

ZONING ORDINANCE

TOWNSHIP OF

ATLAS

COUNTY OF

GENESEE

STATE OF MICHIGAN

Published in 1993 by Order of the Township Board



info@municode.com | 800.262.2633 | www.municode.com

P.O. Box 2235 Tallahassee, FL 32316

PREFACE

This is a compilation of the Zoning Ordinances of the Township of Atlas, which includes the currently operative Zoning Ordinance of July 9, 1977, compiled with all amendments through and including amendments passed on August 16, 1993.

The chronological listing of all zoning amendments, including title and location within the compilation, reflects all ordinances adopted, amended or repealed, thus providing a valuable record of the municipality's ordinance history.

Section headings in boldface type have been provided, if not supplied in the original copy, to facilitate usage. Sections that are subsequently amended are followed by a history note indicating the adoption date of the amendment. Cross reference notations are included to provide quick referral to other ordinances and/or sections dealing with similar subjects.

Running heads at the top of the page contain an abbreviated article title and section numbers to provide a guide for locating specific information quickly. The section number appearing in the running head on the left-hand page cites the section material beginning the page; the number on the right-hand page cites the section material concluding the page. Tabs indicating the articles of the ordinance further facilitate usage.

The exact wording of the ordinances has been preserved. Since ordinances are legal documents, editorial changes in a compilation are minor, limited primarily to correction of obvious typographical errors and resolving, upon specific instructions from the municipality, any duplications and inconsistencies brought to their attention during the preparation of the proof copy of the compilation. Any additions to text by the editor appear in brackets.

Numbering system

Each ordinance is assigned a part number. The part number is used to identify the ordinance primarily for indexing and cross reference purposes. Each succeeding article and/or section deriving from that ordinance will have the same number on the left-hand side of the decimal point. For example, section number 12.004 refers to section 4 of the ordinance assigned to part 12. Part numbers allow for expansion within each of the categories and within the compilation as a whole.

Index

The alphabetical index permits easy location of ordinances by subject. Main entries are in all uppercase letters. Under the entry for each ordinance, the catchlines of all sections appear in lowercase, indented and alphabetized. Cross references and additional entries are provided where necessary to direct the user to a particular topic. In preparing the index the proper balance has been achieved between creating an index comprehensive enough to be useful and yet not so detailed that it requires extensive revision each time an ordinance is enacted, repealed, or amended.

Looseleaf supplements

Since an ordinance compilation, unlike a bound book, is constantly in a state of evolution, a special feature of this compilation is the looseleaf system of binding. With this system, the compilation can easily be kept up-to-date by submitting copies of amendments to the Zoning Ordinance as they are enacted. These will then be incorporated by the editor into the compilation, and the appropriate pages will be revised or created for distribution to the holders of copies, with specific instructions for the manner of removing obsolete pages and inserting the current ones. Through regular supplementation, the compilation will continue to remain current and useful. \$end\$

LISTING OF ORDINANCES

Ord. No.	Subject	Location
—	Subdivision Control Ordinance	<u>235.000</u>
5	Private Roads Ordinance	<u>236.000</u>
92-004	Amendment to Private Roads Ordinance Ord. No. 5	
92-005	Standards for the Construction of Roads Not Maintained at Public Expense	<u>237.000</u>
92-006	Standards for the Construction of Roads Not Maintained at Public Expense (Repealed by Ord. No. 94-003)	
—	Plat Fee Ordinance	<u>238.000</u>
88-06	(Repealed by Ord. No. 99-004)	
—	Zoning Ordinance	<u>300.000</u>
84-02	Amendment to Zoning Ordinance	300.255a, 300.155b, <u>300.330</u>
—	Amendment to Zoning Ordinance	<u>300.303 H.</u>
85-01	Amendment to Zoning Ordinance	300.222a, 300.222b,

		<u>300.312</u>
—	Amendment No. 1 to Zoning Ordinance	<u>300.409, 300.509,</u>
		<u>300.609, 300.711</u>
—	Amendment No. 2 to Zoning Ordinance	<u>300.404, 300.504,</u>
		<u>300.604</u>
—	Amendment No. 3 to Zoning Ordinance	<u>300.402</u> A., C.,
		D., H., J.—M.
		<u>300.702</u> C., D., E.,
		<u>300.802</u> G.,
		<u>300.902</u> B.,
		<u>300.1202</u> C.3.,
—	Amendment No. 4 to Zoning Ordinance	<u>300.400,</u>
		<u>300.400</u> A.,
		<u>300.500, 300.600,</u>
		<u>300.700, 300.800,</u>
		<u>300.900, 300.1000,</u>
		<u>300.1100, 300.1200</u>
—	Amendment No. 5 to Zoning Amendment	<u>300.312,</u>
		<u>300.314,</u>
		<u>300.320a, 300.331,</u>
		<u>300.607</u>
		<u>300.1301</u>
		<u>300.1303</u> (8),(9)
—	Amendment No. 6 to Zoning Ordinance	<u>300.200</u> (2.10a),
		(2.13a), (2.13b),
		(2.13c),
		(2.13d), (2.20a),
		(2.20b),
		(2.22a), (2.31a),
		(2.42)
—	Amendment No. 7 to Zoning Ordinance	<u>300.322</u>
		<u>300.200</u> (2.19a),
		(2.22c), (2.39a)
—	Amendment No. 8 to Zoning Ordinance	300.1309
—	Amendment No. 9 to Zoning Ordinance	<u>300.12A00</u>
—	Amendment No. 10 to Zoning Ordinance	<u>300.12B00</u>
—	Amendment No. 11 to Zoning Ordinance	<u>300.12C00</u>
—	Amendment No. 12 to Zoning Ordinance	300.2A00
—	Amendment No. 13 to Zoning Ordinance	<u>300.12D00</u>
94-002	Private Roads	<u>236.002</u>
94-004	Standards for the Construction of Driveways not Maintained at Public Expense	<u>240.001</u> —240.004
96-001	Amends Zoning Ordinance	<u>300.504</u>
97-001	Land Division Ordinance	<u>241.001</u> —241.013
—	Amends Zoning Ordinance	<u>300.312</u> A.

		<u>300.504</u>
97-002	Amends Zoning Ordinance	<u>300.1302</u>
		<u>300.1309</u>
98-005	Amends Zoning Ordinance	<u>300.331</u>
98-006	Amends Zoning Ordinance	<u>300.332</u>
99-003	Amends Zoning Ordinance	<u>300.201</u> (2.35)—(2.37), <u>300.310</u>
		<u>300.313 A., B.</u>
99-004	Repealed Property Division Ordinance	239.000—239.005
99-005	Amends Ord. No. 97-001	<u>241.006 A.</u>
		<u>241.007 D.</u>
99-006	Amends Zoning Ordinance	<u>300.902 B.33.</u>
99-008	Amends Plat Fee Ordinance	<u>238.001</u>
		<u>238.002</u>
99-009	Amends Zoning Ordinance	<u>300.201(2.13e)</u>
—	Amends Zoning Ordinance (Amend. of 6-19-00)	<u>300.201(2.62a),</u>
		(2.62b)
		<u>300.333</u>
—	Amends Zoning Ordinance (Amend. of 6-19-00)	<u>300.334,</u>
		<u>300.1301 C.</u>
—	Amends Zoning Ordinance (Amend. of 4-16-01)	<u>300.201(2.02a),</u>
		<u>300.401 G.</u>
		<u>300.602 G.</u>
		<u>300.701 G.</u>
—	Amends Zoning Ordinance (Amend. of 6-17-02)	<u>300.335</u>
—	Amends Zoning Ordinance (Amend. of 6-17-02)	<u>300.404</u>
—	Amends Zoning Ordinance (Amend. of 7-15-02)	<u>300.7A00—</u>
		<u>300.7A07</u>
—	Amends Zoning Ordinance	<u>300.336</u>
—	Amends Land Division Ordinance (Amend. of 4-21-03)	<u>241.008 D.—F.</u>
—	Amends Zoning Ordinance (Amend. of 5-19-03)	<u>300.332</u>
04-02	Amends Land Division Ordinance	<u>241.005</u>
04-007	Amends Zoning Ordinance	<u>300.335</u>
06-001	Adds Sign Ordinance	<u>300.3B00</u>
06-002	Adds Roads	<u>237.000</u>
06-004	Amends Zoning Ordinance	<u>300.201(2.21),</u>
		<u>300.400, 300.401</u>
—	Amends Zoning Ordinance (Amend. of 6-21-06)	<u>300.201(2.45)—</u>
		(2.48), (3.21)
		<u>300.401 F.</u>
		<u>300.701 F.</u>
		<u>300.801 C.</u>
		<u>300.902 B.6.</u>
		<u>300.1302 E.8.q.</u>

		<u>300.322</u> B.
		<u>300.333</u> C.1.c.
		<u>300.334</u> C.2.
		<u>300.402</u> I., K.6.
		<u>300.702</u> C.3.
07-003	Amends Zoning Ordinance	<u>300.310</u> A.2., D., F., <u>300.401</u> G., <u>300.701</u> G., H., <u>300.1301</u> B.5, E., <u>300.1303</u> tit., B.1., 3., 4., C. <u>300.1304</u> B.4., <u>300.1305</u> B., C.
07-03	Nonconforming uses, structures and lots	<u>300.310</u> C.2.
08-01	Amendments to Article XIII	<u>300.1302</u> E.5., 6
09-01	Amends Land Division Ordinance	<u>241.000</u>
10-002	Amending General Provisions	<u>300.201</u> (2.55c), (2.62a—f), <u>300.337</u>
10-003	Amending home occupation provisions	<u>300.322</u>
—	Amending Zoning Ordinance (Amend. of 10-15-12)	<u>300.201</u> (2.02b), (2.40a) <u>300.402</u> E
<u>13-03</u>	Amends Sign Ordinance	<u>300.3B12</u> 1
<u>13-04</u>	Amends Wireless Telecommunication Facilities	<u>300.333</u>
<u>13-05</u>	Amends Private Roads Ordinance	<u>236.001</u> , <u>236.002</u> , <u>300.810</u> , <u>300.12.D</u> 00, 01
<u>14-01</u>	Amends Definitions and General Provisions	<u>300.201</u> 2.39a., <u>300.303</u> H
<u>14-02</u>	Amends Political Sign Provisions	<u>300.3B12</u> 8
—	Amending Zoning Ordinance (Amend. of 5-15-17.)	<u>241.008</u>
—	Amending Zoning Ordinance (Amend. of 5-15-17.)	<u>300.331</u> 2
—	Amending Zoning Ordinance (Amend. of 5-15-17.)	<u>300.504</u>
—	Amending Zoning Ordinance (Amend. of 5-15-17.)	<u>300.1302</u> D.2.
—	Amends Roads Ordinance (Amend. of 11-19-18.)	<u>237.007</u>
—	Amending Zoning Ordinance (Amend. of 11-19-18.)	<u>300.201</u> 2.01, 2.08, 2.50, <u>300.338</u> , <u>300.339</u> , <u>300.340</u> , <u>300.302</u> N, <u>300.502</u> C, <u>300.601</u> A.2, <u>300.1302</u> B.6, C.4, F
<u>21-01</u>	Amends Zoning Ordinance	<u>300.341</u>
<u>21-02</u>	Amends Zoning Ordinance	<u>300.902</u> B.32

Part 235

235.000 - SUBDIVISION CONTROL ORDINANCE Ord. No. 06-005 Adopted: December 18, 2006

An Ordinance to regulate the subdivision of land in Atlas Township, Genesee County, Michigan; to require and regulate the preparation and presentation of preliminary and final plats, to establish minimum standards which must be met or guaranteed by the subdivider, to set forth a procedure to be followed by the township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this ordinance.

THE TOWNSHIP OF ATLAS, GENESEE COUNTY, MICHIGAN ORDAINS:

235.001 - Title.

Sec. 1. This ordinance shall be known as the Atlas Township Subdivision Control Ordinance.

235.002 - Purpose.

Sec. 2. The purpose of this ordinance is to regulate and control the subdivisions of land within the township in order to promote the public safety, health and general welfare.

235.003 - Welfare.

Sec. 3. This ordinance is enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, and Public Act 246 of 1945, as amended, which authorizes township boards to adopt ordinances, to secure the public health, safety and general welfare.

235.004 - Submission of pre-preliminary plat.

Sec. 4.

(1) *Not required.*

Prior to the submission of a preliminary plat, the applicant may meet informally with the site plan review committee, who may include the full planning commission, to investigate the procedures and standards of Atlas Township. This provision is voluntary. Applicants may proceed to submission of preliminary plat without penalty.

Prior to this review, the applicant shall file two copies of a sketch plan to the township clerk at least ten days prior to a meeting of the site plan review committee.

Sketch plan requirements B.

A. The plan shall include the proposed plats development scheme including:

1. General layout of streets and lots.
2. Existing structures and conditions of the site, and adjacent parcels.

Acceptance and review of a pre-preliminary sketch plan does not obligate the township or applicant in whole or in part for any aspect of the proposed development.

(2) *Tentative approval—Mandatory*

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the township board for tentative approval, shall submit not less than ten legible copies of said proposed preliminary plat. Said copies must contain, as a minimum, the following information and fees:

A. *Required site plan contents.*

1. Applicants shall remit all fees required by ordinance at the time of application and place on deposit an amount representing one percent of the current assessed value of the property for fees incurred by the township for consultants review of the proposed project.
2. A completed application form which contains the names and addresses of all property owners and the applicant; the interest of the applicant in the property; the name and addresses of the developer; and current proof of ownership of the land to be site planned or evidence of a contractual ability to acquire such land.
3. The site plan shall be drawn at an engineering scale of:

Acreage	Scale
5 or more	1" = 200'
2—4.99	1" = 100'
1—1.99	1" = 50'
0—.99	1" - 20'

4. The site plan shall have a cover sheet containing:
 - a. The name and address of the project;
 - b. The name, address, and professional certified seal of an engineer, surveyor or responsible for preparation of the site plan;
 - c. A complete and current legal description and size of the property in acres and square feet. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles and bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description;
 - d. A location sketch of sufficient size, scale and detail to locate the property within the township;
 - e. Title block with north arrow, date of preparation, and date of any revisions.
5. The site plan shall contain existing condition sheets illustrating:
 - a. All existing lot lines and dimensions, including setback lines and existing or proposed easements (proof of ownership of such easements to accompany the site plan submission).
 - b. Existing topography (minimum contour interval of two feet).
 - c.

