section classifies all land uses permitted by this ordinance according to their zoning classification which will determine the degree of impact they are likely to impose on adjacent land use situations. The impacts of greater intensity may include...increased vehicular or pedestrian traffic, noise, signage, exterior lighting, structural scale, drainage, parking, and similar characteristics. The range of land uses permitted in a zoning classification are fundamental in determining the level of protection required in the type of bufferyard.

6.9.2. *Definitions:*

- A. *Berm:* A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
- B. *Bufferyard:* A strip of land or space, including a specified type and amount of planting or structures which may be required to protect/screen one type of land use from another, or minimize or eliminate conflicts between them.
- C. *Fence:* A fence means any wall (except a retaining wall), screen, partition or similar structure existing on a yard or parcel of land, which structure encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light or air into adjacent land or obstructs the vision of motorists or pedestrians on or near public roads. Barbed wire shall not be considered part of a fence for purposes of determining the height thereof.
- D. *Landscaping:* Landscaping means an arrangement of elements which may include plant materials such as trees, shrubs, ground covers, perennial and annual plants; landscape elements such as rocks, water features, fences, screens, walls, paving materials, and site lighting; and site furnishings such as benches, planters, trash receptacles, and planters.
- E. *Screen:* A screen is a fence, landscaping element, berm, or combination that obscures the view from one site to another to a reasonable extent.

6.9.3. *Bufferyards:* The bufferyard is a designated unit of yard or open area together with any plant materials, barriers or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, potential nuisances such as noise, glare, activity, dirt, unsightly parking areas and so forth, will be minimized.

The bufferyard requirements must be flexible. A single standard applied to all circumstances may not function well or might impose unnecessary hardship (cost) on a property owner. Differing requirements are obviously warranted depending upon the characteristics of the uses involved. It is a further intent of the following provisions to provide flexibility to the developer or property owner through the manipulation of four (4) basic elements, i.e. distance, plant material type, plant material density and structural or land forms.

- A. *Location of bufferyards:* Bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way.
- B. *Determination of bufferyard requirements:* To determine the type of bufferyard required between two (2) adjacent parcels, the following procedure shall be followed:
 1. A buffer zone shall be required on the subject parcel between zoning districts as indicated in Table 1.
 2. A buffer zone shall be required on the subject parcel even if the adjacent parcel is unimproved land. The Planning Commission may waive this requirements based on the future development potential of the adjacent parcel.
 3. When any developed parcel requiring a buffer zone changes to a more intense land use or a special land use approval and/or site plan review is required, the buffer shall comply with the buffer zone matrix (Table 1), and buffer zone development standards set forth in this section.
 4. If existing physical conditions are such that a parcel cannot comply with the buffer zone standards, then the Planning Commission shall determine the character of the buffer based on the following criteria:
 - a. Traffic impacts.
 - b. Increased building and parking lot coverage.
 - c. Increased outdoor sales, display, or manufacturing area.
 - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.

- e. Visual, noise, and air pollution.
 - f. Health, safety, and welfare of the Township.
 - g. Additional dwelling units and resulting density (residential development).
5. Based on documentation provided by the applicant that adequate vegetation exists on the subject parcel would substitute for a bufferyard requirement, the Planning Commission may waive the bufferyard requirement in whole or in part.
 6. Based on a written request from the applicant the Planning Commission may permit parking in a bufferyard area if they believe the intent of this ordinance has been met.
 7. Table 1 identifies the required bufferyard A, B, C, D, or E based on the Zoning District of the adjacent parcel.

TABLE 1
LANDSCAPE BUFFERYARD REQUIREMENTS

Subject Parcel	Adjacent Zone of Adjoining Property								
	A-1	R-1A	R-1B	R-1C	R-1D	R-1M	O-1	B-1/2	M-1/2
A-1									
R-1A									
R-1B									
R-1C									
R-1D									
R-1M	B	B	B	C	C		C	D	E
O-1	B	B	B	B	B	B		A	A
B-1/2	A	E	E	D	D	D	A		A
M-1/2	A	E	E	E	E	D	C	B	

Note: Read from subject zone across to adjacent zone.

Bufferyard type: The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options indicated.

See following bufferyard diagrams: A, B, C, D, and E as described in Section 6.9.10.

C. *General landscape development standards:* All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound, workman like manner and according to accepted good planting and grading procedures. Landscape material required under this ordinance which does not survive one (1) full growing season shall be replaced at the expense of the property owner at the beginning of the next growing season.

The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris.

D. *Plant materials:* All plant materials required within specified bufferyard shall be planted to completion within six (6) months from date of issuance of the building permit unless otherwise extended by the Planning Commission.

The following landscape/plant materials and size are recommended for inclusion in the required bufferyards:

Type	Minimum Allowable Size
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Deciduous trees: Maple, oak, birch, beech, linden, honeylocust, ash, ginkgo	Minimum eight (8) feet in height or not less than one and one-half (1½) inches in caliper.
Deciduous shrubs (shrublike trees): Russian olive, dogwood, redbud, flowering crab, hawthorn, magnolia, fruit (pear, cherry, plum, peach)	Minimum six (6) feet in height or not less than one (1) inch in caliper.
Deciduous shrubs (shrubs): Honeysuckle, lilac, cotoneaster, forsythia, euonymus, hydrangea, privet, sumac	
Evergreens: Pine, fir, spruce, hemlock, juniper, yew, arbor-vitae	Minimum four (4) feet in height.

6.9.4. *Minimum standards for berms:*

- A. Berms shall be constructed so as not to erode.
- B. Berms shall be constructed in such a manner so as not alter on-site drainage patterns or on adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- C. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- D. Berms shall not encroach into the clear vision areas at intersections or drive ways and property line intersections.

6.9.5. *Minimum standards for screen walls and fences:*

- A. All screen walls and fences shall be constructed with new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
- B. The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
- C. Screen walls or fences shall not be constructed so as to alter drainage on site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- D. All fences, walls, or structural screens shall be erected no higher than eight feet (8), nor higher than four (4) feet within the required front setback.
- E. No wall, fence or structural screen shall be constructed or erected in a clear vision area for reason of safety, ingress, or egress.
- F. Detention/retention areas may be permitted within the buffer zones provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials.
- G. Solid waste dumpsters and recycling containers may be installed in the buffer zones provided they are shielded by a continuous opaque screen at least six (6) feet high. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements.

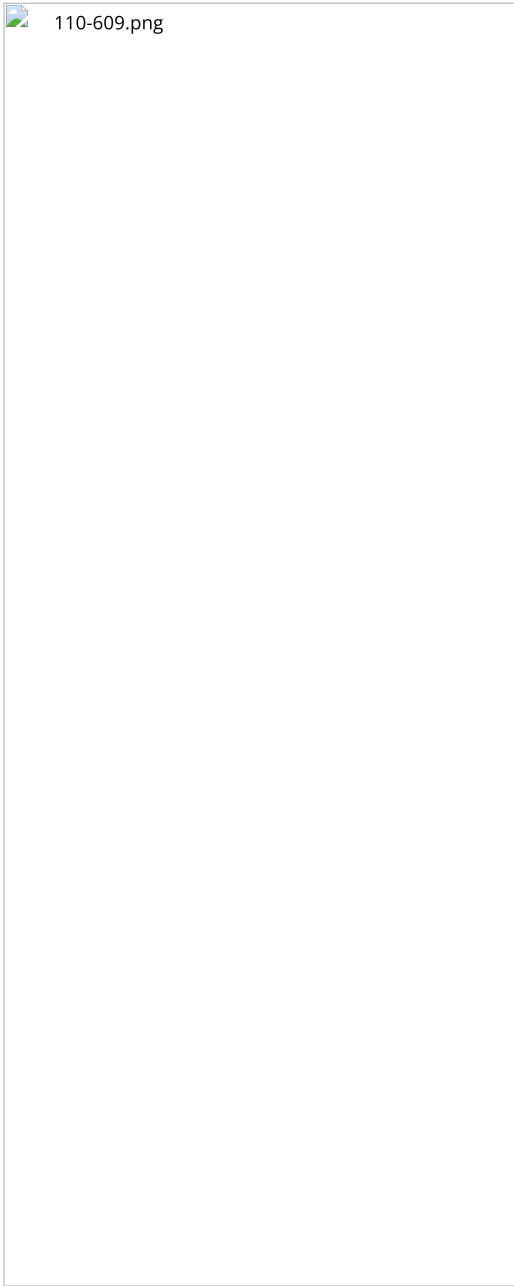
6.9.6. *Front yard landscaping requirements.* When a parking lot with a capacity of five (5) or more vehicles adjoins a public street, a Type A bufferyard shall be provided between the parking area and the adjacent right-of-way. Parking areas of fifty (50) or more vehicles shall provide a Type B bufferyard between the parking area and the adjacent right-of-way. Landscape materials shall meet the requirements of Section 6.9.3 C. and D. Landscape materials shall be selected and located so as not to create sight distance problems for pedestrians and/or vehicular turning movements.

6.9.7. *Off-street parking landscape development standards:* Off-street parking areas containing ten (10) or more parking spaces shall provide interior landscaped areas which reduce the visual impact of large, impervious, hard surfaced areas.

6.9.8. *Appeals:* The decision of the Planning Commission on bufferyard requirements is final. Any person aggrieved by a decision of the Planning Commission may file an appeal to the Board of Appeals under the guidelines of Article IV of the Windsor Charter Township Zoning Ordinance.

[6.9.9. *Reserved.*]

6.9.10 *Bufferyard requirements per one hundred (100) feet of distance:* The following diagrams graphically portray the bufferyard width and plant material requirements per one hundred (100) feet of distance for the five (5) bufferyard types A, B, C, D, and E.



BUFFERYARD REQUIREMENT OPTIONS PER 100 FEET OF LINEAR DISTANCE

(Amended: 2-11-03, eff. 2-24-03)

110.610 - Site Condominiums.

Sec. 6.10.

6.10.1 *Purpose.* The purpose of this section is to ensure that plans for site condominium developments within Windsor Charter Township proposed under the provisions of the Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended, 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 Michigan Land Division Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this section to ensure that such development is in conformance with the requirements of this Zoning Ordinance, as amended; the Windsor Charter Township Subdivision Control Ordinance, as amended; and other applicable Township Ordinances, and County, State and Federal regulations.

6.10.2 *Operating definitions and development terms.*

- A. *Building envelope:* 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.

- B. *Building site or lot*: The building envelope and the limited common area together in a site condominium development is considered the functional equivalent of a standard subdivision "lot".
- C. *Condominium Act*: The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.
- D. *Condominium building or structure*: The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage.
- E. *Condominium project or site condominium subdivision project*: A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one (1) condominium unit which is not subject to the provisions of the Subdivision Control Act 288 of 1967, as amended.
- F. *General common elements/areas*: "General Common Elements" means the land area other than the limited common areas of the site condominium development that are held in common by all co-owners and used for parks, streets, open space or other common activities.
- G. *Limited common elements/areas*: "Limited Common Elements" means a portion of the general common elements reserved in the master deed for the exclusive use of less than all of the co-owners and used for landscaping, vehicle parking areas, driveways or dwelling unit(s).
- H. *Master deed*: The condominium documents recording the condominium project, to which are attached as exhibits and incorporated by reference the bylaws for the project, the condominium subdivision plan for the project, and all other information required by Section 8 of the Michigan Condominium Act.
- I. *Manufactured housing condominium project*: A condominium project in which manufactured homes are intended to be located upon separate sites which constitute individual condominium units.
- J. *Setback - Front, side and rear yard*: Distance measured from the respective front, side and rear yard boundary lines associated with the building lot to the respective front, side and rear of the condominium structure/building envelope.
- K. *Site condominium unit*: 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.
- L. *Condominium documents*: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.
- M. *Condominium subdivision plan*: The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- O. *Conversion condominium*: A condominium project containing condominium units, some or all of which were occupied before filing of a Notice of Taking Reservations under Section 7 of the Condominium Act.
- P. *Expandable condominium*: A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- Q. *Notice of proposed action*: The notice required by Section 7 of the Condominium Act to be filed with Windsor Charter Township and the appropriate agencies of Eaton County.

6.10.3 *Approval required*. All proposals to divide property other than according to the Land Division Act must go through the Windsor Charter Township Zoning Ordinance Site Plan Review process. In determining whether to approve a site plan for a site condominium, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Eaton County Drain Commissioner, and Eaton County Road Commissioner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. A Special Use Permit may be required for a site condominium project where the provisions of particular sections of this Ordinance identify the need for such a permit.

6.10.4 *General requirements*.