Existing natural features such as streams, marshes, ponds, drainage patterns, 100-year flood plain boundary and the limits of any wetland, including attachment of a wetland determination by a recognized consultant. Also note if the site is within 500 feet of a lake, river, stream, drainage course, or other waterway.

- d. Existing woodlands shall be shown by approximate outline of the total canopy: individual deciduous trees over eight inches in caliper measured at a height of four and one-half above the ground and individual evergreen trees six feet in height or higher, when not a part of a group of trees shall be accurately located and identified by species and size (caliper for deciduous, height for evergreens).
 - e. Soil characteristics of the parcel, if not served by sanitary sewer, showing at minimum the detail as provided by the Soil Conservation Service Soil Survey of Genesee County.
 - f. Zoning and current land use of applicant's property and all abutting properties including properties across any public or private street.
 - g. Buildings and structures within the subject site and within 400 feet of the property lines.
 - h. An aerial photograph indicating the limits of the site, surrounding land uses and street system is required for site of 20 acres or more.
6. The site plan shall contain proposed project information as follows:
- a. The location of all existing buildings, structures, street names and existing rights-of-way, utility poles, towers, drainage ditches, culverts, pavement, sidewalks, parking areas, driveways, and other improvements on the property and within 400 feet of the subject property (including driveways on the opposite side of any street). Notes shall be provided indicating those which will remain and those which are to be removed or modified.
 - b. Footprints, dimensions, setbacks and typical floor plan of any rooftop or ground mounted equipment to scale. Any accessory buildings or structures (garages, sheds, decks, fences, walls) shall be shown on the plan.
 - c. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. These elevations shall be considered part of the approved site plan.
 - d. Percentage of building coverage and impervious surface ratio (all acreage exclusive of any public right-of-way or private road access easement); lot area for each lot; and a description of the number of each unit by size and number of bedrooms; if a multi-phase development is proposed, identification of the areas included in each phase.

For commercial and office uses: The gross floor area and useable floor area of each use of lease space.

For industrial uses: The floor area devoted to industrial uses and the areas intended for accessory office use.

e.

The alignment, width, pavement type and distance from street for all sidewalks or bike paths.

- f. The layout and dimensions of proposed streets, and drives, including: grades, existing or proposed right-of-way or easement and pavement width, number of lanes, typical cross section showing surface and subbase materials and dimensions.
- g. The location and design of access points including width, radii, provision for any deceleration or passing lanes, distance from adjacent driveways or street intersection. Written verification shall be provided for any shared access agreements or for driveway curb return extending beyond the property line. It is the intention herein that maximum detail be provided to the Planning Commission.
- h. A traffic impact study shall be required when the proposed development is expected to generate over 50 vehicle trips during peak hours of traffic or over 500 vehicle trips a day (VTD). Additionally, when the proposed development is located on or adjacent to an unpaved road that is deemed to be at or in excess of 100 percent of it's capacity a traffic impact study will be required showing the impact of the proposed development and any related (current or proposed) development on the affected infrastructure. An unpaved road is deemed to be at capacity when 350 VTD are generated from existing and/or proposed development. Road capacity (unpaved) will be calculated based on 12.5 vehicle trips per dwelling unit per day. (This number is derived from "Trip Generation" a publication of the Institute of Traffic Engineers.) Roads have dwelling units that must use the primary road for egress and ingress will be included in the capacity calculation of the impacted infrastructure. This requirement applies to all new development, phases or changes to a development where a traffic study is more than two years old and/or roadway conditions have changed significantly (traffic volume increasing more than two percent annually) or a change in use or expansion at an existing site.
- i. Existing and proposed locations of utility services (with sizes), degrees of slope and sides of retention/detention ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of outdoor incinerators; location and size of wells, septic tanks and drain fields; location of manholes, catch basins and fire hydrants; emergency water, supplies for fire suppression, location, size, and inverts for storm and sanitary sewers; all necessary public or private easements for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character: including proposed location for fire fighting infrastructure such as hydrants, dry hydrants, cisterns, etc., notes shall be provided clearly indicating which existing services will remain and which will be removed. It is the intention herein that maximum detail be provided to the Planning Commission. Proposed locations for fire-fighting infrastructure such as hydrants, dry hydrants, etc.

j.

A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour intervals and with topography extending a minimum of 100 feet beyond the site in all directions and a general description of grades within 50 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond as so to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines. A general description and location of the stormwater management system shall be shown on the grading plan. An engineer as hired on a consulting basis by the township shall require detailed design information for any retention/detention ponds and stormwater outfall structures or basins. If regulated wetlands are to be used, the applicant shall provide status of DEQ permit application or copy of permit with attached conditions. However, in no event shall the rate or quantity of drainage from any lot exceed the rate or quantity of drainage from the undeveloped site.

- k. A landscape plan which indicates proposed ground cover and plant locations and with common plant name, number, and size at installation, which trees and landscape material shall be congruent with landscape material similarly found in the area and which are aesthetically attractive. For any trees to be preserved, a detail shall be provided to illustrate protection around the tree's drip line. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. The location, type and height of proposed fences shall be described. No certificate of occupancy shall be granted unless grass seeding between May 15 and August 15 has been completed.
- l. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- m. Parking, storage and loading/unloading areas, including the dimensions of a typical space, aisle, and angle of spaces. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.
- n. Details of exterior lighting including location, height, photometric grid, method of shielding and style of fixtures. Parking lot lighting to be mounted on the building, if permitted by the Planning Commission, shall not be placed such as to interfere with clear sight by all cars gaining access to or from adjoining, abutting or surrounding properties.
- o. Locations of all signs including location, size, area, type, height and method of lighting. All regulatory signs shall meet the standards from the Michigan Manual of Uniform Traffic Control Devices (MMUTCD).
- p. Woodlands and individual trees of eight inches or greater caliper as measured at dbH four and one-half feet above the ground shall be shown, and preserved to the extent possible.
- q. The boundaries of any state regulated wetland shall be shown. Documentation of a wetland determination by a qualified wetland specialist may be required.
- r. The Planning Commission shall require the applicant to prepare and submit an environmental impact assessment upon a finding that the site contains sensitive environmental features (as defined in the Atlas Township Master Plan) which may be impacted by the proposed development. The Planning Commission may require a community impact statement.

- s. General description of any deed restrictions, protective covenants, master deed or association bylaws shall be listed. Final deed restrictions, protective covenants, master deed or association bylaws be reviewed and approved by the Township Attorney.
- t. Character of land. Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the local government engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.
- u. If a portion of the plat contains recreational or public areas, applicants shall comply with any parks and recreation plan adopted by the Township.

235.005 - Township Board review; preliminary plat for tentative approval.

Sec. 5. Upon receipt of copies of said proposed plat for tentative approval, the Township Board shall forward one copy each to the county Planning Commission, local soil conservation district and the county road commission and/or the state highway department where applicable for recommendation and shall examine said proposed preliminary plat with such assistance and review by the Township engineer and Township attorney as the Township Board shall require. The Township Board shall determine whether said proposed preliminary plat complies with all Township ordinances and state statutes as well as makes adequate provision of the following:

A. *Streets.*

1. Compliance with a major street thoroughfare plan and road classification guidelines adopted by the Township, if any.
2. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
3. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.
4. Where the proposed subdivision abuts or contains a county primary road and major thoroughfare as defined in the Township Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
5. All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs

shall be named "Circle", "Court", "Way", or "Place", etc., and shall be approved by the Township Fire Chief.

Developers shall place with the Township a fee set by the Township, per road sign to be placed at all intersections.

6. Streets should intersect at 90 degrees or closely thereto and in no case less than 80 degrees.
 7. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
 8. The maximum length allowed for residential blocks shall be 2,200 feet and shall not be less than 400 feet.
 9. All primary road rights-of-way, as designated by the township board, within or abutting plats hereafter recorded, shall provide a 50 foot half-width. All other rights-of-way within or abutting such plats shall be not less than 66 feet in width. Permanent dead-end streets in excess of 1,000 feet in length shall be prohibited.
 10. A subdivision or extension of an existing subdivision creating a total of 50 or more lots must be developed so as to provide two or more access streets.
- B. *Lots.* Lots must meet minimum requirements of zoning districts.
1. *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on the lots from an approved street.
 2. *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinances.
 3. *Lot orientation.* The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.
 4. *Double frontage lots and access to lots.*
 - A. Double frontage lots. Double frontage lots and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

B. Access from major and secondary arterials. Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterials.

C. *General provisions.*

1. Privately-held reserve strips controlling access to streets shall be prohibited.
2. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
3. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.

If the Township Board determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plat, which approval shall confer upon the proprietor for a period of one year from date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the Township Board upon application of the proprietor.

235.006 - Submission of preliminary plat for final approval.

Sec. 6. Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the Township Board for final approval shall submit the following relevant data and fees:

- A. Evidence that all requirements imposed by the Township Board at the time of granting tentative approval have been incorporated into the proposed plan.
- B. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within an adjoining said plat. Prior to submitting copies of the preliminary plat to the township board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
- C. A fee as set by the Township Board related to the number of lots contained in the property development.

235.007 - Township Board review; preliminary plat; final approval.

Sec. 7. Upon receipt of all required copies of the preliminary plat for final approval, the Township Board shall examine the same with such assistance and review by the Township engineer and Township attorney as said Township Board shall request. Upon completing its review, the Township Board shall determine whether said

proposed preliminary plat complies with the requirements imposed by the Township Board at the time of tentative approval; has obtained the required statutory approval of other governmental agencies and in addition, meets the following requirements:

- A. All road grades shall not exceed a seven percent grade or be less than a one-half percent grade except upon special approval of the township engineer.
- B. All grades in excess of three percent shall require installation of curb and gutter. Said curb and gutter to be set apart not less than 35 feet as measured from back to back and fully paved between the lip of the gutters.
- C. All road rights-of-way within or abutting such plat shall be constructed with not less than six inch compacted gravel base, 22 feet wide, covered with not less than two inches of bituminous aggregate pavement, 20 feet wide.
- D. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a one-half foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing one-half foot elevation and tree and obstruction removal may be varied or adjusted by the township board upon recommendation of the township engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
- E. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back or curb and a street property line diameter of at least 120 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.
- F. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the Township Board, upon recommendation of the Township engineer, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the Township Board upon the recommendation of the Township engineer.
- G. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed subdivision.
- H. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electrical distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service

Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.

- I. Stormwater disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
- J. No land within the subdivision may be isolated from a public highway nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
- K. Street lighting may be required by the Township Board when said board determines that street lighting is necessary for public health, safety and welfare.
- L. Sidewalks may be required by the Township Board when the Township Board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete, four feet in width, four inches in depth, upon a two-inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete, six inches in depth.

If the Township Board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this ordinance, the Township Board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two-year period may be extended in the discretion of the Township Board upon application by the proprietor.

235.008 - Submission of final plat for final approval.

Sec. 8. Every person, firm or corporation which shall hereafter submit a proposed final plat to the Township Board for final approval shall also submit the following relevant data and fees:

- A. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
- B. A fee as set by the Township Board.

235.009 - Review by the Township Board; final plat; final approval.

Sec. 9. The Township Board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the township and deposit agreement executed by the proprietors.
- B.

All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a deposit agreement executed by the proprietors.

- C. If the subdivision has any waterways or lagoons, etc., as set forth in Section 188 of the Michigan Subdivision Control Act, that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a deposit agreement executed by the proprietors.
- D. If any flood plains are involved in the proposed subdivision, then such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the township board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat.
- E. All utilities serving the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the Township Board sufficient in amount to insure completion thereof within the time specified and a deposit agreement executed by the proprietors.
- F. All underground utility installations, including lines for street lighting systems, which traverse privately-owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for each lot or parcel, except side lot easements three feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.
- G. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a deposit agreement executed by the proprietors.
- H. The proposed final plat complies with all applicable state statutes and Township ordinances and has received the requisite statutory approval of other governmental agencies.
- I. That the dedication is executed by all required owners.
- J. The Township Board may require a performance bond at the completion of the project and may impose a maintenance bond to insure continued maintenance.

235.010 - Penalty in case of failure to complete the construction of a public improvement.

Sec. 10. In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.

235.011 - Subdivision lot division.

Sec. 11. After a subdivision has been recorded, platted lots may thereafter be partitioned or devised with the approval of the Township Board into not more than four parts, provided that the resulting lots or parcels or combinations (sic) or portions of two or more divided lots shall not be less in width or size than the more restrictive of this ordinance, the township zoning ordinance or the Michigan Subdivision Control Act of 1967, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this ordinance, and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Subdivision Control Act of 1967 and all Township ordinances.

235.012 - Variance procedure.

Sec. 12. Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance, the Township Board shall have power in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this ordinance so that the spirit of the ordinance shall be observed and public health, safety and welfare secured.

235.013 - Enforcement and penalties for failure to comply with this ordinance.

Sec. 13. Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township Board or public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or the Michigan Subdivision Control Act.

235.014 - Effective date.

Sec. 14. This ordinance shall become effective 30 days after publication.

Part 236

236.000 - PRIVATE ROADS Ord. No. 5

An Ordinance prohibiting building on land not serviced by public roads.

THE TOWNSHIP BOARD OF ATLAS TOWNSHIP, GENESEE COUNTY, MICHIGAN, ORDAINS:

236.001 - Building permits along roads not maintained by county.