- A. No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with express permission of the Planning Commission. No permits for erosion or sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion and expandable site condominiums.
- B. A building, structure or use to be placed on a condominium lot requires preliminary and final site plan approval by the Planning Commission according to the provisions of this section before a certificate of zoning compliance may be issued.
- C. The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.
- D. Each site Condominium unit shall be located within a zoning district that permits the proposed use and can include commercial, industrial or residential buildings.
- E. The building envelope and the limited common area together in a site condominium development is considered the functional equivalent of a standard subdivision "lot." The total of these site condominium lots shall not cover more than seventy-five percent (75%) of the total land area in the site condominium development, thereby leaving a minimum of twenty-five percent (25%) for general common area.
- F. The site condominium developments must meet the use and dimensional requirements of the zoning district in which they are located.
- G. For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1)

dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.

- H. Each condominium lot shall have a water and sewage disposal system approved by the appropriate County and/or State agencies.
- I. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- J. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- K. All information required by this Ordinance shall be updated and furnished to the Township and the applicable certificates of zoning compliance must be approved prior to the issuance of the building permits.

6.10.5 Preliminary site plan requirements.

- A. A preliminary site plan shall be filed for approval with the Planning Commission on or before the time the notice of proposed action is filed with the Zoning Administrator.
- B. The preliminary site plan shall include all land that the developer intends to include in the site condominium project and prepared in accordance with the following requirements. Fifteen (15) copies of the sited plan shall be submitted to the Township. The preliminary plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:
 - i. 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 developed.
 - ii. 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.
 - iii. North arrow, scale, contour intervals, and legend, when appropriate.
 - iv. Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
 - v. Where appropriate, establish flood plain contours and elevations adjusted to USGS datum.
 - vi. The location of all existing streets, lots, plats, public utilities, drains (including tile lines), streams or bodies of water on or abutting the property.
 - vii. The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:
 - (a) Street and sub-street right-of-way - location, width and curve radii.
 - (b) Proposed street names.
 - (c) Boundaries of all limited common elements, general common elements and building envelopes.
 - (d) Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten (10) square feet.
 - viii. The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
 - ix. The locations and tentative sizes of proposed sanitary sewers, storm sewers, and catch basins, water mains, culverts, bridges, ponding areas, ponds and lagoons.
 - x. Statements regarding:
 - (1) Intent to utilize private water or sewerage facilities;
 - (2) Zoning density and lot size requirements;
 - (3) Zoning requirements for front, side, and rear yards;
 - (4) Size and type of street(s);
 - (5) Intent to install gas, sidewalks, street lights and shade trees;
 - (6) Use of rivers, streams, creeks, lakes or ponds.
 - xi. The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the master deed.

6.10.6 Final site plan requirements.

- A. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

- B. A final site plan shall be filed for review by the Planning Commission for the total site condominium project or for each phase of development shown approved preliminary site plan.
- C. In addition to the provisions of this section of the Ordinance, the final site plan shall also meet the requirements of Section 6.8 of the Windsor Charter Township Zoning Ordinance.
- D. A final site plan shall include all information required in Section 66 of the Condominium Act and the master deed and bylaws. The final site plan shall also include all information required in Section 6.8 of the Windsor Charter Township Zoning Ordinance. (EXCEPTION: In the case of a site plan application for a site condominium project that consists only of condominium lots with no buildings or other structures, the locations of and the dimensions of condominium lots, setbacks and required yards shall be shown on the final site plan.)
- E. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements in the site condominium development, including, but not limited to, the Eaton County Drain Commissioner, Eaton County Road Commission, and the Eaton County Health Department. The Planning Commission shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

6.10.7 *Revision of site condominium subdivision plan.* If the site condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval by the Planning Commission before any building permit may be issued, where such permit is required.

6.10.8 *Streets and roads.* All streets and roads, whether public or private, proposed for any site condominium, shall be developed with the minimum design, construction, inspection, approval and maintenance requirements of the Windsor Charter Township Zoning Ordinance and the Eaton County Road Commission.

6.10.9 *Amendments to master deeds or bylaws.* Any amendment to master deed or bylaws that affects the approved preliminary or final site plan shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

6.10.10 *[Exclusion.]* Nothing in this section shall be construed as requiring a site condominium to obtain plat approval.

6.10.11 *Development agreement.* The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with Windsor Charter Township, incorporating the terms and conditions of final site plan approval and record the same in the Office of the Register of Deeds for Eaton County.

6.10.12 *Construction located in general common element.* Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

6.10.13 *Monuments and lot irons.* Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Zoning Administrator may not grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check or an irrevocable bank letter or credit running to Windsor Charter Township in an amount as determined from time to time by resolution of the Township Board of Trustees.

Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans at a cost not to exceed the amount of the security deposit.

6.10.14 *Rights-of-way and utility easements.* All rights-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The developer shall dedicate to the appropriate agency all easements for utilities. All public streets shall be dedicated to the County of Eaton, and shall be constructed in accordance with the standards of the Eaton County Road Commission. Water, sewer and electrical easements may be placed within streets, subject to the standards and approval of the Eaton County Road Commission.

6.10.15 *Improvements.* All improvements in a site condominium shall comply with the design specifications as adopted by Windsor Charter Township and/or the appropriate Eaton County agency and any amendments thereto from time to time.

(Amended: 1-14-14)

ARTICLE VII

110.700 - OFF-STREET PARKING AND LOADING REGULATIONS

110.701 - Off-street parking requirements.

Sec. 7.1.

7.1.1. *Intent of parking provisions.* It is the intent of this ordinance that off-street parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the use of occupants, employees, and patrons of each building and premise constructed, altered, or enlarged after the effective date of this ordinance.

7.1.2. *Definitions.* The term "floor area" as applied to offices or merchandising or service types of uses shall mean the gross floor area used, or intended to be used, for services to the public as customers, patrons, clients, patients, or tenants, 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, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings.

7.1.3. *Fractional spaces.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.

7.1.4. *Requirements for a use not mentioned.* In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is mentioned and which is most similar to the use not listed shall apply.

7.1.5. *Use of parking areas.* No commercial repair work, servicing, or selling of any kind shall be conducted on any parking area. Required parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

- (1) No advertising sign shall be erected on required parking areas except that not more than one (1) directional sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.

7.1.6. *Building additions or other increases in floor area.* Additional parking shall be provided and maintained in proper ratio to any increased floor area or building use capacity.

7.1.7. *Joint use of parking areas.* The joint use of parking facilities by two (2) or more uses is recommended and may be granted by the Board of Appeals whenever such use is practicable and satisfactory to each of the uses intended to be served and when all requirements for location, design, and construction can be satisfied.

- (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 Register of Deeds of Eaton County. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

7.1.8. *Parking space requirements.* The number of required off-street parking spaces in all districts for every residential, recreational, institutional, cultural, business, and industrial use shall be provided in accordance with the following minimum requirements:

Use	Required Parking Space
(1) One and two-family dwellings	One (1) space for each family dwelling unit.
(2) Multiple dwellings	Two (2) spaces for each dwelling unit.
(3) Boarding and lodging houses, fraternities, private clubs	One (1) space for each bedroom or each two (2) occupants of the structure whichever is greater.
(4) Motels, auto courts, tourist homes	One (1) space for each sleeping unit plus two (2) spaces for operating personnel.
(5) Hotel	One (1) space for each two (2) guest rooms plus one additional space for every five (5) employees.
(6) Mobile home park	Two (2) spaces for each trailer site plus one (1) space for each trailer park employee.
(7) Convalescent home, convents, or similar use	One (1) space for each four (4) beds plus one (1) space for every four (4) employees including nurses.

(8)	Hospitals, sanitariums	One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor and plus one (1) space for each four (4) employees including nurses.
(9)	Clinics	Four (4) spaces for each doctor plus one (1) space for each employee.
(10)	Auditoriums (incidental to schools), churches, theaters, buildings of similar use with fixed seats	One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
(11)	Auditoriums (other than incidental to schools, lodge halls, meeting halls, community centers, or buildings of similar use without fixed seats	One (1) space for every eight (8) persons of legal capacity.
(12)	Elementary and junior high schools	One (1) space for every two (2) employees including administrators and teachers.
(13)	High schools and colleges	One (1) space for every two (2) employees including administrators and teachers plus one (1) space for each ten (10) students.
(14)	Libraries, museums, post offices	One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every four (4) employees.
(15)	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) space for every two (2) member families or individuals.
(16)	Golf courses open to the general public, except miniature or Par 3 courses	Four (4) spaces for each one (1) golf hole plus one (1) space for each employee.
(17)	Stadiums and sport arenas	One (1) space for each four (4) seats.
(18)	Dance halls, pool and billiard rooms, exhibition halls, roller rinks	One (1) space for each one hundred (100) square feet of floor area used for dancing or assembly.
(19)	Bowling alleys	Five (5) spaces for each alley plus one (1) space for every employee.
(20)	Miniature or Par 3 golf courses	Three (3) spaces for each one (1) golf hole plus one (1) space for each employee.
(21)	Professional offices and banks	One (1) space for every two hundred (200) square feet of floor area.
(22)	General offices	One (1) space for every four hundred (400) square feet of floor area.
(23)	Clothing, furniture, appliance, hardware, automobile, machinery sales; shoe repair, personal services (other than beauty and barber shops), wholesale sales	One (1) space for every four hundred (400) square feet of floor area.
(24)	Barber shops and beauty parlors	Two (2) spaces for each beauty and/or barber shop chair.

(25)	Supermarket, self-service food store	One (1) space for every two hundred (200) square feet of floor area.
(26)	Restaurants, cafeterias, taverns, bars	One (1) space for every one hundred (100) square feet of floor area.
(27)	Automobile service and repair garages, gasoline filling and service stations	Two (2) spaces for each repair and service stall plus one (1) space for each worker on each shift.
(28)	Drive-in restaurants	One (1) space for every fifteen (15) square feet of floor area.
(29)	Drive-in banks, cleaners, car laundries, and similar businesses	Storage space for five (5) cars between the sidewalk area and the service window.
(30)	Retail stores, except as otherwise specified herein	One (1) space for every one hundred fifty (150) square feet of floor area.
(31)	Funeral homes and mortuaries	One (1) parking space for every fifty (50) square feet of floor area in slumber rooms, chapels, assembly rooms.
(32)	Warehouses, wholesale stores	One (1) space for every eight hundred (800) square feet of floor area.
(33)	Mini warehouses	One (1) for every twenty (20) cubicles.
(34)	Industrial or manufacturing establishments, including research and testing laboratories, creameries, bottling works, printing and engraving shops	One (1) space for every two (2) employees One (1) space for every four hundred (400) square feet of gross floor area, whichever is greater.

7.1.9. *Plot plan review.* Whenever four (4) or more vehicles are required for a given use under the requirements of this section, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Township Supervisor before a building permit can be issued. Such plans and specifications should show the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.

7.1.10. *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 area of one hundred eighty (180) square feet shall be provided for each vehicle parking space; 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 area by means of a clearly limited and clearly defined drive shall be provided.
 - (a) Except for parking space provided on single-family and two-family residential lots, drives for ingress and egress to the parking area shall be no less than twenty (20) feet wide and so located as to secure the most appropriate development of the individual property.
 - (b) Each entrance to and exit from any off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
- (4) Each vehicular parking space within an off-street parking area shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (5) Parking areas with a capacity of four (4) or more vehicles shall be surface with a material that shall provide a durable, smooth, and dustless surface; and shall be graded and provided with adequate drainage facilities to dispose of all collected surface water.
- (6) Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. Such lighting shall not exceed an intensity of five (5) foot-candles nor shall it be less than one and one-half (1.5) foot-candles. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area.
- (7) Where a parking area with a capacity of four (4) or more vehicles abuts a residential district or public right-of-way in a residential district, a buffer

strip at least ten (10) feet wide shall be provided between the parking area and adjoining property, and a vertical screen shall be erected consisting of structural or plant materials no less than four (4) feet in height and spaces so as to effectively screen the parking area from the residential area.

(8) Parking areas will have to conform to front yard setback requirements and shall be no closer to any principal building than five (5) feet.

7.1.11. *Reduction, modification, waiver.* The Board of Appeals may authorize reduction, modification, or waiver of these parking requirements under specified conditions by the issuance of a conditional permit.

110.702 - Loading and unloading space requirements.

Sec. 7.2.

7.2.1. *Intent and purpose.* In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

7.2.2. *Additional to parking space.* Loading space required under this section shall be provided as area additional to off-street parking space as required under Section 7.1 and shall not be considered as supplying off-street parking space.

7.2.3. *Space requirements.* There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for all uses indicated in paragraph 7.2.1 of this section, for uses listed in the following table, or for similar uses involving the receipt or distribution by vehicles of materials or merchandise.

<i>Commercial uses, such as retail stores, personal services, amusement, automotive service:</i>	
First 2,000 square feet of floor area	No space required
Next 20,000 square feet of floor area or fraction thereof	One (1) space required
Each additional 20,000 square feet of floor area or fraction thereof	One (1) space required
<i>Hotels, offices:</i>	
First 2,000 square feet of floor area	No space required
Next 50,000 square feet of floor area or fraction thereof	One (1) space required
Each additional 100,000 square feet of floor area or fraction thereof	One (1) space required
<i>Wholesale and storage, including building and contractor's yards:</i>	
First 20,000 square feet of floor area	One (1) space required
Each additional 20,000 square feet of floor area or fraction thereof	One (1) space required
<i>Manufacturing uses:</i>	
First 20,000 square feet of floor area or fraction thereof	One (1) space required
Each additional 20,000 square feet of floor area or fraction thereof	One (1) space required
<i>Funeral homes and mortuaries:</i>	
First 5,000 square feet of floor area or fraction thereof	One (1) space required
Each additional 10,000 square feet of floor area or fraction thereof	One (1) space required
<i>Hospitals:</i>	

First 10,000 square feet of floor area	No space required
Next 10,000 square feet of floor area or fraction thereof	One (1) space required
Each additional 200,000 square feet of floor area or fraction thereof	One (1) space required
<i>Schools, churches, clubs, public assembly buildings:</i>	
For each building	One (1) space required
<i>For similar uses not listed:</i>	
For each building of 5,000 square feet of floor area or over	One (1) space required

7.2.4. *Access.* Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley, and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

7.2.5. *Site requirements.* Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper and wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said residential, educational, recreational, religious premises, or residential district.

ARTICLE VIII

110.800 - USES AUTHORIZED BY SPECIAL USE PERMIT

110.801 - General standards and requirements.

Sec. 8.1. *Intent and purpose.* Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer but that will, at the same time, maintain sound provisions for the protection of the health, safety, convenience, and general welfare of Township inhabitants. In order to provide controllable and reasonable flexibility, this article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure the Planning Commission and the Township Board have the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other articles of this ordinance, designate specific uses that require a special use permit and, in addition, specify the procedures and standards which must be met before such a permit can be issued.

8.1.2. *Permit procedures.* An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures.

- (1) *Submission of application.* Any application shall be submitted through the Township Clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. No part of any fee shall be refundable.
 - (a) Any application for special use permit shall contain the signature of all persons having an ownership interest in the property. For purposes of this section, "ownership interest" shall mean the titled owner(s) and land contract holder(s).
- (2) *Data required.* No application shall be considered by the Planning Commission unless accompanied by the following information and data:
 - (a) The special form supplied by the Township Clerk filled out in full by the applicant, including a statement of supportive evidence concerning the required findings specified in Section 8.1.3.
 - (b) Site plan review. Refer to Article VI, Section 6.8.
- (3) *Planning commission review and hearing.* Upon receipt of an application for special use permit, the Planning Commission shall review the application at its next regular meeting following filing, and shall set a date for public hearing within forty-five (45) days thereafter. The Township

Clerk shall cause to be published one (1) notice of public hearing in a newspaper of general circulation within the Township not less than fifteen (15) days before the date the application will be considered for approval, and shall provide notice by regular mail or personal delivery to all persons to whom property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the Township. Such notice shall describe the nature of the request, identify the property that is the subject of the request, and shall include a listing of all street addresses within the property, if such addresses exist. The notice shall also state when and where the request will be considered, and indicate when and where written comments will be received concerning the request.

Upon conclusion of such hearing procedures, the Planning Commission shall transmit a written recommendation within sixty (60) days to the Township Board setting forth the reasons for the acceptance, denial or modification of the special use permit application.

- (4) *Township Board action.* Upon receipt of the Planning Commission's recommendation, the Township Board shall consider the special use permit application at its next regular meeting. The Township Board shall approve or disapprove the recommendations of the Planning Commission. Only upon approval of the Township Board may a special use permit be issued by the Township Clerk.
- (5) *Permit review.* A special use permit issued under this section shall be valid for a period of one (1) year from the date of the issuance of said permit. The permit shall be reviewed by the Planning Commission on an annual basis, and the holder of the permit shall be notified in advance of this review. After the review, the Planning Commission will recommend for re-issuance or revocation of the permit.
- (6) *Revocation of special use permit.* The Township Board shall have the authority to revoke any special use permit upon demonstration that the holder of the permit has failed to comply with any of the terms thereof or of any applicable requirements set forth in Article VIII. Upon such revocation, the use for which the permit was granted shall cease and terminate within sixty (60) days of said notice.
- (7) *Reapplication for special use permit.* No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions.
- (8) *[Issuance; notification of special use permit.]* Each special use permit shall be issued for use of the property description involved. However, upon a change in ownership, each subsequent owner or occupant of said premises shall notify the Township Clerk in writing of said owner's acceptance of the terms of said special use permit and acknowledgment thereof.

8.1.3. *Basis for determinations.* Before making a recommendation on a special use permit application or re-issuance of a permit the Planning Commission shall establish a preponderance of the evidence. As well as the specific standards outlined in each applicable section of this article, shall be satisfied:

- (1) *General standards.* The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:
 - (A) Be harmonious with, and in accordance with, the general principles and proposals of the Comprehensive Development Plan of Windsor Charter 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, or schools.
 - (E) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or general welfare; for example, traffic, noise, smoke, fumes, glare, or odors.
 - (F) Be consistent with the intent and purposes of the zoning district in which it is proposed to locate such use.
- (2) *Conditions and safeguards.* The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this ordinance will be observed. The breach of any conditions, safeguards, or requirement shall automatically invalidate the permit granted.
- (3) *Specific requirements.* The general standards and requirements of this section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable. All representations contained in the application and thereafter made by the applicant in connection with said special use permit shall be considered to be part of said permit as if fully set forth therein.

(Amended: 6-12-01; eff. 7-18-07)

110.802 - Institutional structures and uses in residential and agricultural districts.

Sec. 8.2.

8.2.1. *Authorization.* The Planning Commission and the Township Board may authorize the construction, maintenance, and operation in any residential or agricultural district of certain institutional uses specified in this section by the issuance of a special use permit. Such permit shall not be issued unless all the procedures and applicable requirements stated in Section 8.1 together with the additional requirements of this section can be complied with.

8.2.2. *Institutional uses that may be permitted.* The following land and structure uses may be permitted in any residential or agricultural district, provided the applicable stipulated conditions can be complied with:

- (1) *Institutions for human care.* Hospitals, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic institutions.
- (2) *Religious institutions.* Churches or similar places of worship, convents, parsonages, and parish houses, other housing for clergy.
- (3) *Educational and social institutions.* Public and private schools, provided that none are operated for profit; auditoriums and other places of assembly; centers for social activities, but excluding schools or studios for music and dancing instruction.

8.2.3. *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 complying with the following site development requirement:

Hospitals:

Minimum lot size: Ten (10) acres.

Minimum yard setback: Sixty-seven (67) feet from the road right-of-way.

Maximum building height: District regulations govern.

Sign requirements: See Article VI, Section 6.2.4.

Off-street parking and loading requirements: See Article VII, Section 7.1.8 and 7.2.3. Also, ambulance and delivery areas are to be screened from residential view with a six (6) foot masonry wall.

Additional requirements: Ingress and egress must be from a major thoroughfare.

Churches:

Minimum lot size: One (1) acre plus five-tenths ($\frac{1}{2}$) acre for every one hundred (100) seats in main assembly area.

Minimum yard setback: Sixty-seven (67) feet from the road right-of-way.

Maximum building height: District regulations govern.

Maximum building coverage: Fifty (50) per cent.

Sign requirements: See Article VI, Section 6.2.4.

Off-street parking and loading requirements: See Article VII, Section 7.1.8 and 7.2.3. No parking is allowed in front yard.

Additional requirements: Ingress and egress must be from a major thoroughfare.

For all other uses allowed under Section 8.2.2.(1)(2)(3):

Minimum lot size: Two (2) acres.

Minimum yard setback: Sixty-seven (67) feet from the road right-of-way.

Maximum building height: District regulations govern.

Maximum building coverage: Fifty (50) per cent.

Sign requirements: See Article VI, Section 6.2.4.

Off-street parking and loading requirements: See Article VII, Sections 7.1.8 and 7.2.3.

Additional requirements: None.

110.803 - PUD: Planned unit development district.

Sec. 8.3.

8.3.1 *Intent and purpose.* The planned unit development district is designed to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, diversity of building types, useful open space arrangements and environmental preservation, efficiency, of land use and natural resources, providing public services and utilities, and the redesign and reuse of existing sites and buildings which cannot reasonably be accomplished through normal zoning techniques.

The planned unit development district (PUD) is further intended to accommodate developments with one (1) or more uses of land which meet the following design criteria:

- A. Result in a more efficient development pattern with shorter streets and utility networks.
- B. Preserve existing natural assets, such as stands of trees, flood plain, open fields and the like.
- C. Accomplish a more desirable residential and non-residential environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance.
- D. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.
- E. Accommodate a proposed land use pattern which is in conformance with the Comprehensive Land Use Plan.
- F. Provide for supportive amenities such as recreational uses, day care centers and similar uses, which in the opinion of the Planning Commission, are in conformance with the Comprehensive Land Use Plan and the objectives of the proposed development.
- G. Provide for planned professional office, research, commercial, and/or manufacturing working environments in conjunction with the planned living environments, which enhance the residential stability and economic base of the Township.

8.3.2. *Uses permitted by right.* In the planned unit development district, no building or parcel shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this ordinance.

- A. Single-family dwelling.
- B. Two-family dwelling.
- C. Accessory uses and building(s).
- D. Public park, playground or recreation center.
- E. Off-street parking.

8.3.3 *Uses authorized by special use permit.* The following uses of and structures may be permitted in this district through the application and approval of a special use permit as provided for in Article VIII of this ordinance. The land uses identified in this section may have additional regulations specified in Article VIII of this ordinance.

- A. Multiple family residential.
- B. Professional offices as permitted in the O-1 office district.
- C. Personal service establishments as defined in the B-1 limited business district.
- D. Convenience food retail and pharmacy incidental to the residential use located within the PUD.
- E. Public or private educational structures or uses.
- F. Religious institutions: Churches, convents, parsonages, and other housing for religious personnel.
- G. State licensed day care for seven (7) or more individuals.
- H. Retail food establishments as defined in the B-1 limited business district.
- I. Restaurants as defined in the B-1 limited business district.
- J. Warehousing with no exterior storage of materials.
- K. Research and research/manufacturing of proto-type products within an enclosed structure.
- L. Assembly of pre-manufactured components within an enclosed structure.

8.3.4 *Site development standards.* The following maximum and minimum standards shall apply to all uses and structures in the planned unit development district.

- A. Minimum project area: Minimum project area allowable for a PUD shall be twenty (20) acres. The Planning Commission may reduce this minimum acreage requirement if the objectives of Section 8.3.1 (intent and purpose) can be reasonably met.
- B. Location: PUD's may be located in those geographic areas designated in the Comprehensive Land Use Plan of the Township. PUD's shall be compatible with adjacent properties and shall meet the general standards for special use permits as defined in Section 8.1.3(1).
- C. Residential density: The base number of residential units permitted in a PUD shall be determined by the type of dwelling unit proposed as compared with the minimum requirements of the following residential districts:
 - (1) Single-family structures: R-1C district (permitted use).
 - (2) Two-family structures: R-1D district (permitted use).
 - (3) Multiple-family dwelling: R-1M district (special use permit).

For example: A one hundred-acre site might have sixty (60) acres of single family at an R-1C density, twenty (20) acres of two family at the R-1D density, and twenty (20) acres of multiple family at the R-1M density. Also, any combination of one (1) or more of the density ranges would be permitted. Multiple-family use may only be permitted by special use permit.

- D. Site perimeter: A PUD shall provide for a landscape, screening, and buffering plan which creates a site perimeter that provides for a positive spatial relationship to adjacent properties. The minimum dimensions of the site perimeter shall be thirty (30) feet. The Planning Commission may reduce this dimension if it believes that the spirit of Section 8.3.1 (intent and purpose) will be met. The decision of the Planning Commission to reduce the site perimeter below thirty (30) feet shall not be subject to review by the Zoning Board of Appeals.
- E. Performance objectives:
- (1) Setbacks: With the exception of the site perimeter area, structural setbacks requirements are waived for the PUD, provided, however, that the spirit and intent of this section, as defined in the purpose clause, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development in accordance with the purpose clause of this section. The final decision of the Planning Commission on setbacks shall not be subject to review by the Zoning Board of Appeals.
 - (2) Access: Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use. Private streets may be allowed but must meet the design and construction standards of the Eaton County Road Commission unless otherwise modified by the Township.
 - (3) Land usage: The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
 - (4) Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
 - (5) Off-street parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of Article VIII of this ordinance. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
 - (6) Development concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way as to utilize natural topography, existing vegetation and views within and beyond site.
 - (7) Utilities: PUD's shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm waters, and to prevent erosion and the formation of dust. This shall include the establishment of retention/detention basins in order to minimize storm water runoff. Retention/detention basins shall be designed to maximize environmental characteristics which reduce or eliminate hard surface construction.
 - (8) Pedestrian circulation: The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
 - (9) Recreation areas: Recreation facilities shall be provided throughout the development and easily accessible for all living units.
 - (10) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
- F. Density: The density (dwelling units per acre) in a PUD shall be regulated by Section 8.3.4 C. Only one-half (½) of the total portion of the site comprised of flood plain, wetland or a water body, may be used in the calculation of densities of a project. The Planning Commission may allow this maximum amount to be exceeded if it believes that the objectives of Section 8.3.1 (intent and purpose) can be reasonably met.
- G. Open spaces: "Common open space" is defined as parcel or parcels of land or an area of water or combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. "Common open space" does not include proposed street rights-of-way, open parking area, or commercial areas. Common open space may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks, picnic areas; playgrounds; and scenic open areas and communal, non-commercial, recreational facilities.
- (1) The area of common open space within a residential PUD project shall not be less than twenty-five (25) percent of the total land area of the project.
 - (2) All common open space shown on the final site plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purpose intended and for continuity of proper maintenance of those

portions of the open space land requiring maintenance.