Sec. 1. That no building permits shall be issued for construction of any residence or other structure upon any lot or parcel of land which is not directly and exclusively accessible to and also abutting a public roadway which has been accepted by the County Road Commission or Michigan State Highway Department and is maintained by such

Road Commission or Highway Department as a public roadway. Provided, however, that this shall not prohibit the erection of additions and accessory buildings to existing dwellings already erected and in use at the time of adoption of this Ordinance. Any residence or structure which gives access to such public roadway across land not solely owned by the applicant for the building permit shall be deemed not to be abutting the public roadway within the meaning of this Ordinance.

(Ord. No. 13-05, 6-17-13)

236.002 - Restriction on building permits.

Sec. 2. Any residence or structure which has its only access to such public roadway across a privately owned roadway or roadway easement which services any land other than the land of the applicant for the building permit, or services more than one residence, shall be deemed not to have direct and exclusive access to a public roadway as described in Section 1 [Section 236.001] of this Ordinance and no building permit shall be issued for any such residence or structure.

When a variance to this ordinance is allowed pursuant to Section 4 [236.004] of this ordinance, the following standards shall apply, in addition to requirements that the township board impose, to wit:

- a) Any road serving two or more parcels shall be built to the following specifications:
 1. Seven inches of limestone.
 2. Three and one-half inches of leveling asphalt or equivalent concrete.
 3. One and one-half inches of wearing course asphalt or equivalent concrete.
 4. The asphalt portion of the road shall have a minimum width of 22 feet.
- b) A right-of-way of 66 feet shall be dedicated for use as a road.
- c) If the road length exceeds nine hundred 999 feet, and/or serves five or more parcels, it shall be constructed according to Genesee County Road Commission specifications.
- d) Where two to 15 principal uses are served by the road, a cul-de-sac shall be constructed.
- e) When 16 or more parcels are served by a road which is not part of the Genesee County Road Plan it shall have a secondary means of ingress and egress.

(Ord. No. 92-004, 6-20-92; Ord. No. 94-002, 12-18-94; Ord. No. 13-05, 6-17-13)

236.003 - Building permits; exceptions.

Sec. 3. This Ordinance shall not prohibit the issuance of a building permit and the erection of new structures and new dwellings upon lots that have been purchased by individuals and upon which monies have been expended by the purchasers prior to the effective date of this Ordinance in anticipation of being able to erect a dwelling for the personal use and occupancy of the purchaser of such lots, even though such lot is not serviced by a public road as defined in this Ordinance.

236.004 - Variances.

Sec. 4. The Township Board of the Township of Atlas is hereby empowered to grant variances to this Ordinance wherein, in its discretion, a literal enforcement of this Ordinance will work an unreasonable hardship on persons, firms or corporations affected hereby. No variance may be granted, however, which will cause the Township of Atlas to undertake any additional duties or require any additional expenditure of tax monies on the servicing, alteration, repair or construction of roads within the Township of Atlas.

236.005 - Repeal.

Sec. 5. All prior ordinances inconsistent with or in conflict with this Ordinance are hereby repealed.

Part 237

237.000 - ROADS Ord. No. 06-002 Adopted: March 20, 2006

An Ordinance to establish standards for the construction of roads within Atlas Township.

THE TOWNSHIP BOARD OF ATLAS TOWNSHIP, GENESEE COUNTY ORDAINS:

237.001 - Required street frontage.

Sec. 1. Any parcel of land which is occupied by a use or building shall front its full width on, and provide direct access to, a public road or private road easement.

237.002 - Building permits along roads.

Sec. 2. Except as permitted by section 4 [235.004] through section 6 [237.006] below, no building permits shall be issued for construction of any residence or other structure upon any lot or parcel of land which is not directly and exclusively accessible to and also abutting a public roadway which has been accepted by the Genesee County Road Commission or Michigan Department of Transportation and is maintained by such Road Commission or State Department as a public roadway. This shall not, however, prohibit the erection of additions and accessory buildings to existing dwellings already erected and in use on or before the effective date of this Ordinance. Any residence or structure which gives access to such public roadway across land not solely owned by the applicant for the building permit shall be deemed not to be abutting the public roadway within the meaning of this Ordinance.

237.003 - Public road construction standards.

Sec. 3. Public roads shall be designed and constructed in accordance with the then current requirements of the Genesee County Road Commission or Michigan Department of Transportation, as may be applicable.

237.004 - Private roads permitted.

Sec. 4. Private roads shall only be allowed as an applicant option for residential developments with the approval

of the Planning Commission.

237.005 - Private road construction standards.

Sec. 5. All private roads constructed after the effective date of this Ordinance shall be constructed in accordance with the following standards:

- (a) Except as provided below, all private roads shall be constructed in accordance with the then current requirements and specifications for proposed plats issued by the Genesee County Road Commission. Signatories of the easement maintenance agreement shall be responsible for verifying compliance with such construction standards, accomplished by inspection of the Township engineer.
- (b) All private road easements shall be 66 feet wide and shall be dedicated with the legal description recorded with the county register of deeds prior to final Township approval. Such easement area shall be disregarded for purposes of computing minimum lot area. Parking within the easement area shall be prohibited.
- (c) A paved road surface area of 22 feet shall be provided with 16 feet of shoulder (eight feet each side). Drainage control measures (i.e., ditches, enclosed storm sewer, grading, geotextile stabilization, etc.) may be required by the Township engineer in consideration of narrow lot width, road grade, drainage patterns, or in favor of environmental preservation.
- (d) On dead-end streets, a circular turnaround shall be required. The radius for the paved area of a circular turnaround without a center island shall be 30 feet. Circular turnarounds with a center island shall provide a radius for the paved area of 45 feet and a travel lane width not less than 20 feet.

237.006 - Maintenance agreement.

Sec. 6. Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the roads. Private roads shall be maintained in a condition suitable for travel at the design speed, as determined by the Township engineer, and passable for emergency vehicles, as determined by the fire department. Prior to issuance of construction permits for road construction, said property owner(s) shall enter into a legally binding easement maintenance agreement, which shall be subject to review by the Township attorney, approval by the Township Board, and recording with the county register of deeds.

- (a) The easement maintenance agreement shall acknowledge that the road surface and easement area are privately owned and, therefore, all construction and improvements within the easement will be contracted and paid for by the signatories to the agreement.
- (b) The agreement shall describe the method by which maintenance costs (including snow removal) and costs of improvements will be apportioned among the original users.
- (c) The agreement shall describe the method for apportioning new users for a proportionate share of the maintenance costs and costs of improvements. The agreement shall indicate that the method of apportioning costs applies whether the new users are a result of:
 - (1) Extension of the private road or driveway beyond its initial length; or
 - (2) Connection to another private road; or

- (3) Division of property that is currently served by the private road.
- (d) The agreement shall outline a maintenance schedule which shall also identify regular time intervals for road inspection. Such inspection shall be the responsibility of the signatories to the agreement and be accomplished by a civil engineer licensed in the State of Michigan. The results of the road inspection shall be submitted to the Township Board for its review. The Township may require maintenance as described above.
- (e) The easement maintenance agreement shall contain a provision to permit the Township Board to authorize the repair of any private road which is not being maintained adequately to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the signatories of the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers and these provisions shall not obligate the Township Board to establish such special assessment.

237.007 - Variances.

Sec. 7. The Atlas Township Zoning Board of Appeals is hereby empowered to grant variances to this Ordinance. No variance may be granted, however, which will cause the Township to undertake any additional duties or require any additional expenditure of tax monies on the servicing, alteration, repair, or construction of roads within the Township of Atlas.

(Amend. of 11-19-18)

237.008 - Repeal.

Sec. 8. All prior ordinances inconsistent with or in conflict with this Ordinance are hereby repealed.

237.009 - Effective date.

Sec. 9. This Ordinance shall take effect 30 days following its publication after adoption.

Part 238

238.000 - PLAT FEE ORDINANCE Ord. of October 15, 1979

An Ordinance to establish Township fees required of subdividing of new plats.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS ORDAINS:

238.001 - Fees.

Sec. I. Upon submission of a plat for township review/approval, a fee as determined by the Atlas Township Review Fee Schedule shall be paid.

(Ord. No. 99-008, 9-20-99)

238.002 - Repealed.

238.003 - Effective date.

Sec. III. This Ordinance is not a penal ordinance. It shall become effective upon publication.

Part 240

240.000 - STANDARD FOR THE CONSTRUCTION OF DRIVEWAYS NOT MAINTAINED AT PUBLIC EXPENSE Ord. No. 94-004

Adopted: Dec. 18, 1994

An ordinance to prescribe standards for the construction of driveway for single-family residences.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS, GENESEE COUNTY, ORDAINS:

For the purpose of this ordinance, a driveway is defined as a means of ingress and egress from a road to serve a single principal use. Driveways begin at the edge of a road and proceed onto private property.

Footnotes:

--- (1) ---

Cross reference— *Standards for construction of roads not maintained at public expense, pt. 237*

240.001 - Minimum standards.

Sec. 1. Whenever a driveway is constructed within the Township, it shall be built to the following minimum standards:

1. A base of at least six inches of crushed limestone.
2. Have a culvert of at least 12 inches in diameter placed in ditch line to County specifications.
3. A driveway shall be at least ten feet in width.
4. All permits required shall be purchased from the County Road Commission, County Drain Commission, and/or the DNR.
5. Any driveway over 500 feet in length will be ten feet in width with a three foot wide crushed limestone shoulder on each side. It will also have either a turnaround at least 16 feet wide and 24 feet deep or a cul-de-sac with a 25 foot radius.
6. Any driveway over 800 feet in length will be constructed with the following requirements:
 - a. It shall be at least ten feet in width.
 - b. It shall have at least six inches of crushed limestone base.
 - c. A dedicated width of 33 feet shall be dedicated for the use as a driveway.

240.002 - Violation.

Sec. 2. Any person who shall violate this Ordinance shall be guilty of a misdemeanor and may be punished by imprisonment of up to 90 days or a fine of up to \$500.00, or both such fine and imprisonment.

240.003 - Nuisance.

Sec. 3. A violation of this Ordinance is hereby declared to be a public nuisance which may be abated by an injunction issued out of a court of record.

240.004 - [Effective date.]

Sec. 4. This Ordinance shall be effective upon publication.

Part 241

241.000 - LAND DIVISION ORDINANCE Ord. No. 97-001 Adopted: June 16, 1997

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 or 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation or this ordinance.

THE TOWNSHIP OF ATLAS, COUNTY OF GENESEE, STATE OF MICHIGAN ORDAINS:

241.001 - Title.

Sec. I. This ordinance shall be known and cited as the Township of Atlas Land Division Ordinance.

(Amend. No. 09-01, 1-20-09)

241.002 - Purpose.

Sec. II. The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288), as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the municipality.

(Amend. No. 09-01, 1-20-09)

241.003 - Definitions.

Sec. III. For the purpose of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Township Board of the Township of Atlas.

(Amend. No. 09-01, 1-20-09)

241.004 - Prior approval requirement for land divisions.

Sec. IV. Land in the municipality shall not be divided without the prior review and approval of the Township Land Division Board, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Subdivision Control Ordinance and the State Land Division Act.
- B. A parcel proposed for condominium development pursuant to the zoning ordinance and the State Condominium Act.

(Amend. No. 09-01, 1-20-09)

241.005 - Application for land division approval.

Sec. V. An applicant shall file all of the following with the Township clerk before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be provided by the municipality.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions, area, and accurate legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and

other land improvements, natural features, including wetlands and flood plains, and the accessibility of the parcels for vehicular traffic and easements for public utilities from each proposed parcel to existing public utilities.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. A land division fee is required pursuant to the township planning and zoning fee schedule.
- I. An affidavit stating there is no pending or anticipated litigation on the parcel(s).

(Amend. No. 09-01, 1-20-09)

241.006 - Procedure for land review of applications for land division approval.

Sec. VI.

- A. A complete application for a land division shall be filed with the township clerk, and forwarded to the Township Land Division Board ("land board"). The land board shall consist of the township supervisor, township assessor and township planning commission chairman. A majority of the land board shall approve or deny the land division applied for within 45 days after receipt of a complete application, and shall promptly notify the applicant of the decision and, if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the township land division board may, within 15 days of said decision, appeal the decision to the township zoning board of appeals.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the municipal clerk or other designated official accomplishing the approved land division or transfer.
- D. The township supervisor shall maintain an official record of all approved and accomplished land divisions or transfers.

(Amend. No. 09-01, 1-20-09)

241.007 - Standards for approval of land divisions.

Sec. VII. A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum

lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures.

- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. The lot configuration shall generally maintain a symmetrical size and shape from its front to its rear; however, the land board may waive or modify this requirement for cause shown in order to meet the intent of this section or which may be caused by the orientation of established property lines.

(Ord. No. 99-005, 5-17-99; Amend. No. 09-01, 1-20-09)

241.008 - Allowance for approval of other land divisions.

Sec. VIII. Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the Zoning Board of Appeals has, previous to the application for division, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.
- B. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.
- C. Approved site plans may not be modified by this ordinance or its amendments.

(Amend. of 4-21-03; Amend. No. 09-01, 1-20-09; Amend. of 5-15-17)

241.009 - Consequences of noncompliance with land division approval requirement.

Sec. IX. Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel.

Prior to the issuance of any building permit for construction on a parcel of land divided after the effective date of this Ordinance, the following items must be provided to the Township building inspector:

- A. Evidence of the Township Assessor's approval of the land division.
- B. A recorded copy of a certified survey of the property.
- C. A recorded copy of a document showing the applicant's ownership interest in the property (warranty deed, quit-claim deed, land contract, etc.).

(Amend. No. 09-01, 1-20-09)

241.010 - Penalties and enforcement.

Sec. X. Violation of this ordinance shall be considered a misdemeanor punishable by up to a \$500.00 fine, and/or up to 90 days in jail.