- H. Circulation facilities: The arrangements of public and common ways for pedestrian and vehicular circulation shall be coordinated with other existing or planned streets in the area.
- I. The PUD landscape plan shall be professionally prepared, utilize existing significant natural features on the site, provide for property line landscape buffers, public rights-of-way buffers, foundation landscaping, and internal parking area landscaping.
- J. The PUD site plan shall meet the requirements of Article VI, Section 6.8 (site plan review).
- K. The PUD may be developed in stages or phases, but must receive conceptual approval for future stages and final site plan approval prior to construction of each stage or phase.
- L. Initial construction on the first phase of the project must begin within two (2) years of approval from the Township.
- M. Amendments to the approved PUD which, in the opinion of the Zoning Administrator, increase the intensity of use or increase the impact on adjacent properties must be resubmitted to the Planning Commission for review and approval.
- N. An approved PUD shall amend the Zoning District(s) and Map.

8.3.5 *Development agreement and financial guarantees.* Upon approval of the PUD, the applicant shall develop with the Township, a development agreement to insure that all of the customary municipal improvements required by existing ordinances and regulations will be properly made and that funds will be made available by the applicant to insure the installation of certain site improvements prior to any permits being issued.

Financial guarantee shall be required by the Township in the form of a cash deposit, certified check, bond or other financial guarantee/instrument acceptable to the Township to ensure compliance with such requirements as infrastructure, drives, walks, parking, landscaping, or other features of the development.

The financial guarantee shall be deposited with the Township at the time of issuance of the permit authorizing the project or activity. The Township shall release portions of the guarantee as work is completed on the project or activity and accepted by the appropriate Township official. Interest earned from cash deposits with the Township shall be returned to the applicant.

The developer shall establish a separate escrow account with the Township to cover such additional review costs as engineering, legal, or other professional assistance as may be required.

8.3.6 *Approval Process.* Submission, review, and recommendation of a Planned Unit Development District shall be subject to the following five-step process:

- A. The PUD shall meet the requirements for zoning amendments as itemized within the Windsor Charter Township Zoning Ordinance.
- B. Pre-application conference: Prior to submission of an application for a planned unit development district, the applicant shall meet with the Zoning Administrator and other appropriate staff to outline the fundamental elements of the proposed development (location, acreage, residential density, non-residential density, building types, specific uses, open space and natural features and proposed circulation). The applicant shall receive at the pre-application conference an explanation of ordinance requirements, procedures, and estimated time lines.
- C. Preliminary development concept presentation: Prior to setting a public hearing on the proposed zoning ordinance amendment, the Planning Commission shall receive a presentation on the preliminary development concept from the applicant. The intent of the presentation to the Planning Commission is to provide as much detailed background information as possible to the Commission prior to the official public hearing as required under this ordinance.

Prior to the presentation to the Planning Commission of the preliminary development concept, the following information shall be submitted:

1. Evidence of ownership or equitable interest in the proposed site of the PUD.
2. Legal description and generalized location.
3. Written, detailed description of the proposed uses.
4. Fifteen (15) copies of a conceptual site plan for the proposed development which contains the following information:
 - (a) Readable scale.
 - (b) Existing zoning of the site and adjacent properties.
 - (c) Existing land use of the site and adjacent properties.
 - (d) Location of proposed structures, parking areas, and open space.
 - (e) Development summary data (acres, units, parking spaces, gross/net density, gross building square footage).
 - (f) General description of water, sanitary and storm drainage systems including retention basins.
 - (g) Identification of existing natural features of the site and location of specific wetland area.
 - (h) Description of proposed landscape features, buffers, and pedestrian circulation system.
 - (i) Identification of existing and proposed easements.
 - (j) Identification of existing and proposed public and private rights-of-way and adjacent curb cuts.
 - (k) Identification of any proposed non-residential land uses.

5. Description of development ownership, proposed ownership form for residential and non-residential components, and proposed maintenance c
- D. Rezoning application: The rezoning application for a proposed planned unit development district shall meet the requirements of Article IX (amendments) of the Township Zoning Ordinance and shall meet the following additional requirements:
1. The application and all supportive materials shall be submitted at least thirty (30) days prior to the scheduled public hearing for the PUD.
 2. The application and supportive materials shall contain a site plan which contains the information submitted for the preliminary development plan plus following information:
 - (a) Indicates preliminary engineering recommendations for water, sanitary sewer, storm drainage, natural gas, electric and telephone systems.
 - (b) Indicates recommended road alignments, existing contours and proposed topographic data.
 - (c) Indicates soil erosion and sedimentation control procedures.
 - (d) Conceptual Landscape plans.
 - (e) Provides a specific schedule of the proposed development, including phasing for major construction features, open space provision, recreational features, common use areas, utilities, and landscaping requirements.
 3. The provision of studies which may be required by the Township, at the applicant's expense, which address issues such as, but not limited to, traffic circulation and safety, utility systems, and environmental impact. These studies may be required by the Township after the pre-application conference, the preliminary development presentation, or after the public hearing for the zoning amendment.
 4. If the application for a planned unit development district includes a request for a special use permit as provided under this article, that application, review, and recommendation may be performed in conjunction with the request for a zoning change or subsequent to the establishment of a PUD district.
- E. Final site plan review:
1. After the establishment of a PUD district, the applicant must receive final site plan approval from the Planning Commission.
 2. The final site plan shall meet the requirements for development as set forth in the PUD district as well as the requirements for site plan review.

(Amended: 1-8-02)

110.804 - Mobile home park developments.

Sec. 8.4.

8.4.1. *Authorization.* A special use permit may be issued within the R-1M district and the A-1 district when all of the procedures and applicable requirements stated in Section 8.1, and the additional requirements of this section can be complied with. It is the intent of this ordinance that mobile homes shall be permitted only in approved mobile home parks under the conditions specified in this section or as may be granted by the Board of Appeals.

8.4.2. *Uses that may be permitted.* Any mobile home park development may include any or all of the following uses, provided that a plan of the proposed development is approved by the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended, and provided further that said development plan can meet the standards of this section.

- (1) Mobile homes or manufactured homes designed for occupancy as a dwelling.
- (2) Accessory buildings required for normal operation of the mobile home park development. Such uses as stores, mechanical dispensers, equipment storage, coin-operated laundry and dry cleaning facilities may be permitted, provided that such uses:
 - (a) Shall not occupy more than ten (10) per cent of the total site; and
 - (b) Shall be subordinate to the residential use and character of the park; and
 - (c) Shall be located, designed, and intended to serve the trade or service needs of persons residing in the park.
- (3) One (1) permanent building for conducting the operation and maintenance of the mobile home park development. A caretaker's residence may be provided within or in addition to said permanent building.
- (4) Signs as specified in Article VI, Section 6.2.4.
- (5) Off-street parking as required in Article VII, Section 7.1, provided that at least one (1) of the required two (2) parking spaces per mobile home is provided on each mobile home lot. The balance of the off-street parking requirements may be accomplished by providing group parking facilities within three hundred (300) feet of all mobile home lots it is intended to serve.

8.4.3. *Site development requirements.* The following requirements for site development, together with any other applicable requirements of the State of Michigan Act 243, Public Acts of 1959, as amended, shall be complied with. A complete copy of the plans and specifications filed as required under Sections 7 and 8 of Act 243, as amended, shall be filed with the Township Clerk at the time of application for a special use permit. If any of the requirements of this subsection are less than those in the state act, the state requirements shall prevail.

- (1) *Minimum site size:* Five (5) acre site with a minimum width of two hundred fifty (250) feet.
- (2) *Site location:* The proposed site shall have at least one (1) property line abutting upon a major arterial. All ingress and egress to the site shall be provided directly from said thoroughfare. The major road shall be paved and of sufficient design capacity as required by the Eaton County Road Commission to safely and effectively handle any increased traffic which will be generated by the mobile home park. If the major road does not meet the required standards of the Eaton County Road Commission, the developer of the mobile home park shall pay the cost of the improvements which are necessary before a special use permit is granted.
- (3) *Site yard dimensions:* All buildings and mobile homes within the mobile home park site shall be no closer than fifty (50) feet from any public street line, and no closer than fifty (50) feet from any side or rear property line of the mobile home park site. Such setback space shall be occupied by plant materials and appropriately landscaped. When property adjacent to the mobile home park site is zoned for residential or agricultural purposes, a structural fence or wall at least four (4) feet but no more than six (6) feet in height shall be erected and used in combination with plant material to effectively screen the mobile home park site from surrounding uses. The plans and specifications for the mobile home park development shall include the proposed arrangements of such plantings and/or screening structures which shall be subject to the approval of the Planning Commission.
- (4) *Site access:* All points of entrance or exit from the mobile home park development shall be paved to a minimum width of twenty-four (24) feet. Said entrance or exit drives or roadways shall be located no closer than two hundred (200) feet from the intersection of any two (2) public highways or streets.
- (5) *Space requirements:* The minimum lot area of premises used or occupied by each mobile home shall be three thousand (3,000) square feet and shall not be less than thirty-five (35) feet in width.
- (6) *Yard requirements:* There shall be a minimum side yard of fifteen (15) feet at the entry side of a mobile home, and a minimum side yard of eight (8) feet at the non-entry side. There shall be a minimum of ten (10) feet between the ends of the mobile home and the site lot lines. The edge of any internal paved street shall be deemed a site boundary line. Space between mobile homes may be used for parking of motor vehicles if such space is ten (10) feet from the nearest mobile home lot boundary, provided such space is surfaced with a material which provides a dustless, durable, and smooth surface.
- (7) *Park roads:* Each mobile home lot or premise shall have access to a park driveway, roadway, or street which shall be paved to a minimum width of twenty-four (24) feet, provided that no parking shall be permitted on said roadway. The required paving width for said streets, roadways, or driveways may be adjusted if the following conditions exist:
 - (a) If a one-way street pattern is proposed as part of the site development, the street shall be paved to a minimum width of twenty (20) feet, provided no parking shall be permitted on said roadway.
 - (b) If on-street parking is proposed for either a one-way or two-way street pattern as part of the proposed site development, an additional ten (10) feet of street paving shall be provided for each parking lane desired, provided that at least two (2) parking stalls are provided for each lot or premise.
- (8) *Walks:* A thirty (30) inch wide concrete walk shall be provided from the entrance of each mobile home or manufactured home to all required service facilities within the park.
- (9) *Mobile home lot improvements:* All mobile and manufactured homes shall be parked on a concrete slab which shall not be less than the width and length of the home to be placed on it. The slab shall be made of reinforced concrete at least four (4) inches in depth. All parking areas provided on the lot or premises shall be clearly defined and hardsurfaced. Each home shall be supported on uniform jacks or blocks supplied by the park.
- (10) *Building height:* No building or structure shall exceed fifteen (15) feet in height, except that one (1) permanent building for conducting the business operation shall not exceed one and one-half (1½) stories, or twenty (20) feet in height.
- (11) *Lighting:* No spot or flood lights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent properties. All other lighting shall be in accordance with the State of Michigan Act 243, Public Acts of 1959, as amended.
- (12) *Play areas:* Exclusive of other yard and open space requirements of this section, there shall be provided a usable outdoor play area at the rate of seventy-five (75) square feet for each mobile home space in the mobile home park. Such open space shall contain a minimum area of thirty-five hundred (3,500) square feet and shall be developed and maintained by the management to provide for recreation for the children of the mobile home park.
- (13) *Fuel:* Natural gas only will be used.
- (14) *Sanitary sewer and water facilities:* All mobile homes shall be connected to public sanitary sewer and water facilities when available. When not available, water and sanitary sewer facilities shall be provided from central systems constructed by the park owner and approved by the Planning Commission and the Barry-Eaton District Health Department.

If, on the basis of the Barry-Eaton District Health Department, unsafe health conditions are present in either the water or sanitary sewer systems, the special use permit will be automatically terminated.