A violation of this ordinance shall be deemed a nuisance which may be abated by a court of competent jurisdiction.

(Amend. No. 09-01, 1-20-09)

241.011 - Severability.

Sec. XI. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

(Amend. No. 09-01, 1-20-09)

241.012 - Repeal.

Sec. XII. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Municipality zoning ordinance, the Municipality Subdivision Control Ordinance, or the Municipality Building Code.

(Amend. No. 09-01, 1-20-09)

241.013 - Effective date.

Sec. XIII. This ordinance shall take effect one (1) day following its publication after adoption.

(Amend. No. 09-01, 1-20-09)

Part 300

300.000 - ZONING ORDINANCE Ord. of July 9, 1977 Effective: July 9, 1977

ARTICLE I

PURPOSE, INTERPRETATION, CONFLICTING LAWS

300.100 - Purpose.

Sec. 1.00. The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things,

to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within a general plan by the Atlas Township Planning Commission, and endorsed, and regulations adopted, therefore, by the Atlas Township Board.

300.101 - Interpretation.

Sec. 1.01. The provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher, or more restrictive standards, or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Township Planning Commission to attain the intent of this Ordinance.

300.102 - Conflicting laws, ordinances, regulations, or restrictions.

Sec. 1.02. Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum, and such conflicting laws of a more restrictive nature shall supersede any provisions of this Ordinance. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees or restrictiveness, are hereby repealed.

ARTICLE II

300.200 - DEFINITIONS

300.201 - Definitions.

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

The word person includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

Sec. 2.01. *Abandoned solar energy system.* Any Solar Energy System that remains nonfunctional or inoperative to the extent that it is not used to generate electrical energy for a continuous period of 180 days.

Sec. 2.01a. *Accessory structure.* A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Sec. 2.02. *Accessory use.* A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Sec. 2.02a. *Adult foster care facilities:*

- A. *Adult foster care facility:* A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill or similar facilities.
- B. *Adult foster care family home:* A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days per week, and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- C. *Adult foster care small group home:* An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.
- D. *Adult foster care large group home:* An adult foster care facility with the approved capacity to receive at least 13, but not more than 20 adults who shall be provided foster care.

Sec. 2.02b. *Agricultural Tourism Business.*

- A. *Agricultural tourism business.* An agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, a companion animal or livestock show, with or without agriculturally related uses, established to attract visitors for the purpose of recreation, education, active involvement in the operation, or for the purchase of agricultural products or agriculturally related products.
- B. *Agriculturally related uses.* Those activities that predominately use agricultural products, buildings, or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food processing classes, etc.
- C. *Agricultural products.* The yield from any agricultural operation including, but not limited to: crops (corn, wheat, hay, potatoes, etc.); fruit (apples, peaches, grapes, cherries, berries, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, alpaca, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, Christmas trees); and, maple syrup.
- D. *Agriculturally related products.* Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to: all agricultural and horticultural products; animal feed; baked goods; ice cream and ice cream based desserts and beverages; jams; honey; gift items; food stuffs; and, clothing and other items promoting the farm and local agriculture.

Sec. 2.03. *Area, floor.* Floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.

Sec. 2.04. *Area, sales.* Sales area shall only include that area customarily open and accessible to the public.

Sec. 2.05. *Block face.* A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or manmade features.

Sec. 2.06. *Board of zoning appeals.* The Board of Zoning Appeals as provided under provisions of the Township Rural Zoning Act, being Act 184, Public Acts of 1943, as amended, and as modified by the Township Planning Commission Act, being Act 168, Public Acts of 1959, as amended, with powers and duties as defined in those statutes, except as modified herein, and referred to alternatively as the Board.

Sec. 2.07. *Building.* Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

Sec. 2.08. *Building, height of.* The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Sec. 2.08a. *Building integrated photovoltaic system.* A combination of photovoltaic building components integrated into any building envelope system such as, but not limited to, vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

Sec. 2.09. *Building permit.* An authorization issued by the Township Building Inspector to move, erect or alter a structure within the Township.

Sec. 2.10. *Cellar or basement.* A cellar or basement is that portion of a structure with not less than three walls thereof, partly below grade and so located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

Sec. 2.10a. *Child care organizations:*

- A. *Family day care home.* A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year (PA 116 of 1973, as amended 722.111 Sec. 1(F)(III)).
- B. *Group day care home.* A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year (PA 116 of 1973, as amended 722.111 Sec. 1(F)(IV)).
- C. *Child care center or day care center.* A facility, other than a private residence, receiving one or more children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care

center does not include a Sunday school, a vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period or not greater than eight hours per day for a period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services (PA 116 of 1973, as amended 722.111 Sec. I(E)).

Sec. 2.11. *Community Development Plan or General Plan.* The Comprehensive Community Plan for the Township of Atlas.

Sec. 2.12. *Conditional use.* A conditional use is a use of land for an activity which, under usual circumstances, would be detrimental to other land uses permitted within the same district, but which is permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to use permitted within such district.

Sec. 2.13. *Conditional use permit.* An authorization approved by the Township Planning Commission to use a parcel of land and/or structure for a conditional use.

Sec. 2.13a. *Condominium Act.* Public Act 59 of 1978, as amended.

Sec. 2.13b. *Condominium subdivision.* A subdivision as defined in the Township Subdivision Control Ordinance.

Sec. 2.13c. *Condominium Subdivision Plan.* Site, survey, and utility plans; floor plans; and sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

Sec. 2.13d. *Condominium unit.* That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The term "Condominium Unit" shall also include "Site Condominiums" which are hereby defined as detached single-family residential condominium units.

2.13e. *Conventional septic system.* For the purpose of this ordinance, a conventional septic system is defined as:

1. Accepting raw sewage discharged from a building/residence into an approved holding tank.
2. The holding tank will contain and process effluents, draining processed effluents by means of gravity into a header that disburses the processed effluents to a drain field designed to accommodate the specific site.
3. The septic tank and drain field will be installed according to county and D.E.Q. specifications.
4. Trenches for the drain field will be dug into existing soil on site.
5. Trenches will be backfilled without altering the pre-existing natural topography of the site.
 1. Soil (sand, gravel, etc.) may be brought on site to accommodate required drainage and processing of effluents.
- 6.

The installation of the septic system cannot alter the natural flow of surface water across or around the septic site. Change in water runoff may be tolerated due to grading necessary to satisfy finished site plan grading for the building. This change cannot be due to soils brought on site or moved to create a mounded septic system of any kind.

Sec. 2.14. *Corral or barnyard*. A pen or enclosure for confining animals or livestock, but not including an area for grazing of such.

Sec. 2.15. *Cul-de-sac*. A street terminated at one end, with a turning radius.

Sec. 2.16. *District*. Each part, or parts of the unincorporated area of the Township for which specific zoning regulations are prescribed.

Sec. 2.17. *Dwelling, one family*. A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

Sec. 2.18. *Dwelling unit*. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Sec. 2.19. *Employee load factor*. Employee load factor is that number equal to the maximum number of employees that can be employed at any one time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

Sec. 2.19a. *Environmental protection*:

1. *Background*. Protection of groundwater and surface water quality is of paramount importance in Atlas Township. No uses or development shall be permitted which threaten water quality or which violate standards of county, state, and federal agencies.
2. *Storage of hazardous substances*:
 - A. *Definition of hazardous substances*. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials as defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources; hazardous waste as defined by the Michigan Department of Natural Resources; and hazardous materials as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), commonly known as "Superfund," as amended by the Superfund Amendments and Reauthorization Act of 1996 (SARA), 42 USC 9601. Although waste oil is not considered a hazardous waste if it is recycled, it remains a hazardous substance which can cause health and environmental problems if not carefully managed.
 - B. *Applicability*. All uses which use, store, or generate hazardous substances in quantities greater than 100 kilograms (equal to about 25 gallons or 220 pounds) must provide for secondary containment (double enclosure) for all above ground storage containers.
 - C.

Above ground storage:

- (1) *Outdoor storage requirements.* Secondary containment structures must be designed to protect containers from the effects of storms, wind, fire, and vandalism. Structures which are covered and protected from rain and precipitation must provide secondary containment for 10 percent of the volume of all containers or the volume of the largest container, whichever is greatest. Structures which are not protected from rain and precipitation must provide secondary storage capacity to hold 150 percent of the stored substances, unless a lesser quantity is approved by Atlas Township.
- (2) *Indoor storage requirements.* Hazardous substances should not be stored indoors in locations which are near to a floor drain connecting to soils, groundwater, or nearby drains and rivers unless secondary containment is provided. Sumps and floor depressions to collect and hold leaks and spills are recommended.
- (3) *Loading/unloading areas.* Areas used for the loading and/or unloading of hazardous substances shall be designed and constructed to trap hazardous materials spilled or leaked and designed to prevent discharge of hazardous substances to floor drains, rivers, or storm drains.
- (4) *County, state, and federal requirements.* At a minimum, state and federal requirements for storage, leak detection, recordkeeping, spill prevention, emergency responses, transport and disposal of hazardous substances must be met. It is the responsibility of the business facility owner to obtain any applicable county, state, or federal permits or approvals.

D. *Below ground storage:*

- (1) At a minimum, regulations of the Michigan Department of Natural Resources, Michigan Fire Marshal Division, and Atlas Township for the installation, inspection, maintenance of a leak detection system, inventory and recordkeeping, emergency response, and closure must be met.
- (2) All underground storage tanks which have been out-of-service for nine months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the Fire Chief and/or Township Building Official in situations where a clear timetable for the safe use of the underground tank is established.

E. *Site plan review and approval:*

- (1) Site plans for facilities with hazardous substances shall also be reviewed by the Fire Chief, Township Building Official or his/her designee prior to the approval by the Planning Commission and/or Township Board.

3. *Enforcement and penalties:*

- A. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be subject to the provisions of Section 13.07, penalties for violation, in addition to any other penalties as may be prescribed herein.

B.

Transporters of hazardous materials in Atlas Township shall be strictly liable for the full amount and cost of any harm or damages that may result from such transport. Where it is determined that hazardous substances have leaked, or spilled due to a violation of the provisions of this Ordinance; another Township ordinance; negligence; or willful misconduct; the violator shall be required to abate the violation. In the case of an emergency, appropriate local, state, county, or federal emergency personnel may be called upon to assist in abatement and any other efforts necessary to remove hazardous materials and protect the health, safety, and welfare of the public. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violator.

Any judge or magistrate imposing a fine and costs which are not paid in full immediately or for which a bond is not immediately posted in double the amount of such fine and costs, shall order the driver or owner to move the vehicle at his own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and there keep the vehicle until the fine and costs are paid or sufficient bond furnished or until the judge or magistrate shall be satisfied that the fine and costs will be paid. The officer or agent investigating the accident may require the driver to proceed to a magistrate within the county. If the magistrate is satisfied that the probable fine and costs will be paid by the owner or lessee, he may allow the driver to proceed. If the magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable fine and costs, the magistrate may order the vehicle to be impounded until trial on the merits is completed after the fine and cost have been imposed. Removal of the vehicle shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to any prior valid bona fide lien of prior record in the amount of such fine and costs and if the same are not paid within 90 days after such seizure, said judge or magistrate shall certify such unpaid judgment to the prosecuting attorney of Genesee County who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

Sec. 2.20. *Essential services.* The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including, buildings and structures.

Sec. 2.20a. *Expandable condominium.* A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the condominium regulations of the Zoning Ordinance and the Condominium Act.

Sec. 2.20b. *Family:*

- A. One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.
- B. A collective number of individuals living together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are living and cooking as a single housekeeping unit. The definition shall not include any society, club, fraternity, sorority, association, lodge, coterie,

organization, or group of students or other individuals whose domestic relationship is of a transitory or reasonable nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Sec. 2.21. *Farm*. Land, plants, animals, buildings, and structures used for agricultural activities used in the commercial production of farm products.

Sec. 2.22. *Feedlots*. Feedlots shall be construed to be any facility or enclosed area where farm animals are fed and maintained for more than four hours out of 24 hours at a density greater than four heads per acre for cattle and horses, ten heads per acre for smaller animals, or more than 30 fowls per acre.

Sec. 2.22a. *Fence*. Any permanent partition, structure or gate erected as a dividing marker, barrier or enclosure.

Sec. 2.22b. *Fence; Decorative*. Any fence intended only as a device to adorn a structure and under five feet in height.

Sec. 2.22c. *Fences (residential)*. Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. In addition, no fence shall be located within the front yard except as follows:
 - A. Fences, including but not limited to, split-rail or two-rail fences constructed expressly for landscape decorative effect and not intended to enclose, or be capable of enclosing animals or human beings may be allowed within the front yard setback, provided that such decorative fence shall not exceed 42 inches in height, nor be placed closer than 24 inches from the front line nor closer than 24 inches to either edge of the paved driveway surface.
2. Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
3. Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity except barbed wire may be used in fences in agricultural districts for the purpose of enclosing farm animals.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.

Sec. 2.23. *Floodplain*. Lands which are subject to periodic flooding and have been defined by the Soil Conservation Service of the U.S. Department of Agriculture to have alluvial soil deposits, indicating that such flooding has taken place, or as defined by any technically qualified engineer and accepted by the Township Board as such a floodplain.

Sec. 2.24. *Frontage*. The lands and distance thereof of any lot fronting on one side of a street between intersecting or intercepting streets, or between a street and another right-of-way, waterway, end of a dead end street or Township boundary measured along the street line.

Sec. 2.25. *Garden apartments*. A residential structure, or group of structures, each of which contain more than four attached one family dwelling units and share common front and/or back yards.

Sec. 2.26. *Home occupation*. An occupation conducted in a dwelling unit.

Sec. 2.27. *Junk yard*. The storage or keeping of junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition or abandonment of more than one automobile or other vehicle, or machinery or parts thereof.

Sec. 2.28. *Kennel*. The housing or keeping of more than four animals on a lot or in a structure.