- (a) Each mobile home site shall be permitted one (1) enclosed waterproof structure suitable for storage of goods and the usual effects of the

inhabitants of such site, not to exceed eight by ten (8 × 10) and eight (8) feet high, or the mobile home park shall provide adequate structure or structures for such storage elsewhere in the park.

(b) Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.

- (16) *Recreation areas:* Exclusive of other yard and open space requirements of this section, common usable recreation space of at least one hundred (100) square feet per mobile home site in the park with a minimum area of five thousand (5,000) square feet, shall be developed and maintained by the management. The area or areas shall not be less than seventy-five (75) feet in its smallest dimension and no further than five hundred (500) feet from any mobile home site served.

110.805 - Gasoline service stations.

Sec. 8.5.

8.5.1. *Authorization.* Gasoline service stations may be permitted in the B-1 district only upon the issuance of a special use permit which complies with the requirements of this section and with the general standards set forth in Section 8.1.

8.5.2. *Uses that may be permitted.* Gasoline service stations, as defined in Article X, including the servicing of motor vehicles under two and one-half (2½) tons rated capacity such as minor adjustments to motor vehicles, 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. Body repair, engine overhauling, steam cleaning, or other mechanical or physical modifications to motor vehicles is specifically prohibited.

8.5.3. *Site development requirements.* The following requirements for site development, together with any other applicable requirements of this ordinance, shall be complied with:

- (1) *Minimum site size:* Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150) feet.
- (2) *Site location:* The proposed site shall have at least one (1) property line on a major or minor arterial or collector street.
- (3) *Building setback:* The service station building or buildings shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district unless separated therefrom by a street or alley.
 - (a) No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) to the line of any street right-of-way.
 - (b) Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- (4) *Access drives:* No more than two (2) driveway approaches shall be permitted directly from any major or secondary thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.
 - (a) If the service station site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable but no less than fifty (50) feet.
 - (b) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line, as extended to the curb or pavement, or within twenty (20) feet of any exterior (corner) lot line as extended.
 - (c) Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.
- (5) *Curbing and paving:* A raised curb at least six (6) 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 (4) feet in height shall be erected along all property lines abutting any lot within a residential district.
- (7) *Signs* as provided in Article VI, Section 6.2.4, provided that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.
- (8) *Off-street parking* shall be provided in conformance with the schedule outlined in Article VII, Section 7.1.
- (9) *Lighting:* Exterior lighting shall be so arranged so that it is deflected away from adjacent properties.

110.806 - Miscellaneous special uses.

Sec. 8.6.

8.6.1. *Authorized.* It is the intent of this section to provide a framework of regulatory standards which can be utilized by the Planning Commission and Township Board as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zoning districts cited.

8.6.2. *Special uses that may be permitted.* The following land and structure uses may be permitted within the particular zoning district cited, provided that requirements specified in Section 8.1 and the applicable specified conditions established herein can be complied with:

- (1) Sanitary fills, incinerators, energy recycling facilities within any agricultural or industrial zoning district.

- (2) Salvage yards within any industrial zone district.
- (3) Sewage treatment and disposal installations within any industrial or agricultural zoning district.
- (4) Drive in theaters, race tracks, temporary and transient amusement enterprises, golf driving ranges and miniature golf courses within B-2 districts or any agricultural district.
- (5) Special open space uses, such as public beaches, bath houses, private resorts, recreational camps and other open space uses operated for profit within any agricultural zoning district.
- (6) A residential care facility, as herein defined.
- (7) Sand or gravel pits, shale, clay and muck quarries within any agricultural zoning district.

8.6.3. *Site development requirements.* A special use permit shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction or alteration of a structure unless the following site development requirements are complied with.

(1) *Sanitary fills, incinerators, energy recycling facilities:*

- (A) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. In addition, all sanitary landfills shall be licensed with the Michigan Department of Public Health in accordance with Act 87 of the Public Acts of 1965, as amended, and site locations shall be reviewed by the Michigan Department of Natural Resources.
- (B) All uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property. Fences shall be maintained at all times when a threat to public safety exists.
- (C) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form.
- (D) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

(2) *Salvage yards:*

- (A) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
- (B) The site shall be a minimum of five (5) acres and a maximum of twenty (20) acres in size.
- (C) A solid fence or wall at least eight (8) feet in height, but no more than twelve (12) feet in height, shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.
- (D) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, materials, signs, or lighting shall be used or stored outside the fenced-in area.
- (E) All fenced-in area shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of plant materials to be determined by the Planning Commission.
- (F) No open burning shall be permitted, and all industry processes involving the use of equipment for gutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (G) Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential or agricultural district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission.

(3) *Sewage treatment and disposal installations:*

- (a) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
- (b) All operations shall be completely enclosed by a wire-link fence not less than six (6) feet high.
- (c) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials, and structural screens shall be placed. The type and spacing of planting materials to be determined by the Planning Commission.

(4) *Drive-in theaters, race tracks, temporary and transient amusement enterprises, golf driving ranges, and miniature golf courses:*

- (a) All sites shall be located on a major or minor arterial. All traffic ingress or egress shall be from said arterial. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal or uncomplicated movements into or out of the major or minor arterial.
- (b) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2)

- streets or highways.
- (c) All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
 - (d) Acceleration and deceleration lanes should be provided, where possible, at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major arterials where possible.
 - (e) Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials, and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
 - (f) A minimum yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
 - (g) Race tracks and drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least eight (8) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly, attractively, and inconspicuously.
 - (h) Drive-in theater ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) per cent of the vehicular capacity of the theater.
 - (i) Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major arterial. The picture screen tower shall not exceed sixty-five (65) feet in height.
 - (j) Signs. Refer to Article VI, Section 6.2.4.
- (5) *Special open space uses:*
- (a) The proposed site shall be at least two (2) acres in area.
 - (b) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
 - (c) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
 - (d) No more than twenty-five (25) per cent of the gross site shall be covered by buildings.
- (6) *Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients, camps, correctional institutions and halfway houses:*
- (a) The proposed site shall be at least four (4) acres in area.
 - (b) The proposed site shall have at least one (1) property line abutting a major arterial. All ingress and egress to the off-street parking area shall be directly from the major arterial.
 - (c) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) feet setback an additional one (1) foot for each foot of additional height above two (2) stories.
 - (d) No more than twenty-five (25) per cent of the gross site shall be covered by building.
 - (e) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major arterial.
 - (f) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.4.
 - (g) Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1 and off-street loading in conformance with Article VII, Section 7.2.
- (7) *Excavation of soil and minerals:* The purpose of this section is to provide for the use of lands which have significant mineral deposits such as gravel and sand and, which if mined under the regulations of this section, will not constitute a hazard to the public health, safety and welfare and, to ensure that said excavation operations will result in the reclamation of said lands so that the lands will be suitable for other uses upon expiration of the mining activity. Excavation is the removal of any earthen material, including topsoil, sand, gravel, stone or any other earthen material for the purpose of disposition away from the premises. Topsoil shall not be stripped, excavated or otherwise removed from any premises for sale, or for any other use than on the premises which the topsoil was originally located except when as a product of an authorized excavation of other soils. This provision shall not prohibit agricultural and/or sod farm operations, or excavation of less than 500 cubic yards which is incidental to the construction of a building and/or infrastructure.
- (a) *Excavation of soil and minerals: application requirements and procedures:*
 - (1) Application for a special use permit shall be made as specified in Section 8.1 [110.801] and meet the additional requirements of this

section.

- (2) The application shall contain the following information:
 - (i) Name, address, and contact information of owner(s) of land from which removal will occur.
 - (ii) Name, address, and contact information of person or legal entity who will conduct removal.
 - (iii) Location, size, and legal description of the total site area for excavation, including deed restrictions and easements.
 - (iv) Proposed period of time and proposed hours and days of operation to complete removal operations, extraction and processing of materials.
 - (v) Estimated area in acres from which excavation will take place each year of operation until completion.
 - (vi) A written explanation of the proposed future land use and its compatibility with the Comprehensive Development Plan.
 - (vii) A written description of the proposed method of excavation and a description of the equipment to be utilized.
 - (3) No public hearing will be set before the Planning Commission on an application for an excavation special use permit until the Township Clerk certifies that the application is complete and contains all the necessary information required by ordinance and the application fee has been paid. Section 8.1.2(3) shall not apply to a special use permit for excavation of soil and minerals.
 - (4) The Township Board shall set the fee for special use applications. In addition to the application fee, the Zoning Administrator, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application, including reasonable and appropriate professional analysis. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant. The required escrow shall be deposited with the Township prior to any review of the application.
 - (5) A professionally prepared site plan shall be required with an application for special use permit. The professionally prepared site plan shall be drawn to scale and contain the following:
 - (i) The legal description and location of the proposed excavation.
 - (ii) Adjacent zoning districts and land use information.
 - (iii) The location and size of proposed excavation areas to include stages of excavation.
 - (iv) The roads and types of road surfaces that will serve the site or be utilized on site.
 - (v) The proposed haul route for vehicles to and from the site.
 - (vi) The location and size of any processing equipment and structures.
 - (vii) A description of the plan for stripping topsoil and overburden, stockpiling, excavation and rehabilitation to include depths of cuts and fills.
 - (viii) A rehabilitation plan that includes a recent aerial photograph of the site with the general plan for rehabilitation as an overlay, a reclamation contour plan, description of reclamation methods, and materials proposed for restoration of topsoil and replanting.
 - (ix) The final grade elevation plan to include proposed surface water, proposed earth berms, and other significant final site features.
 - (x) The location of any floodplain, floodway, wetland, lake, creek, stream, easement, or wooded area affecting or adjoining the site.
 - (6) The Township may require hydrogeological investigations conducted by a certified professional, at the expense of the applicant, describing the impact of the proposed excavation activity on the existing water levels and water quality.
- (b) *Financial guarantees:*
- (1) Financial guarantees, in a form as set forth in (b)(4), shall be furnished to Windsor Charter Township prior to the issuance of the Special Use Permit by the Township Clerk to ensure proper rehabilitation and reclamation in accordance with the provisions of this ordinance and the conditions of the special use permit.
 - (2) The following areas of the site shall be included in the financial guarantee:
 - (i) Area stripped of topsoil or overburden.
 - (ii) Area from which material is extracted.
 - (iii) Area utilized for stockpiling extracted material, overburden, and topsoil.
 - (iv) Area to be rehabilitated and reclaimed, including progressive rehabilitation of the site.
 - (v) Area included in the special use permit which is deemed to warrant protection under a financial guarantee.
 - (3) The Township Board shall establish the financial guarantee based on, but not limited to, the prevailing cost to rehabilitate the property upon default of the operator and court costs and other reasonable expenses to ensure that all conditions are complied with.
 - (4) Financial guarantees shall be provided in the form of cash, certified check, irrevocable letter of credit, performance bond, or other form of surety acceptable to the Township Board.
 - (5) The financial guarantee shall remain in effect for one (1) year after completion of rehabilitation according to approved plans. No portion of the guarantee shall be released until the Township has determined by inspection and/or other factual documentation that the rehabilitation has been completed according to the approved plans. Upon determination by the Township that rehabilitation has been

completed according to approved plans, the Township Board shall release the financial guarantee.