Sec. 2.29. *Loading space, off-street*. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

Sec. 2.30. *Lot*. For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of contiguous lots of record, or contiguous portions of lots of record;
- D. A parcel of land described by metes and bounds.

Sec. 2.31. *Lot of record*. A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Sec. 2.31a. *Master Deed*. The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved Condominium Subdivision Plan for the project.

Sec. 2.32. *Mobile home*. A detached residential dwelling unit with a body width not less than eight feet, of not less than 40 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Sec. 2.33. *Mobile home park*. A park licensed under provisions of the Trailer Coach Park Act of 1959, being Act. 243, Public Acts of 1959, as amended.

Sec. 2.34. *Motels*. Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as tourist cabins or motor courts, and as distinguished from a lodging house.

Sec. 2.35. *Nonconforming lot*. Any lot, outlot, or parcel of land lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimensional requirements of this Ordinance.

Sec. 2.36. *Nonconforming structure*. Any structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the dimensional requirements of this Ordinance.

Sec. 2.37. *Nonconforming use*. Any use which lawfully occupied a structure, or land and structure in combination, at the effective date of this Ordinance, or amendments thereto, which does not conform to the use requirements of the district in which it is located.

Sec. 2.38. *Parking space, off-street*. For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

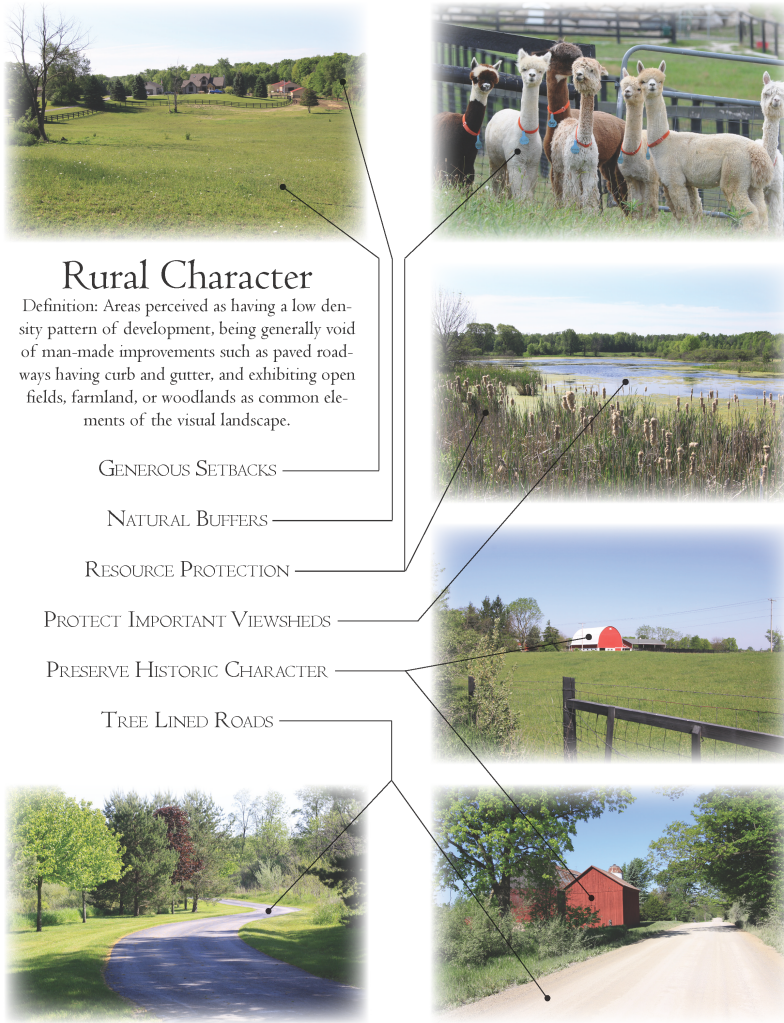
Sec. 2.38a. *Photovoltaic Device*. A system of components that generates electrical energy from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the electric energy produced for later use. For purposes of this ordinance, a photovoltaic device shall also be known as a solar device.

Sec. 2.39. *Planned unit development*. An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this Ordinance.

Sec. 2.39a. *Riparian Use*. The right of an owner of land contiguous with a body of water, to have access to and use of the shore and water.

Sec. 2.40. *Roadside stands*. Retail outlets with all related structures primarily for the sale of farm produce grown on the farm upon which such stand is located.

Sec. 2.40a. *Rural character*. Areas perceived as having a low-density pattern of development, being generally void of manmade improvements such as paved roadways having curb and gutter, and exhibiting open fields, farmland, or woodlands as common elements of the visual landscape. (See illustration.)



Atlas Township, Genesee County, Michigan

August 2012 DRAFT

Sec. 2.41. *Sanitary landfills.* Any parcel of land used for the dumping of refuse for the purposes of disposing of such refuse, and operated in accordance with Act 87 of the Public Acts of 1945, as amended.

Sec. 2.42. *Service station.* Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:

- A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning and flushing;
- E. Washing and polishing, and sale of automotive washing and polishing materials;
- F. Greasing and lubrication;
- G. Replacing or repairing of carburetors, fuel pumps, oil pumps, and lines;
- H. Emergency wiring repairs;

- I. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- J. Adjusting and repairing brakes;
- K. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
- L. Provision of road maps and other informational material to customers; provision of restrooms facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

Sec. 2.43. *Setback*. Distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

Sec. 2.44. *Shopping center*. A group or groups of three or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

Sec. 2.45. *Sign*. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. See Atlas Township Sign Ordinance.

Secs. 2.46—2.48. (Deleted by Amend. of 6-21-06).

Sec. 2.49. *Standard sheet*. A sheet which measures 8½ inches by 11 inches or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

Sec. 2.50. *Story*. That part of a building included between the surface of any floor and the surface of the floor or roof, next above. When the distance from the average established grade to the ceiling of a portion of a structure partly below such grade is greater than the distance from the average established grade to the floor, such portion shall constitute a story.

Sec. 2.50a. *Solar array*. Any number of solar devices connected together to provide a single output of electrical energy or other energy.

Sec. 2.50b. *Solar energy system, large*. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by solar devices or other conversion technology, for the sale, delivery, or consumption of the generated energy by more than one end-user, and typically the power output of that system is equal to or greater than 1 megawatt.

Sec. 250c. *Solar energy system, small*. A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether photovoltaic devices or other conversion technology, primarily for consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 1 megawatt. Small solar energy systems shall only be an accessory use to a primary use.

Sec. 2.51. *Street*. A public thoroughfare which affords a principal means or access to abutting property, and with a right-of-way of not less than 33 feet.

Sec. 2.52. *Structure*. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Sec. 2.53. *Structure, two family residential*. A dwelling occupied by but two families and so designed and arranged as to provide living, cooking and sleeping accommodations for two families only.

Sec. 2.54. *Structure, three family residential*. A dwelling occupied by but three families and so designed and arranged as to provide living, cooking and sleeping accommodations for three families only.

Sec. 2.55. *Structure, four family residential*. A dwelling occupied by but four families and so designed and arranged as to provide living, cooking and sleeping accommodations for four families only.

Sec. 2.55a. *Swimming pool, in ground*. Any constructed pool completely and permanently placed within the ground with a depth of two feet or more.

Sec. 2.55b. *Swimming pool, above ground*. Any constructed pool completely and permanently placed upon the ground with a depth of two feet or more.

Sec. 2.55c. *Temporary anemometer tower*. A structure, including all accessory facilities, temporarily erected, on which an instrument for measuring and recording the speed of the wind is mounted for the purpose of documenting whether a site has wind resources sufficient for operation of a wind energy conversion system.

Sec. 2.56. *Townhouse*. A residential structure, or group of structures, each of which contains more than four attached one family dwelling units with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

Sec. 2.57. *Township*. The Township of Atlas, Genesee County, Michigan.

Sec. 2.58. *Township board*. The Township Board of the Township of Atlas, Genesee County, Michigan.

Sec. 2.59. *Township planning commission*. The Atlas Township Planning Commission as established by the Atlas Township Board under provisions of the Township Planning Commission Act, being Act 168, Public Acts of 1959, as amended, and referred to alternatively as the commission.

Sec. 2.60. *Travel trailer*. A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and a length not to exceed 35 feet.

Sec. 2.61. *Travel trailer park*. A park licensed under the provisions of the Trailer Coach Park Act of 1959, being Act 243, Public Acts of 1959, as amended, and being designed specifically to permit the parking of travel trailers.

Sec. 2.62. *Variance*. An authorization permitting change in the requirements of this Ordinance by the Board of Zoning Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

Sec. 2.62a. *Vehicle trip*. A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

Sec. 2.62b. *Wind energy conversion system*. All necessary devices that together capture and convert wind energy into electricity or other usable form of energy, including, but not limited to, the turbine, blades, and tower or support structure as well as related electrical equipment.

Sec. 2.62c. *Wind energy conversion system, on-site*. A wind energy conversion system designed and operated as an accessory use that primarily serves the needs of the individual or business at the site on which it is located.

Sec. 2.62d. *Wireless communication antenna (WCA)*. Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

Sec. 2.62e. *Wireless communication facilities (WCF)*. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, Citizen band radio facilities, short-wave facilities, ham, amateur radio facilities, and satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

Sec. 2.62f. *Wireless communication support facilities (WCSF)*. A monopole, guyed, or lattice type tower designed for the attachment of, or as support for, wireless communication antennas or other antennas.

Sec. 2.63. *Yard*. A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Sec. 2.64. *Yard, front*. A yard extending between side lot lines across the front of a lot and adjoining a public street.

Sec. 2.65. *Yard, side*. A yard extending from the rear line of the required front yard and being between the principal structure and side lot line to the rear yard or, in the absence of any clearly defined rear yard, to the point on the lot farthest from the intersection of the lot line involved with the public street.

Sec. 2.66. *Yard, rear*. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

(Amend. Nos. 6 and 7, 8-16-93; Ord. No. 98-006, 11-29-98; Ord. No. 99-003, 4-19-99; Ord. No. 99-009, 9-20-99; Amend. of 6-19-00; Amend. of 4-16-01; Amend. of 6-21-06; Ord. No. 06-004, 7-17-06; Ord. No. 10-002, 2-16-10; Amend. of 10-15-12; Ord. No. 14-01, 2-6-14; Amend. of 11-19-18.)

ARTICLE III

300.300 - GENERAL PROVISIONS

300.301 - Scope.

Sec. 3.01. Except as elsewhere provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and, no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance, for the district in which such structure, land or premises is located.

300.302 - District boundaries.

Sec. 3.02. The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map", Atlas Township, Genesee County, Michigan, dated June 9, 1977 which accompanies and is hereby made a part of this Ordinance. Except where specifically designated on said map, the district boundary lines are intended to follow lot lines, the center lines of creeks, streams or rivers, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the corporate limit line, all as they existed at the time of the enactment of this Ordinance; except as otherwise specifically described; but, where a district boundary line does not coincide with rear lot lines, said boundary lines shall be dimensioned on the Zoning Map.

300.303 - Building regulations.

Sec. 3.03.

- A. No structure shall be erected, altered, or moved into this Township except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. Nor shall any such structure be erected, altered, or moved into this Township without having been issued previously a building permit authorizing such erection, alteration or movement.
- C. No building permit shall be issued unless a site plan showing compliance with all requirements of this Ordinance has been approved by the Building Inspector or, in the case of a use requiring approval of the Township Planning Commission, approval by such Commission, or, in the case of an existing structure, a finding by the Building Inspector that the structure is in conformance with all existing ordinances and regulations, or the alteration of moving will permit compliance with all such ordinances and regulations; provided, however, nothing in this section shall prevent the issuance of a building permit for a variance duly granted by the Board of Zoning Appeals.
- D. No structure shall hereafter be erected, or altered (1) to exceed the height or bulk; (2) to accommodate, or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

- E. No part of a yard, or other open space, or off-street parking or loading space, required for, or in connection with, any land use, or structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provisions of this Ordinance.
- F. No yard, or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- G. No structure shall be constructed within a floodplain of any natural water course, such as to diminish the capacity of the floodplain to store runoff, or to impede the free flow of such runoff.
- H. Riparian Use. Where a parcel of land is contiguous to a body of water, it shall not be used for riparian purposes for more than one dwelling unit. Where a parcel of land is not contiguous to a body of water, it shall not be used in conjunction with a contiguous parcel to allow owners or occupiers to engage in riparian uses. The intent of this section is to prevent non-riparian owners or occupiers from engaging in riparian uses. The further intent of this section is to prevent non-riparian owners and occupiers from engaging in riparian uses on parcels owned by others or in common with others. This section shall not be construed to prevent riparian use by riparian owners. All other provisions of this Ordinance are to be applied to these conditions.

(Ord. of 12-19-83 adopt. Dec. 19, 1983; Ord. No. 14-01, 2-6-14.)

300.304 - Construction or contracts under permits issued prior to this Ordinance.

Sec. 3.04. Any structure for which a building permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such building permit.

300.305 - Building permits.

Sec. 3.05.

- A. *Issuance.* A building permit shall be obtained from the Building Inspector before any construction, erection, alteration, or addition to any structure may be undertaken, or before any structure is relocated into or within the Township. No permit shall be valid until the required fee has been paid. For each building permit so issued, a fee shall be paid to the Township Treasurer, based on an affidavit of construction value as provided by the Building Inspector, in accordance with the building permit fees established by the Atlas Township Board.

B. <i>Valuation of work</i>	Valuation schedule
--------------------------------	--------------------

<p>1. For new construction; for the first \$10,000 of cost or part thereof</p>	<p>PER SCHEDULE</p>
<p>For each additional \$1,000 of cost or part thereof</p>	<p>PER SCHEDULE</p>
<p>2. For alterations, additions, improvements or repairs other than work determined by the Building Inspector to be ordinary maintenance; for each \$1,000 of cost or part thereof</p>	<p>PER SCHEDULE</p>

3. The maximum building permit fee shall be PER SCHEDULE. No building permit fee will be charged for the repair of damages caused by fire, windstorm or act of God, provided, however, all other requirements of this Ordinance shall be met, and a building permit issued for the construction proposed.
4. In applying the schedule of fees, the physical value of the work shall be determined by the Building Inspector on the bases of current costs and an affidavit of such determination issued. If, upon the completion of the structure, it is found by the Building Inspector that the estimated fee was less than required for the actual cost, the applicant shall forthwith pay any additional fee for which he would have been liable initially and, in default thereof, shall not be entitled to receive a certificate of occupancy and compliance until such additional fee is paid.

In the event that a building permit is not issued, the fee so paid shall be returned to the payor thereof. A building permit shall become void unless operations are commenced within six months from date of issuance, unless such time is extended by the Building Inspector for reasons that the construction was delayed by causes beyond the control of the applicant. All Building permits shall expire one year after the date of issue; provided that the Building Inspector may, on application renew a permit for not to exceed an additional year, without additional charge, if a satisfactory degree of progress in construction is shown. All permits or renewals thereof shall be in writing.

C. *Violations and cancellation of permit:*

1. Should the Building Inspector determine that the construction is not proceeding according to the plan filed, or is in violation of any provision of this code, or any other applicable ordinance, regulations, or law, he shall so notify the permit holder and further construction shall be stayed until correction has been effected and approved by the Building Inspector, upon notice and request for re-inspection duly made.
- 2.

Should the permit holder fail to comply with any stage of construction, the Building Inspector is hereby empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely posted upon said construction and at a location of ready visibility. Posting of such notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken, or permitted upon such construction until a new building permit shall have been issued.

3. Any permit holder whose construction shall have been stayed under subparagraph 1 above, or whose building permit shall have been cancelled under subparagraph 2 above, shall not be granted any building permit for any other construction of any type whatever, until correction has been effected and approved as provided in subparagraph 1 above, or until a new building permit shall have been issued to replace the cancelled building permit, as provided in subparagraph 2 above.

D. *Subdivision control act.* No building permit shall be issued for the construction of any structure on any lot, tract, or parcel of land subdivided in violation of Act 288 of Michigan Public Acts of 1967, as amended.

300.306 - Mobile home and travel trailers.

Sec. 3.06. Mobile homes or travel trailers shall not be used as dwellings, except when located in, and as a part of, a mobile home park or travel trailer park business enterprise, established and in operation at the time of the effective date of this Ordinance, or as specifically provided for elsewhere in this Ordinance.

300.307 - On-site sewage disposal systems.

Sec. 3.07. Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the approval in writing from the Township Board of his plan for any on-site sewage disposal system in accordance with state law, county regulations, or Township Ordinance, whichever is the most restrictive.

300.308 - Water supply.

Sec. 3.08.

- A. Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial or industrial purposes shall be provided with a safe, adequate and sanitary water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's Office.
- B. Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the State of Michigan, the Genesee County Health Department and the Michigan State Department of Health, and the Atlas Township Board.

300.309 - Excavations and sanitary landfills.

Sec. 3.09.

- A. The excavation and removal of soils shall be permitted only under a permit, subject to the approval of the Township Planning Commission based on the conditions that the proposed excavation operation and the conditions in which the excavation site will be left shall not be detrimental to the surrounding land uses, nor to the public health, safety, morals, and general welfare; excepting, however, the provisions of this paragraph shall not apply to excavations for the construction of a structure for which a building permit has been issued.
- B. The sanitary landfill of any lot shall be permitted only under a permit for a prescribed period of time, to be determined by the Commission, and upon a finding by such Commission that the proposed landfill will not encroach upon an existing floodplain and will not be detrimental to surrounding land uses, nor to the public health, safety, morals, and the general welfare.
- C. The Commission may require all documents necessary to make the foregoing finding, and impose such conditions as it deems necessary to safeguard the public health, safety, morals, and the general welfare.
- D. The findings of the Commission shall be made upon a review procedure outlined in section 13.01 [section 300.1301] of this Ordinance.
- E. The Commission shall establish the amount of a bond and require a posting of such bond running to the Township holding the Township free of all liabilities incidental to such excavation, or sanitary landfill, and to assure performance in accordance with the conditions required by the commission.

300.310 - Nonconforming uses, structures and lots.

Sec. 3.10.

- A. *Nonconforming use.* Any nonconforming use of land or structure, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority.
 - 1. Any nonconforming use which has ceased its usual conduct of such business for a period of one year or more shall be considered to have terminated, and may not thereafter commence operation
 - 2. The Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued, been abandoned, or otherwise ceased to occupy the land and/or structure in question upon a finding that a minimum of three (3) of the following conditions exist.
 - (a) Local, county, or state government files or records show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to, permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - (b)

Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to, entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.

- (c) Utility records, including, but not limited to, providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to, records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
 - (d) Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to, advertisements, articles, features, or photographs that address the use of the land in question.
 - (e) Dated aerial photographs from Genesee County or other sources that show that the nonconforming use has ceased.
 - (f) Other relevant information showing that the nonconforming use has ceased. Such evidence may include, but shall not be limited to, date-stamped photographs, diary or log entries, affidavits or notarized statements.
- B. *Nonconforming structure.* The use of or occupancy of a nonconforming structure, may be continued; provided, however, that no enlargement, change, or alteration shall be permitted upon such nonconforming structure, except upon a finding by the Building Inspector that such enlargement, change, or alteration is in conformance with the requirements of this Ordinance and that the use within such structure is in conformity with the requirements of this Ordinance; and further, provided, that no enlargement, change or alteration of a nonconforming structure housing a nonconforming use shall be permitted except upon a finding by the Board of Zoning Appeals that such enlargement, change or alteration will permit greater compliance with the provisions of this Ordinance and that adequate provisions, as required by the Board of Zoning Appeals, are installed or instituted to minimize the detrimental effects of the nonconforming use upon adjoining conforming uses.
- 1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.
- C. *Nonconforming lot.* Nonconforming lots may be improved under the following conditions:
- 1. Improved nonconforming lots (those occupied by an existing principal building and accessory building(s)) may be improved by the enlargement or alteration of the existing principal building and/or the construction or enlargement of an accessory building provided that the applicable zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to enlarge, alter or erect a structure on a nonconforming lot, then such structure shall only be permitted if the Board of Zoning Appeals grants a variance.

2. Lawfully existing unimproved nonconforming residential lots (those that do not have a principal dwelling) that are nonconforming because of lot size, lot width, or depth to width ratio may be improved, provided all other applicable zoning requirements are met. Further, that septic and driveway approvals have been obtained by applicable agencies. If the variation of a setback or other zoning restriction is required to erect a dwelling, then a variance from the board of zoning appeals must be obtained.
 3. Other unimproved nonconforming lots (those that are not occupied by a principal building) shall not be occupied except upon variance approved by the Board of Zoning Appeals.
 4. If two or more lots or combination of lots and portions of lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, the lands involved shall be considered an undivided lot for the purpose of this Ordinance. Future divisions of such a lot shall be in conformance with current ordinance requirements.
- D. *Destruction of structure.* Nothing in this Ordinance shall prevent the restoration, rebuilding, or repairing of any nonconforming structure, or structure housing a nonconforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to the effective date of this Ordinance, in an amount up to and including 65 percent of the replacement value of the structure as determined by an assessment board consisting of a qualified appraiser appointed by the Township Board, another by the owner of the structure, and a third appointed by the first two appointees, with the cost of such appraisers shared equally by the Township and the owner, and provided that the restoration or repairing shall have commenced and is diligently prosecuted within one year after the date of destruction. Nonconforming residential structures and/or their accessory structures are exempt from this section and are entitled to be rebuilt to their pre-destruction condition; however, application for rebuilding shall be made within one (1) year from the date of damage or destruction.
- E. *Maintenance.* Nothing in this Ordinance shall prevent the renovation or repair of nonstructural members, or the maintenance or a nonconforming structure made necessary by ordinary wear and tear, provided the cost per year of such repair or maintenance does not exceed 25 percent of the value of the structure as determined by its state equalized valuation.
- F. *Preferred class of nonconforming use.*
1. Notwithstanding any of the above-enumerated provisions of this section, certain nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use," subject to the following conditions:
 - (a) The nonconforming use is compatible with the area development pattern.
 - (b) The nonconforming use is consistent with the objectives of the Township Master Plan.
 - (c) The nonconforming use does not adversely impact the public health, safety and general welfare.
 - (d) The nonconforming use does not adversely impact the purpose of the zoning district where it is located.

2. A preferred class of nonconforming use or structure housing a preferred class of nonconforming use may be enlarged or altered provided such alteration is approved by the Planning Commission. The property owner shall first seek approval of the "preferred" status by the Planning Commission. The property owner, upon approval of preferred status, shall then submit a site plan pursuant to the requirements of Section 300.1302 for review and approval by the Planning Commission.
3. Preferred class nonconformities shall be permitted to be perpetuated and expanded in accordance with an approved site plan, subject to the provisions of this section and any conditions of approval. Preferred class nonconformities shall be permitted to be perpetuated, expanded, improved, or rebuilt if damaged or destroyed in accordance with an approved site plan, subject to the provisions of this section and any conditions of approval.
4. An application for a preferred class designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals.
5. The preferred class designation shall be deemed removed when either the primary structure or property occupied by a preferred class of nonconforming use is permanently removed, or when a preferred class of nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this Ordinance.
6. Failure of the owner, operator, or person having beneficial use of a lot occupied by a preferred class of nonconforming use to maintain the use or improve the site in accordance with the provisions of this section, an approved site plan, or any conditions of approval shall be grounds for the Planning Commission to rescind the preferred class designation, after convening a public hearing noticed in accordance with Section 300.1303,4, for cause shown.

(Ord. No. 99-003, 4-19-99; Ord. No. 07-003, §§ 7.a., b., 8, 4-16-07; Amend. No. 07-03, 7-16-07)

300.311 - Non-conventional dwelling.

Sec. 3.11. No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this Ordinance shall be used as a dwelling for more than three years following said date, unless such structure has been brought to a state of external completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which said structure is located.

- A. No such structure constructed after the effective date of this Ordinance shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

300.312 - Yard and lot area requirements.

Sec. 3.12.

- A. *Lot measurements.* No area shall be counted as accessory to more than one principal structure or use, and no area necessary for compliance with the open space requirements for one principal structure or use shall be included or counted in the calculation of the open space accessory to any

other principal structure or use. In the determination of a land area where a structure is to be erected, altered, or used, road right-of-way may be included in the computation of the required minimum land area provided said right-of-way is legally described as a part of the property in question.

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points to the side lot lines in front and the rearmost points of the side lot lines in the rear. The depth shall not exceed four times the width.
2. Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot between side lot lines and measured across the lot at the required setback; provided, however, that the width between side lot lines at their foremost points (where they intersect with the front lot line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirement shall not apply.
3. The front of a lot shall be the portion nearest the street, and for the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, with the mean setback of existing streets considered the mean frontage of corner and through lots (as is provided in section 3.13C [300.313 C.]. Otherwise setbacks shall be provided as required in this Ordinance.

B. *Dimension criteria:*

1. *Height limitations.* The limitations affecting the height of structures shall not apply to the appurtenant appendages and structures such as parapet walls not exceeding three feet in height, chimneys, smokestacks, church spires, flagpoles, radio or TV towers, masts and aerials, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable Ordinance.
2. *Yards.* All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three feet in length from the structure wall, nor measuring three feet in width to the respective front, side, or rear lot line; provided, however, the point of measurement of such front, side, or rear lot line shall be at a point within the subject lot and on a line and is parallel to the side of the structure from which the distance is measured, or a parallel line to the lot line and measured to another parallel line tangent to the nearest point of the structure.

C. *Schedule of regulations:*

- a. *Fences, walls and protective barriers.* No fence, wall, or structure shall be erected, established, or maintained which does not conform to the following regulations:
 - 1) On corner lots, no fence or planting may obstruct the view of a driver of an approaching vehicle, excepting that shade trees would be permitted where all branches are not less than eight feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines which intersect, and a line connecting them at points 20 feet from the point of intersection. Plantings of 36 inches or less are allowed in this area.

2) Maximum height:

Residential — six feet with the following exception:

Front yards of lots of less than two acres and less than 200 foot frontage are limited to decorative, non-obscuring (max. 50 percent solid) fencing only.

Commercial and Industrial - To be determined at site plan review.

No fence may interfere with visibility from any driveway. The enforcing officer is empowered to remove any such obstruction which is against the interests of public safety.

- 3) Barbed wire and electric fences are allowed in Residential Suburban Agricultural and Agricultural Districts only. All electric to be run through electricity fence chargers.
 - 4) Obscuring walls of face brick or masonry, height to be determined, without advertising, are required when Commercial or Industrial developed land abuts a Residentially zoned area. An alternative of a green belt with earth berming may be required at the discretion of the planning commission.
 - 5) All structures considered in this ordinance must be maintained in a proper fashion.
 - 6) No fence will be allowed in the road right-of-way.
 - 7) A building permit must be obtained for the erection of all fences except those considered "decorative fences" as described in Section 2.22 b. [Section 300.222] of this Zoning Ordinance.
- b. In the case of corner lots which do not have reversed frontage, the front yard requirements shall apply to all sides of the lot which abut a street.
 - c. In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.
 - d. In the case of through lots, side yards shall extend the setback lines of required front yards. In the case of corner lot, yards remaining after full front yards have been established shall be considered side yards and comply with applicable requirements for side yards.
 - e. Width of a required side yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.
 - f. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.

(Amend. No. 5, 8-16-93; Amend. of 8-24-98)

300.313 - Exception to yard and lot area requirements.

Sec. 3.13. Lot area and yard requirements normally required within this Ordinance may be changed upon the approval of a variance by the Board of Zoning Appeals, in accordance with the provisions of Section 13.03 [Section 300.1303] and subject to the following provisions:

A., B. Reserved.