- (6) The applicant shall be required to provide a certificate of indemnity from a company licensed to do business in the State of Michigan insuring Windsor Charter Township against any loss or damage to persons or property arising directly or indirectly from the operations authorized by the Special Use Permit. Indemnification shall be in effect from the first effective date of the special use permit to the date the Township Board approves the rehabilitation of the site. Proof of indemnification must be filed with the Township Clerk prior to the issuance of the special use permit.
- (c) *Site development requirements:*
- (1) *Setbacks:* Setbacks, in which no excavation activity may take place other than ingress and egress, shall not be less than seventy five (75) feet from any road right-of-way on the perimeter of the site and not less than fifty (50) feet from any line common to undeveloped property and seventy five (75) feet from lots lines of 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 by the Township from application materials. Site screening requirements apply to final site rehabilitation as well as during site operation activities.
 - (3) *Fencing:* Fencing shall be required around the perimeter of the site area being worked at any one time and shall consist of a five (5) foot security fence. The work area enclosed by said fencing shall be provided with gates at any point of ingress or egress which shall be secured at any time the site is unattended by personnel.
 - (4) *Posting:* The aforementioned fence must be maintained and be posted at a minimum of two hundred (200) foot intervals by durable, weather proof signs not less than two (2) square feet in size with a minimum of two (2) inch lettering containing the following words: DANGER, KEEP OUT, EXCAVATION IN PROGRESS.
 - (5) *Signage:* Signage shall be provided at all gate locations indicating contact information for property owner and operator of the site.
 - (6) *Slopes:* Slopes on previously excavated areas outside the fenced working area, prior to rehabilitation, shall be not greater than thirty (30) degrees. Upon completion of rehabilitation, the finished grade shall not exceed three (3) feet horizontal to one (1) foot vertical.
 - (7) *Erosion:* All slopes shall be adequately seeded and/or planted with appropriate vegetation such as trees to prevent erosion. Erosion control measures of excavated slopes shall take place progressively as outlined in the site plans on file and shall be accomplished prior to renewal of the special use permit. To insure the permanence of the reestablished vegetation in rehabilitated areas, the permit holder will be released from care and maintenance only after inspection approval by the Township.
 - (8) *Dust control:* On site haul roads, access drives, and off site haul roads shall have dust and mud control measures applied which are part of a comprehensive and consistent dust and mud control plan which meet the requirements of the approved Special Use Permit for the site and the requirements of the Eaton County Road Commission.
 - (9) *Noise control:* Noise control shall be primarily controlled through the special use permit approved timeframes for excavation and operation by days of the week and hours per day on an annual basis. The time frame of operation and repair of equipment and vehicles shall also be specified in the special use permit.
 - (10) *Inspection:* The Township, through its agents, shall have the reasonable right to enter any private property associated with the application to verify any information provided by the applicant or any approved special use permit to determine if the conditions of any approved Special Use Permit have been complied with.
- (d) *Special use permit agreement:* Upon approval of the special use permit by the Township Board, the Township and the applicant shall both sign a special use permit agreement which documents the approved land use activities and the associated conditions of approval. The Township shall prepare the draft agreement and provide it to the applicant. In addition, the special use permit agreement shall list all local, state, and federal permits known by the Township to be required for the proposed excavation operation. The proposed excavation activities shall not begin until the special use permit agreement has been signed by both parties, financial guarantees provided, and all required permits filed with the Township. The special use permit agreement shall contain an explanation of the review and renewal process for the permit and what information is required from the applicant.
- (e) *Special use permit timeframe and renewals:*
- (1) Special use permits for the extraction of soils and minerals may be approved up to a maximum of five (5) years.
 - (2) Special use permits for the extraction of soils and minerals, including all conditions of approval, shall be reviewed annually from the effective date of approval by the Planning Commission to ensure compliance with all conditions of the original approval. The Township Board may establish an appropriate renewal fee for this request.
 - (3) The annual review shall take place at the first regularly scheduled meeting of the Planning Commission on or after the yearly anniversary of the effective date of the special use permit. No less than ninety (90) days prior to the annual review by the Planning Commission, the property owner and site operator shall submit to the Township the following: quantities in cubic yards of material removed from the site during the past year, the location of the excavation activity during the past year, written documentation by the property owner and site

operator of compliance with the conditions of the special use permit, written documentation by the property owner and site operator of the number and type of complaints relating to site excavation received during the past year, days and hours operation occurred, and haul routes used.

- (4) The Township Board shall require, as part of the annual renewal process, that the property owner and site operator survey adjacent property owners to determine their opinion as to the compliance with the special use permit conditions during the previous year.
 - (5) The Planning Commission, upon completion of the annual review, shall forward a report to the Township Board, the Zoning Administrator, and the property owner and site operator summarizing compliance or noncompliance with the conditions of the original special use permit.
 - (6) If the Planning Commission finds that the site is in compliance with the conditions of the special use permit, the Zoning Administrator shall notify the owner and/or operator by certified mail and the Township Board that the permit has been renewed for a one (1) year period.
 - (7) If the Planning Commission finds that the site is in noncompliance with the conditions of the special use permit, the applicant may appeal that finding in writing to the Township Board for a review and final decision. Any appeal must be filed before the next regularly scheduled meeting of the Township Board. A timely filed appeal will delay any final decision by the Township Board on suspension or revocation of the original special use permit for a ninety (90) day period from the date of the PC meeting when the noncompliance decision is issued. Upon receipt of an appeal, the Zoning Administrator shall notify the property owner and site operator by certified mail of the facts of noncompliance and shall require the property owner and site operator to provide written documentation of the proposed method and timeframe for compliance to the Township within thirty (30) days of the receipt of the certified mail.
 - (8) If the Zoning Administrator determines that the documented noncompliance is a violation of health, safety, and welfare issues, the Zoning Administrator shall advise the Township Board to suspend permit activities until all noncompliance issues have been addressed, regardless of whether or not an appeal of an annual compliance review has been filed.
 - (9) Upon receipt of the written response from the property owner and site operator, the Zoning Administrator shall have thirty (30) days to determine if the proposed compliance method and timeframe is sufficient.
 - (10) If the proposed compliance method meets the requirements of the original special use permit, the Zoning Administrator shall notify the owner and/or operator that the original permit has been renewed for a one (1) year period.
 - (11) If the proposed compliance method does not meet the requirements of the original permit, the Zoning Administrator shall notify the property owner and site operator by certified mail requesting final compliance within thirty (30) days.
 - (12) Failure of the property owner and site operator to provide written documentation of the method and timeframe for compliance within thirty (30) days shall be cause for the Township Board to initiate suspension or revocation procedures for the original special use permit under Section 8.1.2(6).
- (8) *Communication transmission tower:*
- (A) All uses shall be established and maintained in accordance with all federal communications commission regulations.
 - (B) Towers must be located at least one thousand (1,000) feet from any single residence.
 - (C) The immediate area surrounding the tower, anchors and accessory buildings shall be enclosed with a eight (8) foot chain link fence.
 - (D) Any accessory building on the property shall meet the district regulations for setback dimensions.

(Amended: 6-23-98, eff. 7-1-98; further amended: 6-12-01; 11-24-01; 9-23-14)

ARTICLE IX

110.900 - AMENDMENTS

110.901 - Township Board may amend.

Sec. 9.1. The regulations and provisions stated in the text of this Ordinance, and the boundaries of zoning districts as shown on the Zoning Map of Windsor Charter Township, may be amended from time to time by the Township Board in accordance with Act 110 of the Michigan Public Acts of 2006 (MCL 125.3101) as said statute may be amended from time to time.

(Amend. eff. 7-18-07)

110.902 - Initiation of amendments.

Sec. 9.2. 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 (1) or more owners of property to be affected by the proposed amendment.

110.903 - Amendment procedure.

Sec. 9.3.

9.3.1. *Petition to Township Board.* Petitions for rezoning shall be submitted to the Township Clerk on a standard form. Each petition shall be filed by the owner, or his designated agent, and shall cover one (1) property description. A fee as established from time to time by Resolution of the Township Board shall be paid at the time of the application to cover the cost of necessary advertising, public hearing, signage, and for investigation of the amendment request. The Township Clerk shall transmit a copy of the application to the Township Board and to the Planning Commission.

- (1) In the event the landowner or authorized entity acting on behalf of the landowner desires or intends to propose a particular land use or development as a condition to rezoning pursuant to PA 2006 No. 110 (MCL 125.3405), a written notice of intent to make such an offer shall be given to the Zoning Administrator.
- (2) The notice of intent required herein shall be in writing and shall be accompanied by a proposed covenant to run with the land regarding the proposed use of a proposed agreement setting forth the development conditions relating to said rezoning request.
- (3) Unless waived by the Township Board, all proposals for conditional zoning shall be reviewed by the Planning Commission and addressed in the Planning Commission's recommendation of the underlying rezoning request as required by Section 9.3.2 of this Article. In the consideration of such a proposal, the Planning Commission may request additional information and data as it may deem appropriate.

9.3.2. *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 Windsor Charter Township. The Planning Commission may recommend any additions or modifications to the original amendment proposal.

9.3.3. *Hearing and notice.*

- (A) *Public hearing.* The Zoning Administrator, the Township Clerk, or such other person as the Zoning Administrator or Township Clerk shall direct shall publish a notice of public hearing in a newspaper of general circulation within the Township not less than fifteen (15) days before the date said amendment will be considered for approval. The notice shall state the nature of the amendment and shall state the date, time and place where said amendment will be considered, and shall indicate when and where written comments will be received concerning the proposed amendment. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address to the Township Clerk for the purpose of receiving the notice of public hearing.
- (B) *Map amendments.* If an individual property of ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning and notice of hearing by publication in a newspaper of general circulation within the Township and by mail or personal delivery to the owner(s) of the subject property, and to all persons to whom real property is assessed within three hundred (300) feet of the subject property, and to the occupants of all structures within three hundred (300) feet of the subject property, regardless of whether said properties or occupants are located within the Township. The notice shall describe the nature of the request and the identity of the property and list all street addresses (if any) within the subject property, and shall state when and where the request will be considered, and when and where written comments concerning the request will be received. All notices required herein shall be given not less than fifteen (15) days before the date of the hearing.

If eleven (11) or more adjacent properties are proposed for rezoning, notice shall consist of publication in a newspaper of general circulation within the Township not less than fifteen (15) days before the hearing describing the nature of the request, the identity of the property, and when and where a hearing will be held, and when and where written comments will be received.

9.3.4. *Action by Township Board.* After reaching a decision, the Planning Commission shall transmit its recommendation and a summary of comments received at the public hearing to the Board of Trustees. The Board may hold a public hearing if it considers it necessary, or if requested by a property owner by certified mail or as may otherwise be required. Notice of the public hearing by the Township Board of Trustees shall be as provided in Section 202 of PA 110 of 2006 for zoning text or map amendments. The Board may refer any proposed amendments to the Planning Commission for consideration and comment within the time specified by the Board. The Board shall approve the Zoning Ordinance or any amendment thereto by the vote of a majority of its membership.

Amendment to the Zoning Ordinance for the purpose of conforming a provision of said Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of adopted amendment published without referring the amendment to any other board, agency or commission.

Following adoption, the Ordinance and any amendment shall be forwarded to the Township Clerk and notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Unless otherwise specified in the Ordinance or by law, the Ordinance or amendment shall take effect seven (7) days after publication of the notice of adoption.

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

ARTICLE X

110.1000 - DEFINITIONS

110.1001 - Rules applying to the text.

Sec. 10.1. For the purpose of this ordinance certain rules of construction apply to the text as follows:

- (1) Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm, as well as an individual.
- (3) The word "building" includes the word "structure".
- (4) The word "lot" includes the word "plot", "tract", or "parcel."
- (5) The term "shall" is always mandatory and not discretionary, the word "may" is permissive.
- (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", or arranged, or designed to be used or occupied."
- (7) Any word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

(Amended: 11-14-00)

110.1002 - Definitions.

Sec. 10.2. For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows:

Abutting: "Abutting" means having a lot line which, at not less than one (1) point, touches another property line.

Accessory building: "Accessory building" means a subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

Accessory use: "Accessory use" means a use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Addition: See "extension."

Adjacent: "Adjacent" means the status of being contiguous to or abutting. In the case of two (2) lots, "adjacent" means either or both of the following:

- (a) The first lot is directly across a public right-of-way from the second lot.
- (b) Said public right-of-way is less than one hundred (100) feet in width.

Adult foster care facility: "Adult foster care facility" means a governmental or non-governmental establishment that provides foster care for adults. This definition is described under the Adult Foster Care Licensing Act, Public Act 218 of 1979, as amended, Michigan Compiled Laws.

Adult foster care congregate facility: "Adult foster care congregate facility" means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. This definition is described under the Adult Foster Care Licensing Act, Public Act 218 of 1979, as amended, Michigan Compiled Laws.

Adult foster care family home: "Adult foster care family home" means a, private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence. This definition is described under the Adult Foster Care Licensing Act, Public Act 218 of 1979, as amended, Michigan Compiled Laws.

Adult foster care large group home: "Adult foster care large group home" means an adult foster care facility with the approved capacity to receive a least thirteen (13) but not more than twenty (20) adults to be provided foster care. This definition is described under the Adult Foster Care Licensing Act, Public Act 218 of 1979, as amended, Michigan Compiled Laws.

Adult foster care small group home: "Adult foster care small group home" means, an adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care. This definition is described under the Adult Foster Care Licensing Act, Public Act 218 of 1979, as amended, Michigan Compiled Laws.

Agricultural operations: "Agricultural operations" means any land or building used for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

"Agricultural operations" excludes the raising of commercial furbearing animals, commercial dog kennels, riding stables or academies and stone, gravel or sand quarries.

Alley: "Alley" means any dedicated public right-of-way affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: "Alteration" means any modification, addition, or change in construction or type of occupancy, and change or rearrangement in the structural parts of a building, any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one (1) location to another.

Animal hospital: "Animal hospital" means a structure or lot where animals are given medical or surgical care or treatment.

Applicant: "Applicant" means, (but not limited to) a person, company, or corporation having a legal, equitable or leasehold interest in a lot, or a representative thereof who is making a request pursuant to this Zoning Ordinance.

Assisted living: "Assisted living" means a term used to identify a variety of living arrangements such as, (but not limited to) convalescent homes, nursing homes, adult foster care facilities, skilled nursing homes and independent living facilities.