C.

Front yards. In all residential districts the front yard requirement shall not be less than the average depth of existing developed front yards on lots within 400 feet of said lot and within the same block face.

(Ord. No. 99-003, 4-19-99)

300.314 - Rights-of-way and setbacks.

Sec. 3.14. Rights-of-way shall be as specified herein with setbacks measured from the edge of the abutting right-of-way to the nearest point at which a structure can be located.

A. Except as provided below, the following shall apply in all zoning districts:

Section line roads: 100 feet right-of-way, 90 feet setback. Quarter section line roads: 80 feet right-of-way, 70 feet setback. Local thoroughfares: 66 feet right-of-way, 55 feet setback.

B. Provided, however, that when structures have been built upon a majority of the parcels in the block face with a lesser setback than permitted by this Ordinance, a structure may be built to the setback of the mean average of the structures in the block; provided further, that the setback on corner lots on the side streets shall not reduce the buildable width on parcels of land to less than a 24-foot width building.

(Amend. No. 5, 8-16-93)

300.315 - Clear vision zone.

Sec. 3.15. There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of 25 feet from the point on intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two feet to eight feet above the centerline elevation of abutting streets, except that not more than two trees with trunks of not more than 30 inches in diameter each, and clear of any branches for such heights may be located within such area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes, or geographic conditions.

300.316 - Lot grades.

Sec. 3.16.

A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Inspector and such other authorities having jurisdiction over such system.

300.317 - Curb cuts and driveways.

Sec. 3.17. Curb cuts and driveways may be located only upon approval by the Building Inspector and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards.

300.318 - Essential services.

Sec. 3.18.

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this Ordinance shall be construed to permit the erection, construction, or enlargement of any above ground structures except utility poles and wires, except as otherwise permitted in this Ordinance.

300.319 - Temporary living quarters.

Sec. 3.19. Nothing in this Ordinance shall prohibit the use of a mobile home upon a lot while construction is diligently pursued upon a residence meeting all requirements of this Ordinance; provided, however, all health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the Building Inspector; and provided further, that all such construction shall have been completed within one year from the issuance of the building permit; and further provided, that nothing in this Section or this Ordinance shall permit the occupance of a cellar without a complete residential structure thereon sufficient to permit the issuance of an occupancy permit, except as otherwise specifically provided.

300.320 - Storage in front yard.

Sec. 3.20. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard or any lot within a residential district, except that the parking of an operable passenger vehicle on a driveway located on private property shall not be prohibited.

300.320a - Dismantled, nonoperating, and unlicensed vehicles.

Sec. 3.20a.

1. Automotive vehicles or trailers of any kind without current license plates and/or in inoperable condition shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
2. Heavy vehicles with a rated capacity exceeding one ton shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, except that farm vehicles shall be permitted as required within the RA District.

(Amend. No. 5, 8-16-93)

300.321 - [Deleted by Amend. of 6-21-06.]

300.322 - Home occupation.

Sec. 3.22. A home occupation may be permitted within a single family residential dwelling subject to the following conditions:

- A. The home occupation shall employ no more than two (2) full-time or part-time employees on site, other than the residents of the dwelling unit.
- B. There shall be no change to the principal residential structure where such changes alter the character and appearance of the structure on the premises, or other visible evidence of the conduct of such home occupation. One (1) wall mounted or freestanding sign may be allowed pursuant to a permit issued by the building code inspector, provided the sign does not exceed two (2) square feet, and does not contain illumination or flashing features.
- C. Reserved for future use.
- D. Product sales associated with private social events (i.e., Tupperware® parties) or e-commerce (i.e., eBay® transactions) shall be exempt from the provisions of this section.
- E. Home occupations may generate no more than 30 vehicle trips per day. Any need for parking generated by the conduct of such home occupation shall be provided on site, by an off-street parking area located in other than a required front yard. One (1) off-street parking space shall be provided for each non-resident employee.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, telephone, or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- G. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes and occur on the same zoning lot. An area equal to not more than thirty (30) percent of the floor area of the dwelling unit may be used for the purposes of the home occupation, inclusive of any space within a detached accessory building(s) used for the home occupation, and exclusive of any commercial vehicle storage required under section 3.22A, subsection K below.
- H. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited, except personal automobiles used in a home occupation may be parked on site.
- I. Home occupations shall have a potable water supply and wastewater disposal system approved by the Genesee County Health Department.
- J. Shipping and receiving of products, merchandise, or supplies shall be limited to the hours between 8:00 a.m. and 6:00 p.m. and shall regularly occur in smaller vehicles customarily used to serve residential areas.
- K.

All commercial or non-passenger vehicles used in conjunction with the home occupation, and not also used as part of the ordinary transportation by the household, shall be parked or stored within a fully enclosed building.

- L. The use of a single-family home by an occupant of that residence for a home occupation to give instruction in a craft or fine art is expressly permitted. This provision shall not relieve the occupant from complying with the conditions of use established by this section which accompany its use as a home occupation.

(Amend. No. 7, 8-16-93; Amend. of 6-21-06; Ord. No. 10-003, 2-16-10)

300.323 - Temporary uses.

Sec. 3.23.

- A. Nothing in this Ordinance shall prevent the use of a travel trailer, a mobile home, or other similar structure, in any district as a temporary construction field office for a period not to exceed the period of construction; provided, however, such structure is not used for overnight sleeping accommodations and adequate arrangements for sanitary facilities are made and provided further, that the temporary field office has been certified as such and conforming to this Ordinance by the Building Inspector.
- B. Circuses, carnivals, or other transient amusement enterprises may be permitted in any district, upon approval by the Township Planning Commission based upon review procedures as outlined in Section 13.01 [Section 300.1301] of this Ordinance and a finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare; provided, however, the Commission may acquire a posting of a bond running to the Township in an amount sufficient to hold the Township free of all liabilities incident to the operation of such activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises on which the damages occurred and payable through such court.

300.324 - Variance.

Sec. 3.24.

- A. A variance from the provisions of this Ordinance may be granted by the Board of Zoning Appeals, subject to the provisions of Section 13.03 [Section 300.1303] of this Ordinance and upon finding by such Board of all of the following: (1) the strict enforcement of the provisions of this Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district; (2) there are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district; (3) the conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property; (4) the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district; and (5) the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

B. A variance granted under this Ordinance shall not permit a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.

300.325 - Off-street parking and off-street loading space requirements.

Sec. 3.25.

A. Off-street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule:

1. <i>Residential uses:</i>	
Dwelling unit	2 spaces per unit
Motels	1 space per rooming unit
Hotels	1 space per room
Rooming houses, fraternity houses, dormitories, etc.	1 space per bed or each 100 square feet, whichever will require the larger number of parking spaces
Mobile Home Parks	2 spaces per site
Travel Trailer Parks	1 space per site
2. <i>Institutional and public assembly uses:</i>	
Nursery, elementary and junior high schools	1 space per classroom plus 5 spaces, or 1 space per 3 permanent seats or per 21 square feet of assembly hall, whichever will require the largest number of parking spaces
High schools, and colleges with dormitory facilities	4.5 spaces per classroom, or 1 space per 3 permanent seats or 21 square feet of assembly space, whichever will require the largest number of parking spaces

Colleges without dormitory facilities	10 spaces per classroom, plus 1 space per 3 permanent seat or 21 square feet of assembly space whichever will require the largest number of parking spaces
Stadia and sport area	1 space per 4 seats
Swimming pools	1 space per 3 seats or per 40 square feet of pool surface, whichever will require the largest number of parking spaces
Assembly halls, churches, mortuaries, theatres	1 space per 3 seats or per 21 square feet of assembly space, whichever will require the largest number of parking spaces
Hospitals	2.25 spaces per bed
Convalescent homes, for the Aged	1.0 space per bed
3. <i>Commercial uses:</i>	
Business offices, except as otherwise specified herein	1 space per 75 square feet of floor area
Professional Offices, architects, attorneys, accountants, engineers, real estate brokers, etc.	1 space per 100 square feet of floor area but not less than 3 spaces
Medical and dental clinics	1.33 spaces per 100 square feet of floor area, but not less than 10 spaces
Retail stores, except as otherwise specified herein	1 space per 100 square feet of sales area, with a minimum of 5 spaces
Retail stores of appliances, furniture, motor vehicles, hardware, lumber, and building materials	1 space per 300 square feet of sales area, but not less than 10 spaces

Restaurants and bars	1 space per 30 square feet of sales area
Beauty or barber shops	1 space per 100 square feet of floor area
Service shops	1 space per 30 square feet of sales area, with a minimum of 3 spaces
Bowling alleys	7 spaces per lane
Poolrooms, bow and arrow, and other recreational facilities	1 space per 50 square feet of activity area
Service stations	1 space per 10 square feet of office space plus 2 spaces per hoist, but a minimum of 5 spaces

4. *Industrial uses.* Parking space requirements for all industrial uses shall equal the employee load factor, as proposed in the application for a building permit, or at a rate of one space per 50 square feet, whichever appears reasonable and accurate to the Township Planning Commission; provided, however, parking requirements for administrative offices shall be in addition to any such industrial use requirement.
5. *Exception.* The parking requirements for all uses proposed on a lot shall be cumulative, unless the Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that such particular land use parking requirements can be advantageously used during other non-conflicting hours by the other contiguous land uses, in which event the required parking spaces for such particular land uses may be reduced by the Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.
6. *Design requirements.* An off-street parking layout and dimensional requirements showing compliance with this Ordinance shall be submitted to the Building Inspector for approval before the issuance of a building permit for the structure for which the parking facility is required.
 - a. Each parking space shall consist of an area not less than ten feet wide by 20 feet deep; provided, however, such dimensions shall be increased, when necessary to permit safe ingress and egress.
 - b. Required off-street parking areas for three or more automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and maneuvered without moving or damaging another.
 - c.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, or improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances, and regulations of the Township.

B. Off-street loading spaces for specified land uses shall be provided in accordance with the following requirements:

1. Retail uses: All retail sales facilities exceeding 10,000 square feet in area shall provide two loading spaces plus one loading space for each additional 30,000 square feet of floor area over 10,000 square feet.
2. Industrial uses: All industrial land uses shall provide one loading space for each 10,000 square feet of floor area, with a minimum of not less than two loading spaces.
3. All loading spaces shall be located and designed to avoid creating traffic hazard to public use of all public rights-of-way.
4. A site plan showing the loading area layout and dimensional requirements shall be submitted to the Building Inspector for approval before the building permit for the structure for which the loading facility is required is issued.

300.326 - Structure completion.

Sec. 3.26. All structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested material within one year after construction is started unless an extension for not more than one additional year is granted by the Building Inspector, as provided elsewhere in this Ordinance. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards required under this Ordinance or any other ordinance, regulations, or statute.

300.327 - Personal construction authority.

Sec. 3.27. Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirements of the State Electrical and Plumbing Codes of the State of Michigan, and the applicable Genesee County Health Department regulations are complied with.

300.328 - Zoning district map.

Sec. 3.28. The land areas and sizes of dwellings assigned to the zoning districts, the designation of same, and the boundaries of said districts are shown on the map attached hereto and made part of this Ordinance, said map being designated as the Zoning District Map showing use districts and building districts in the unincorporated portions of this Township and said map and the proper notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

300.329 - Zoning districts.

Sec. 3.29. For the purpose of this Ordinance all of the unincorporated area of the Township is divided into the following use zoning districts:

- RA—Residential Agricultural District
- RSA—Residential Suburban Agricultural District
- RU-1—Residential Urban District
- RU-2—Residential Urban Multiple Family District
- RTP—Rural Trailer Park District
- C-1—Commercial Local District
- C-2—Commercial General District
- C-3—Shopping Center District
- ORA—Outdoor Recreation Area District
- M-1—Manufacturing District, Light
- M-2—Manufacturing District, Heavy

300.330 - Swimming pools.

Sec. 3.30. No in-ground or above-ground swimming pool shall be permitted, nor shall any existing swimming pool be altered, without first obtaining a permit from the building inspector upon written application. The building inspector shall only grant a permit for a swimming pool which:

- (1) If it is an in-ground pool, it must have a fence of at least four feet in height, which encloses the pool totally. Any gate in this fence must be self latching.
- (2) If it is an above-ground pool, it must conform to the above fence restriction unless it has walls of at least four feet in height, with a safety gate or ladder which can be swung up when the pool is not in use to provide an effective four foot barrier.
- (3) All BOCA codes concerning pools must be followed.
- (4) If there is surface lighting for the pool, it must be directed away from all neighboring property.
- (5) There must be a filtering system, scum gutter or skimmer, or a recirculating system which can recirculate and filter the entire volume content of the pool within a 12-hour period.
- (6) There must be provision for germicidal or bacterial control by the use of chlorine, bromine, or other such disinfecting agents.
 - (a) Such disinfecting agents shall be applied to the pool water at a uniform rate.
 - (b)

Provision shall be made for adjusting the application thereof so as to keep the germicidal or bacterial protection of the water in the pool equal to a standard of 0.5 parts per million chlorine residual.

(c) Testing devices capable of accurately measuring such residual shall be provided by the owner.

(7) A pool shall be capable of being completely emptied, and all discharged water shall be disposed of in a manner approved of by the building inspector.

(8) The swimming pool must be completed within six months from the issuance of the building permit.

(Ord. No. 84-02, 7-24-84)

300.331 - Accessory buildings.