Arcade: "Arcade" means any place, premise, establishment or room set aside in a retail or commercial establishment in which are located for public use five (5) or more coin operated amusement devices. This definition does not apply to coin operated amusements devices owned or leased to a private club, religious or fraternal organization which is not open to the public.

Architectural features: "Architectural features" means cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Auditorium: "Auditorium", including school auditoriums, means a structure intended to hold a meeting, present any entertainment, including, (but not limited to) a play, musical entertainment or lecture.

Auto body and paint shop: See "garage, commercial."

Basement or cellar: "Basement" or "cellar" means that portion of a structure between floor and ceiling which is partly below and partly above grade. This definition is further defined and regulated by the Eaton County Construction Code.

Bed and breakfast: "Bed and breakfast" means a use within a single-family dwelling unit in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

Bedroom: "Bedroom" means a room within a dwelling unit which meets the following criteria:

- It is intended to be used, or is used, for sleeping purposes.
- It contains a floor area of not less than seventy (70) square feet.
- It is not the only room in the dwelling unit (i.e. an efficiency dwelling unit).

Space and occupancy standards for a bedroom shall be as mandated by the Housing Code.

Berm: "Berm" means a mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Buffer: "Buffer" means a strip of land often required between certain land uses and zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

Building: "Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or property.

Building area: "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 covered porches, terraces, and steps.

Building foot-print: See "building area."

Building, front line of: "Building, front line of" means the line that is the face of the building nearest the front line of the lot. The face includes sun parlors and enclosed porches, but does not include steps.

Building, height of: "Building, height of" means the vertical distance measured from the mean elevation of the finished grade line of ground above the front of the building, to the highest point of the roof for flat roofs, to the deck line of the mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building, principal: "Building, principal" means a building in which is conducted the main or principal use of the lot on which it is located.

Business: "Business" means an office, commercial or industrial use entered into for the purpose of financial gain, earning a livelihood or improving a person's economic conditions and desires.

Canopy: "Canopy" means an ornamental or roof-like structure which is fastened to a structure and used for protection.

Caretaker: "Caretaker" means one employed in the building or on premises during the absence of the owner, to look after goods or property of any kind.

Carport: "Carport" means an accessory structure used primarily to shelter private motor vehicles. A carport is attached to the principal structure and completely open on not less than two (2) sides.

Car wash: "Car wash" means an area of land/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery: "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child care: See "day care center."

Church: "Church" means a structure used to conduct a religious service, including, (but not limited to) the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

Clinic: "Clinic" means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentist, or similar professions.

Clubs: "Clubs" 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 merchandising, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

Common land: "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.

Comprehensive Development Plan: "Comprehensive Development Plan" means an adopted statement of policy by the Planning Commission relative to the agreed upon desirable physical pattern of future community development, consisting of a series of maps, charts, and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.

Condominium: "Condominium" means the ownership of an apartment or detached dwelling and that space enclosed by description thereof as contained in the master deed in multiple unit structures or development together with ownership of an interest in common elements.

Condominium unit: "Condominium unit" means that portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for the purposes of determining compliance of a site condominium subdivision with provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Construction: "Construction" means the putting together of materials to build a new structure or to rearrange, restore, reconstruct, extend, enlarge or repair an existing structure.

Construction, start of: "Start of construction" means the first placement of a permanent construction of a structure on a site, such as pouring slabs or footings or any work beyond the stage of excavation.

Contiguous: "Contiguous" means abutting.

Core area: "Core area" means that portion of a structure with one or more rooms directly accessible to one another, including a bathroom and complete kitchen facilities, which rooms are arranged, designed or used as living quarters for one (1) family. A core area shall be measured from the interior faces of the exterior walls.

Court: "Court" means an area enclosed on not more than three (3) sides by exterior walls of a building, or by a combination of exterior walls and free standing walls with one (1) side or end open to a street, alley, or yard.

Convalescent or nursing home: "Convalescent or nursing home" means a building wherein infirm, aged or incapacitated persons are furnished shelter, care, food, lodging and needed attention for a compensation.

Damaged: "Damaged" means an item that still functions as it was intended, but is missing parts or has parts that have suffered some degree of destruction.

Day care center: "Day care center" means a "child care" or "day care center," which is a facility other than a private residence, which receives one (1) or more preschool or school age children for care", as further defined regulated by the State of Michigan under Act No. 116 of the Public Acts of 1973, as amended being sec. 722.112 of the Michigan Compiled Laws.

Days: "Days" mean calendar days, unless otherwise stated.

Density: "Density" means the number of dwelling units permitted per net acre of land.

Density, gross: "Gross density" means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

Density, net: "Net density" means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a governmental entity, used by a private street or occupied by a nonresidential use. In addition, net density shall also exclude (but not limited to) easements, water, and flood plain areas, unless it can be shown that these areas can be integrated and utilized as an integral part and be a benefit to the development project.

Deteriorated: "Deteriorated" means an item which still functions as it was intended, but is missing parts or requires substantial maintenance.

Dimensional requirements: "Dimensional requirements" mean one (1) or more of the following:

- Lot area requirements.
- Front yard requirements.
- Side yard requirements.
- Rear yard requirements.
- Parking requirements.
- Height requirements; or
- Density requirements.

Discontinue or abandonment: See "non-conforming uses."

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

Drive-in: "Drive-in" means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle as well as within a building or structure, including customer communication facilities for banks or other uses.

Drive-in restaurant: See "Restaurant, drive-in."

Dwelling, single-family: "Single-family dwelling" means a detached building designed for or occupied exclusively by one (1) family.

Dwelling, townhouse: "Townhouse dwelling" means three (3) or more one family dwelling units with common walls separating the dwelling units.

Dwelling, two-family: "Two-family dwelling" means a detached building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, multiple-family: "Multiple-family dwelling" means a building, or portion thereof, used or designed to contain separate living units for three (3) or more families, but which may have joint services or facilities or both.

Dwelling unit: "Dwelling unit" means a building or structure, or a portion thereof, designed exclusively for residential occupancy by one (1) family and having cooking facilities.

"Dwelling unit" includes a structure constructed on site, a mobile home not located in a mobile home park, a manufactured unit, a precut structure or panelized structure, whether erected above and/or below ground, which complies with following standards:

- A. It shall conform to the minimum residential lot dimensional requirements for the district in which it is located.
- B. It shall contain a core area of living space of at least twenty-four (24) feet by twenty-four (24) feet in size and shall have a minimum internal height of seven and one-half (7½) feet.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Construction Code for the County, and has a wall of the same perimeter dimensions as the structure which is constructed of such materials and type as required in the County Construction Code. If the structure is a mobile home not located in a mobile home park, it shall be installed pursuant to the manufacturer's set-up instructions, devices complying with the state and federal rules and regulations governing the same and shall have a perimeter wall as required in this paragraph which is aesthetically compatible in design and appearance with conventionally on site constructed homes.
- D. If it is not a structure constructed on site, it shall be aesthetically compatible in design and appearance with conventionally on-site constructed homes. For the purpose of compatibility, all structures shall:
 1. Have not less than two (2) exterior doors on two (2) different sides.
 2. Have permanently attached steps connected to exterior door areas or porches connected to exterior door areas where required by a difference in elevations;
 3. Have siding firmly affixed to exterior walls of the structure constructed of conventional materials such as wood, vinyl, aluminum or brick;
 4. Have a shingled roof constructed of conventional material which roof is permanently attached to the structure and has a minimum 3:12 pitch and an overhang of a least one (1) foot; and
 5. Not have wheels, towing mechanisms, undercarriages or chassis that are visible from the outside of the structure.

This paragraph shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or architectural design.

Dwelling unit, efficiency: "Efficiency dwelling unit" means a dwelling unit of not more than one (1) room in addition to a kitchen and bathroom.

Easement: "Easement" means a grant of one (1) or more of the property rights by a property owner to and/or for use by the public or another person or entity.

E.C.H.O. dwelling unit: "Elderly cottage housing opportunities dwelling unit" means an accessory apartment for extended living facilities for a member of the immediate family including but not limited to an elderly parent or handicap person.

Educational or social institution: "Educational or social institution", means a public or private institution or a separate school or department of a school, and includes an academy, college, elementary or secondary school, university or a business, nursing, professional, secretarial, technical or vocational school, and includes an agent of an educational institution.

Emergency service facility: "Emergency service facility" means a building, land or facility that includes, (but is not limited to) public or private civil defense ambulance, or fire service.

Erected: See "alteration" and "construction."

Essential services: "Essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of overhead, surface, or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

Excavation: "Excavation" means any breaking of ground, except for agricultural purposes, ground care and landscaping.

Extended or extension: "Extended" or "extension" means an addition or the enlargement or the expansion to the floor area of an existing structure, an increase in the intensity of use, enlargement of land area utilized by a specific use or an increase in the activity of a use.

Family: "Family" means an individual, or two (2) or more persons related by blood, marriage, or adoption, or a group not to exceed two (2) persons not related by blood, marriage or adoption, occupying a premise and living as a single nonprofit house keeping unit as distinguished from a functional family dwelling.

Family day care home: "Family day care home" means a facility regulated through a registration process and provides care for six (6) or fewer unrelated children. The family day care home is further defined and regulated by the State of Michigan under Act No. 116 of the Public Acts of 1973 as amended, being Sec. 722.112 of the Michigan Compiled Laws.

Family, functional: "Functional family" means a group of persons which does not meet the definition of "family" herein, living in a dwelling unit as a single housekeeping unit and intended to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Farm: "Farm" means any parcel of land containing at least twenty (20) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within prescribed property boundaries, and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

Filling: "Filling" means the permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care or landscaping.

Flea market: "Flea market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, and not junk as here in defined, for sale to the public, not to include private garage sales.

Flood plain: "Flood plain" means the area of land adjoining the channel of a river, stream, water course, lake or other similar body of water, which area of land will be inundated by a base flood, as determined by studies of the U.S. Army Corps of Engineers and the Michigan Water Resources Commission, or the Flood Insurance Rate Map as issued by the Federal Insurance Administrator.

Floor area: "Floor area" means the sum of the gross horizontal areas of the floors or building or dwelling unit, measured from the exterior faces of the exterior walls, or from the center line of walls separating dwelling units.

Floor area, useable: "Useable floor area" means for the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage of or processing of merchandise shall be excluded from this computation of "useable floor area." Measurement of useable shall be the sum of each story of the structure.

Frontage, road: "Road frontage" means a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design, The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Funeral home: "Funeral home" means a structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Garage, commercial: "Commercial garage" means any garage, other than a private garage, available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage, parking: "Parking garage" 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: "Private garage" means an accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, and similar vehicles owned and used by the occupant of the building to which it is accessory.

Gasoline service station: "Gasoline service station" means any area of land, including any structure or structures thereon, that is used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, dry cleaning, spraying (but not including painting), or other cleaning or servicing such motor vehicles.

Golf course: "Golf course" means a comparatively large, unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

Governmental entity: "Governmental entity" means the federal government, this state or any of its instrumentalities; a county, city, township, village, school district, community college district or community hospital district; any agency authorized to exercise a governmental function in a limited geographical area or other political subdivision; any instrumentality of one (1) or more of such units; or any of such units and one (1) or more other states or political subdivisions of such states.

Grade, finished: "Finished grade" means the completed surfaces of lawns, walks, and roads brought to grade as shown on official plans or designs related thereto.

Group day care home: "Group day care home" means a facility regulated through the licensing process, and provides care for seven (7) to twelve (12) unrelated children. A group day care home is further defined and regulated by the State of Michigan under Act 116 of the Public Acts of 1973 as amended, being Sec. 722.112 of the Michigan Compiled Laws.

Haul road: "Haul road" means a private road utilized by trucks, tractors or other similar vehicles to haul materials to or from construction sites, borrow pits or landfills.

Health club: "Health club" means, (but is not limited to) gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Home occupation: "Home occupation" means an accessory use of a dwelling unit involving the manufacture, provision or sale of goods and/or services which is conducted entirely within the dwelling unit by one (1) or more persons, all of whom reside in the dwelling, and is clearly incidental and secondary to the use of the dwelling as a residence. Among the permitted occupations is the giving of instruction in a craft or fine art within the residence, subject to applicable noise, advertising, traffic, hours of operation or other conditions that may accompany the use of a residence as a home occupation.

Home occupation, rural: "Rural home occupation" means an accessory use to a customary farming operation or a non-farm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) linear feet of the dwelling unit occupied by the family conducting the home occupation.

Hospital: "Hospital" means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

Hotel: "Hotel" means a building in which the rooms are designed for temporary abiding places for individuals who are lodged with or without meals, and in which there are more than ten (10) sleeping rooms which may or may not be served by a general kitchen and dining facility located within the building.

Housing for the elderly: See various definitions for this type of housing.

Intensity of Use: "Intensity of use" means, and is measured, (but not limited to) by the following:

- (1) The amount of vehicular traffic generated.
- (2) Amount of pedestrian traffic generated.
- (3) Noise, odor, and air pollution generated.
- (4) Potential for litter and debris.
- (5) Type and location of storage of materials connected with the use.
- (6) Type of equipment associated with the development.
- (7) Total structure coverage and structure height on the parcel.
- (8) The location of the proposed development on the site and the relationship to the adjacent land use pattern.
- (9) Hours of operation.
- (10) Number of employees and customers.
- (11) Type of advertising.
- (12) Number of residential occupants.

Junk: "Junk" means any of the following products, (but not limited to) which are in such a condition that the product cannot be used for which it was manufactured:

- (1) Motor vehicles;
- (2) Machinery;
- (3) Appliances;
- (4) Merchandise with missing parts;
- (5) Scrap metal; and
- (6) Scrap materials, including, (but not limited to) rags, paper, or building materials.

Junkyard: "Junkyard" means a lot, or parcel of land used to store or process junk.

kennel: "Kennel" means any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. "Kennel" shall also mean the keeping of five (5) dogs, cats, and/or other household pets over the age of six (6) months.

Landfill: "Landfill" mean a tract of land developed, designed and operated for the disposal of solid waste in a manner consistent with the criteria established by Act 641 of 1978, as amended.

Line, street: "Street line" means the dividing line between a street right-of-way and a lot.

Loading and unloading space or area: "Loading and unloading space or area" means an off street space on the same lot with a structure or group of structures for the temporary parking of commercial vehicles while loading and unloading merchandise or materials, and having direct and unobstructed access to a public street or alley. "Unobstructed" does not preclude the use of security devices.

Lodging house: "Lodging house" means a building in which three (3) or more rooms are rented and in which no table board is furnished, but not exceeding five (5) persons.

Lot: "Lot" means land occupied or to be occupied by a building, structure, land use, or group of buildings, together with such open spaces or yards as are required under this ordinance, and having its principal frontage upon a street.

Lot area: "Lot area" means the total area within the property lines of a lot, excluding any public lands, such as rights-of-ways, public open space, etc.

Lot, corner: "Corner lot" means a lot which has at least two (2) contiguous sides abutting upon a street for their full length.

Lot coverage: "Lot coverage" means the part or percentage of lot area occupied by structures and hard-surfaced parking areas.

Lot, depth of: "Depth of lot" means the distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, interior: "Interior lot" means a lot other than a corner lot.

Lot line: "Lot line" means the lines bounding a lot as herein described.

Lot line, front: "Front lot line" means, in the case of an interior lot, that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.

Lot line, rear: "Rear lot line" means that lot line opposite and most distant from the front lot line. In the case of an irregular shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length lying farthest from the front lot line and wholly within the lot.

Lot line, side: "Side lot line" means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot line or lots is an interior side lot line.

Lot of record: "Lot of record" means a lot which is part of a subdivision or condominium development the map of which has been recorded in the office of the Register of Deeds of Eaton County, or a lot described by metes and bounds, the deed to which has been recorded in office of the Register of Deeds of Eaton County.

Lot width: "Lot width" means the width measured along the front lot line or street line.

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

Mini-warehouse: "Mini-warehouse" means a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Mobile home: "Mobile home" means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, airconditioning, and electrical systems contained in the structure. A "mobile home" includes "Manufactured Housing", but does not include motor homes or travel trailers.

Mobile home park: "Mobile home park" means any lot, site parcel, or tract of land under the control or management of any person, upon which two (2) or more mobile homes are parked, or which is offered to the public for that purpose, regardless of whether a charge is made therefor or not, and including any building, structure, tent, vehicle, or enclosure used or intended to be used as part of the equipment of such mobile home park.

Motel: "Motel" means a building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient travelers, and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts", "tourist courts", "motor courts", "motor hotel", and similar appellations which are designed as integrated units of individual rooms under common ownership.

Non-conforming use: "Non-conforming use" means a building structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the zoning in which it is situated.

Non-residential use: "Non-residential use" means any use not a residential use.

Nursery: (relating to plant material), "nursery" means any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

Office: "Office" means a building or portion of a building wherein services are performed involving predominantly administrative professional or clerical operations.

Off-street parking structure: See "public garage."

Open space: "Open space" means any unoccupied space open to the sky on the same lot with a building.

Open storage: "Open storage" means any items which are stored in the open and which are inoperable, damaged, and/or deteriorated in such a condition that any such item cannot be used for the purpose for which it was manufactured, or is not reasonably associated with the principal use of the lot itself, including but not limited to those items listed under the definition of, "junk".

Outdoor play space: "Outdoor play space" means that outside area on a lot reserved at various types of child care facilities for outside exercise, and motor skill development.

Parking space: "Parking space" means an area of not less than one hundred eighty (180) square feet in area, exclusive of drives, aisles or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

Planned unit development: "Planned unit development" means a large area which has both individual building sites and common property, such as a park, and which is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit.

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

Public building: "Public building" means any building designed and used primarily for public use.

Raw material: "Raw material" means any material used in manufacturing which is not processed or refined.

Rebuild: See "reconstruction"

Reconstruction: "Reconstruction" means the act of rebuilding a structure to meet the standards of the building and/or housing codes.

Recreation facility: "Recreation facility" means a structure or open space which provides activities, including, (but not limited to) swimming, racquet sports, exercise and fitness rooms or areas and gymnasiums.

Recreation, private: "Private recreation" means a recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individual and/or organizations and/or the public, consisting primarily of manmade structures and/or other artificial apparatus which are necessary to/or form the basis for said use.

Recreation, public: "Public recreation" means any recreational space or structure owned by the public, or any space or structure or combination thereof, privately owned and used by the public, consisting primarily of the utilization of natural physical features as the basis for said use, structures and artificial apparatus which are being secondary to the primary outdoor use.

Recycling center: "Recycling center" means a facility that is not a junkyard and in which recoverable resources, (including, but not limited to) such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling collection point: "Recycling collection point" means an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or other public/quasi-public areas, such as churches and schools.

Recycling plant: "Recycling plant" means a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Religious institution: See "church".

Repair: "Repair" means to restore to a sound or good state after decay, dilapidation or partial destruction.

Residential care facility: "Residential care facility" means a governmental or non-governmental establishment having as its principal function foster care for more than six (6) persons. "Foster care" means the provision for supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day and five (5) or more days a week and for two (2) or more consecutive weeks, with or without compensation. "Residential care facility" includes, (but not limited to) facilities for persons who are homeless, parolees, exoffenders, aged, emotionally disturbed, developmental disabled or physical handicapped who require supervision on an on-going basis but do not require continuous nursing care. A residential care facility does not include any of the following:

- A. A nursing home licensed under Article 17 of Public Act 368 of 1978, as amended, being M.C.L.A. 333.20101 to 333.22181.
- B. A hospital licensed under Article 17 of Public Act 368; or
- C. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Mental Health under Public Act 258 of 1974, as amended being M.C.L.A. 330.1001 to 330.2106.

Residential use: "Residential use" means, (but not limited to) a use of a lot as a single-family, two-family or multi-family residence, boarding or lodging house or residential care facility and accessory uses thereto. Residential use also includes any type of assisted living facilities, and child care establishments.

Restaurant: "Restaurant" means an establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes.

Restaurant, drive-in: "Drive-in restaurant" means a retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restoration: "Restoration" means to put back into original or historic condition.

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

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

Salvage yard: "Salvage yard" means any land or building over two hundred (200) square feet in area used for abandonment, storage, keeping, collection, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvage of automobiles or other vehicles or machinery or parts thereof.

School: See "educational or social institution."

Stable, private: "Private stable" means (but not limited to) a structure and land where horses, mules, and/or donkeys are kept for private use and not for remuneration, hire or sale.

Stable, public: "Public stable" means (but not limited to) a structure and land where horses, mules, and/or donkeys are kept for remuneration, hire, sale, boarding, riding, or show.

Storage: "Storage" means the holding or safekeeping of goods to await the happening of some future event or contingency which will call for the removal of the goods.

Storage yard: "Storage yard" in any residential, office or commercial district means a lot used for the holding of any type of product which is not reasonably associated with the principal use itself. "Storage yard" in an M-1 or M-2 industrial district means a lot used for the holding, in the open, of any type of product, subject to the following conditions:

1. The product is not junk, unless the junk is associated with the normal functioning of the principal use.
2. The lot is not used as a "salvage yard."
3. The product is not normally used in the functioning of the principal use.

Story: "Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, then the space between the floor and ceiling next above it.

Story, half: "Half story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Story, height of: "Height of story" means the vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists or rafters.

Street: "Street" means a public thoroughfare which affords the principal means of access to abutting property.

Street line: "Street line" means a legal line of demarcation between a street and abutting land.

Street classifications:

- *Freeway:* "Freeway" means a highway as currently defined in the Comprehensive Development Plan of 1972 as amended.
- *Regional arterial:* "Regional arterial" means a street or road as currently defined in the Comprehensive Development Plan, of 1972 as amended.

- *Local arterial*: "Local arterial" means a street or road as currently defined in the Comprehensive Development Plan of 1972 as amended.
- *Collector Street*: "Collector street" means a street or road as currently defined in the Comprehensive Development Plan of 1972 as amended.
- *Residential collector street*: "Residential collector street" means a street that conducts and distributes traffic between other residential streets of lower order in the streets hierarchy and higher order streets or major activity centers.
- *Cul-de-sac*: "Cul-de-sac" means a local street, one (1) end of which is closed and consists of a circular turn around.
- *Private street*: "Private street" means a street which is not public.
- *Public street*: "Public street" means a public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, alley, lane or court which affords the principal means of access to abutting property.
- *Residential streets*: "Residential streets" means streets, that have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself.

The foregoing street classifications are categorized for convenience.

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

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

Temporary building or structure: "Temporary building or structure" means a building or structure which is located on a lot for less than one (1) year, or, if the building or structure is connected with a construction activity on a lot until the construction activity is completed, providing a temporary permit has been issued.

Temporary use: "Temporary use" means any use for which a temporary permit has been issued, that is not permitted as a principal use, accessory use or conditional use in a zoning district, and which is limited in its duration.

Trailer: "Trailer" means a vehicle standing on wheels or rigid supports which is used for temporary living or sleeping purposes. "Trailer" includes a recreational vehicle.

Trailer camp: "Trailer camp" means a tract of land used or designed for the use of two (2) or more trailers as temporary residences.

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

Veterinarian hospital: See "animal hospital."

Warehouse: "Warehouse" means a structure for storage of merchandise or commodities.

Wireless communication towers and antennas, Section 8.6.2(8).

Alternative tower structure: "Alternative Tower Structure" means man made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

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

Backhaul network: "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching office(s), and/or long distance providers, or the public switched telephone network.

FAA: "FAA" means the Federal Aviation Administration.

FCC: "FCC" means the Federal Communications Commission.

Height: "Height" means 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.

Preexisting towers and preexisting antennas: "Preexisting towers and preexisting antennas" means any legally existing tower or antennal prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower: "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one (1) 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.

The foregoing definitions for wireless communication towers and antennas are duplicated from Section 8.6.2(8)

Yard: "Yard" means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, front: "Front yard" means a yard extending across the front of a lot between the side lot lines and measured between the front lot line and the nearest point of the building or land use.

Yard, rear: "Rear yard" means an open space on the same lot with a main building, unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there is an alley, and rear line of the building.

Yard, side: "Side yard" means an open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line, not a front or rear line, shall be deemed a side line.

Zoning Administrator or Officer: "Zoning Administrator or Officer" means Township Supervisor or other designated official.

Zoning District: "Zoning District" means a geographical portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

Zoning District Map: "Zoning District Map" means a map which the boundaries of the districts are described and established as shown upon the official zoning map of the Charter Township of Windsor, which map is incorporated by reference and made part of this "Zoning Ordinance".

Zoning Ordinance: "Zoning Ordinance" means Ordinance 25, passed by the Windsor Township Board in September 22, 1996, as amended from time to time.

Zoning transmittal: "Zoning transmittal" means an authorization issued by the Township Supervisor giving zoning clearance to obtain a building permit for construction on property.

Zoning variance: "Zoning variance" means a modification of the strict letter of the zoning code granted when, by reason of exceptional conditions, the strict application of the zoning code results in peculiar, exceptional or practical difficulties or unnecessary hardship to the owner of the lot.

(Amended: 11-14-00; 7-18-07)

ARTICLE XI

110.1100 - VALIDITY

110.1101 - Validity.

Sec. 11.1. Should any article, section, clause, or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XII

110.1200 - REPEALS

110.1201 - Repeals.

Sec. 12.1. Ordinance No. 19, enacted by Windsor Charter Township on June 21, 1972, and amended effective June 21, 1972, is hereby repealed. Parts of other ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

ARTICLE XIII

110.1300 - EFFECTIVE DATE

110.1301 - Effective date.

Sec. 13.1. This ordinance shall become effective September 22, 1996.