Sec. 3.31. Accessory buildings, except as otherwise permitted in this Ordinance shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building.
2. Except as provided below, accessory buildings shall be erected in the nonrequired rear yard. Accessory buildings may be erected in any nonrequired side yard, provided they are constructed as a detached garage, with architectural features (including, but not limited to, the following: roof pitch, shingles, siding/brick, overhangs/soffiting/gutter, door and window design and trim) matching the existing main residential structure. Further, accessory buildings may be erected in the non-required front yard subject to the following:
 - (a) The property upon which the building is proposed shall be 5 acres or larger in area.
 - (b) No part of the building shall be located closer than 300 feet from the lot frontage road.
 - (c) The building shall be constructed with the same architectural features as non-required side yard detached garages above.
 - (d) The building official shall within 10 days of application receipt transmit, or cause to be transmitted, in writing, notice to all persons to whom property is assessed within 300 feet of the boundary of the property in question, and to occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the property or occupant is located in Atlas Township. If a tenant's name is not known, the term "occupant" may be used. The notice shall describe the nature of the proposed building, and include aerial pictometry showing the proposed building location. The notice shall request objections be transmitted to the building official in writing, and within 30 days of the notice transmission date.
 - (e) In the event that no objections are received by the building official, he/she shall follow the building permit procedure. If anyone noticed shall object, the applicant shall be required to seek a variance from the Zoning Board of Appeals.
3. An accessory building shall not occupy more than 40 percent of any nonrequired rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building, for lot sizes one acre or smaller. The floor area of any accessory building may be one and one-half times the main building ground floor area for lot sizes greater than one acre, but less than three acres, and

may be twice the main building ground floor area for lot sizes three acres or larger. Main building ground floor area shall include the total ground floor area occupied by a principal use and shall not include basements, crawl spaces, attached garages, breezeways, or enclosed or unenclosed porches. There is no restriction on accessory building size on parcels in the RA district in excess of 20 acres.

4. Detached accessory building shall meet required setbacks subject to all minimum setback requirements of the zoning district in which the building is proposed to be located. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
5. No detached accessory building in the RA through R-U2, RTP, C-1 through C-3, and ORA districts shall exceed 25 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to planning commission approval.
6. Accessory buildings shall be constructed to the minimum construction standards of Atlas Township, subject to the review and approval of the Township Building Official.
7. If an accessory building is constructed on any property in any residential zoning district other than RA, prior to the construction of the principal structure, a building permit for the principal structure must be issued prior to the construction of the accessory building. In the RA zoning district, an accessory building may stand alone on any property for the sole purpose of agricultural production.

(Amend. No. 5, 8-16-93; Ord. No. 98-005, 9-21-98; Amend. of 5-15-17)

Editor's note— An amendment adopted on August 16, 1993 amended the compilation by the addition of § 3.30 [§ 300.330], which provisions have been redesignated as § 3.31 [§ 300.331] due to prior adoption of § 3.30 [§ 300.330] by Ord. No. 84-02, adopted July 24, 1984.

300.332 - Ponds.

Sec. 3.32. Ponds shall be permitted in any district subject to the following:

1. No pond is to be located closer than 25 feet to a building, adjoining or abutting property lines, septic fields, property easements, or road rights-of-way.
2. The pond shall not have a slope steeper than one to three (1:3) for the first ten feet around the perimeter of the pond.
3. All materials removed as a result of the pond excavation must be retained on-site and distributed about the property so as not to disturb or redirect the natural flow of water and drainage of the property. The Township Building Official may require a plan submitted for a pond include drawings showing adequate methods to prevent overflow of water onto adjacent properties or right-of-ways.
4. A permit shall be required from the Michigan Department of Environmental Quality under the following circumstances:
 - (a) The pond is proposed to be located within 500 feet of a lake or stream or connected to a lake or stream;
 - (b) The pond is proposed to be located within a regulated wetland;
 - (c) The pond is proposed to be located within a 100-year floodplain of a river or stream;

- (d) The pond is proposed to have a surface area of five acres or more; or,
 - (e) The pond is created by the construction of a dam across a river or a stream. Dams with a height of six feet or more and which impound five acres or more will require a plan prepared by a state licensed engineer. Height and surface area are to be determined based on designed flood conditions.
5. All plans for proposed pond(s) shall be reviewed and approved by the County Drain Commission prior to issuance of a permit by the Township.
 6. There shall be horizontal distance of not less than 25 feet from any overhead lines.
 7. Construction of a pond must be completed within six months of the date of issuance of a permit. The Township Building Official may grant one six-month extension.
 8. To ensure compliance with the requirements of this Section, the Township Building Official may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of the pond construction be deposited with the Treasurer of the Township to ensure completion of pond construction.
 9. The Township Building Official shall act as the agent for the Township in all matters related to this ordinance.

(Ord. No. 98-006, 11-29-98; Amend. of 5-19-03)

300.333 - Wireless communication facilities.

Sec. 3.33.

- A. *Purpose and intent.* The general purpose and intent of these regulations is to regulate the establishment of wireless communication antenna (WCA) and wireless communication support facilities (WCSF) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is the further purpose and intent of these regulations to:
 1. Provide for the appropriate location and development criteria for wireless communication support facilities and wireless communication antennas within the Township;
 2. Allow and encourage the location of wireless communication support facilities in nonresidential zoning districts;
 3. Minimize the adverse effects of such facilities through careful design, siting and screening criteria;
 4. Maximize the use of existing and future wireless communication support facilities and encouraging multiple uses on such facilities;
 5. Protect the character of residential areas throughout the Township from the effects of wireless communication facilities; and
 6. Promote the public health, safety, and welfare.
- B. *Wireless communication antenna (WCA).*
 - 1.

To encourage co-location and to minimize the number of WCSF within the Township, WCAs shall be considered a permitted accessory use when the following terms and conditions have been met:

- a. The wireless communication equipment will be co-located on an existing wireless communication support structure or in an existing compound.
 - b. The existing wireless communication support structure or existing equipment compound is in compliance with local zoning requirements or received prior approval by the Township.
 - c. The proposed co-location will not:
 1. Increase the overall height of the wireless communication support structure by more than 20 feet or 10% of its original height, whichever is greater.
 2. Increase the width of the wireless communication support structure by more than the minimum necessary to permit co-location.
 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the Township.
2. The installation of a wireless communication antenna shall comply with the following general provisions:
- a. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
 - b. If a WCA requires an accessory equipment storage structure, it shall not be greater than 15 feet in height and shall meet all requirements for accessory structures specified under Section 300.331.
 - c. WCAs shall not be allowed on any site used as a single family dwelling unit.
 - d. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical, taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
 - e. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
 - f. A WCA proposed to be located on a historic landmark or in a designated historic district may be denied if the WCA would detract from the historic character of the historic landmark or district.
 - g. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
3. Wireless Communication Antenna Approval Process.
- a. Wireless communication equipment that meets the requirements of subsection B.1.a. and subsection B.1.b. above, but does not meet the requirements of subsection B.1.c. or subsection B.1.d. above, shall be subject to conditional use permit approval procedures outlined in Section 300.1301; however, the Township shall determine that the conditional use

permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall also approve or deny the application not more than 60 days after the application is considered to be administratively complete.

- b. Wireless communication equipment not intended to be co-located on an existing wireless communication support structure or in an existing equipment compound shall be subject to conditional use permit approval procedures outlined in Section 300.1301; however, the Township shall determine that the conditional use permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall also approve or deny the application not more than 90 days after the application is considered to be administratively complete.
- c. Wireless communication equipment meeting the requirements of subsection B.1. and subsection B.2. above shall be considered to be a permitted use of property not subject to conditional use permit approval. The Township shall determine that the application for approval is administratively complete within 14 business days of its receipt. The Township Building Official shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. Such review by the Township Building Official shall be without notice.

C. *Wireless communication support facilities (WCSF).*

1. *General criteria.*

- a. All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIAITIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
- b. The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- c. The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers. See Atlas Township Sign Ordinance.
- d. The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
- e. The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF, or the accessory equipment or storage area, whichever is closer. See also Section C.3.e.(2) below for fencing requirements.
- f.

The WCSF shall have a landscaped buffer so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way, residential use, or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six feet at maturity and conifer trees planted on 15-foot centers along the approved buffer of a species approved by the Planning Commission unless safety requirements of the principal use requires otherwise (i.e., utility substations).

- g. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the co-location needs of future wireless communication providers.
 - h. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
 - i. If co-location is not part of the application, then the applicant must demonstrate in the application as to why co-location is not possible.
 - j. WCSFs shall not have a shiny or metallic finish.
 - k. Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles, designed in accordance with the requirements of Section 300.325. All off-street parking spaces shall be hard surfaced of asphalt or concrete construction.
 - l. Adequate ingress and egress to the WCSF by means of clearly limited and defined drives not less than 12 feet wide and of asphalt or concrete construction shall be provided.
 - m. No WCSF shall be placed within a public right-of-way or within an easement.
2. *Replacement of existing wireless communication support facilities (WCSF)*. An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCA, or otherwise, provided that:
- a. The replacement WCSF shall not exceed a total height of 150 feet or, if the existing WCSF has an approved height greater than 150 feet, the replacement WCSF shall not exceed the approved height.
 - b. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
 - c. The applicant shall cause the existing WCSF to be removed within 90 days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within 180 days of the Township's final construction inspection of the replacement WCSF.
 - d. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antenna support facilities may be used, but must be removed within 30 days of the completion of the replacement WCSF and

the relocation or installation of the WCA. In any event, the temporary portable antenna facilities must be removed within 60 days of the Township's final construction inspection of the replacement WCSF.

- e. The replacement WCSF shall meet the General Criteria and requirements found in subsection C.1. described above.

3. *Review criteria for all new WCSFs.*

- a. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
 1. Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;
 2. Unavailability of suitable locations to accommodate system design or engineering on existing WCSFs or other structures;
 3. Radio frequency interference or other signal interference problems at existing WCSF or others structures;
 4. The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures;
 5. Other factors which demonstrate the reasonable need for the new WCSF.
- b. The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity.
- c. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the applicant based on known entities who have requested approval of WCSF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new WCSF, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
- d. New WCSFs shall meet the following additional criteria:
 1. The WCSF shall not exceed 180 feet in height.
 2. All WCSFs over 100 feet in height shall be designed for co-location.
 3. All WCSFs which are located in a zoning district allowing residential development, which are within 250 feet of a lot used for a residential use, or are within 250 feet of a residential zoning district as measured from the base of the WCSF shall be subject to conditional use review procedures of the Ordinance specified in Section 300.1301 and the additional criteria of Section C.4. below.
 4. The WCSF shall meet all General Criteria and requirements of subsection C.1.

- e. Application and Approval requirements for new wireless communication support facilities (WCSF):
1. The installation of a new WCSF shall be subject to conditional use permit approval procedures outlined in Section 300.1301; however, the Township shall determine the conditional use permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall approve or deny the application not more than 90 days after the application is considered administratively complete.
 2. A site plan prepared in accordance with Section 300.1302 (Site Plan Review Procedures) shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 3. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe. Fences shall not exceed a height of eight feet and not contain barbed wire, razor wire, electric current, or charge of electricity.
 4. The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.
 5. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph C.5. below. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township's Supervisor establishing the land in question as security for removal.
 6. The application shall include a map showing existing and known proposed WCSFs within the Township, and further showing existing and known WCSFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
 7. The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the WCSF is on the premises.
4. *Additional criteria for conditional use permit review and approval.* The installation of a new WCSF as a conditional use shall also be subject to the following:

- a. WCSFs shall meet all General Criteria and requirements of subsections C.1. and C.3. of this section;
 - b. WCSFs shall be located on lots or parcels of not less than two acres.
 - c. Site selection shall be limited to the following hierarchy of sites. Sites shall be selected in descending order based upon their availability and ability to meet the transmission needs of the applicant. In the event a particular parcel is demonstrated to be unavailable and/or functionally inappropriate for transmission purposes, the applicant shall select the next available and appropriate site from the site options listed below.
 1. Atlas Township
 2. Federal, state, or county governmental entities
 3. Schools, colleges, and universities
 4. Utility companies
 5. Cemeteries
 6. Golf courses and associated facilities (public and private)
 7. Publicly owned parks and recreational areas
 - d. If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable.
 - e. WCSFs proposed to be located on a historic landmark or in a designated historic district may be denied if the WCSF detracts from the historic character of the historic landmark or district.
 - f. The Planning commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visual character of the proposed WCSF.
5. *Application and Approval Requirements for Replacement WCSFs.* The installation of a replacement WCSF shall be considered to be a permitted use of property, not subject to conditional use permit approval. The Township shall determine that the application for approval is administratively complete within 14 business days of its receipt. The Township Planning Commission shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the Township Planning Commission shall be without notice.
6. *Removal of abandoned WCSFs.* Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from a cash bond or irrevocable bank letter of

credit posted at the time application was made for establishing the WCSF or the Township may place a lien on the property to cover costs for the removal of the WCSF. A lien on the property shall be superior to all other liens except taxes.

7. *Variances and appeals.* Variances from this section may be requested from the Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the planning commission to provide for co-location of additional WCA so long as such additional height does not exceed 30 feet. Appeals of a Planning Commission decision shall be taken to the Board of Appeals.

(Amend. of 6-19-00; Amend. of 6-21-06; Ord. No. 13-04, 3-5-13)

300.334 - Regulation of sexually oriented businesses.

Sec. 3.34

- A. *Purpose and intent.* The purpose and intent of this section of this Ordinance is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses, based on the evidence concerning the adverse secondary effects of adult uses in the findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1988); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, KY*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d (6th Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1985); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir. 1984), as well as studies conducted in other cities including, but not limited to: Garden Grove, California; Tucson, Arizona; Seattle, Washington; Indianapolis, Indiana; and, Houston, Texas. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of property values of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United State Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Atlas Township Ordinance, state, or federal law.
- B. *Definitions.* For purposes of this section, the following definitions shall control.
1. *Adult arcade*—Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer

persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities," "specified anatomical areas," or "specified acts of violence."

2. *Adult cabaret*—An establishment where materials or entertainment is presented, displayed, permitted or provided, which is distinguished or characterized by an emphasis on or related to "specified sexual activities," "specified anatomical areas," or "specified acts of violence."
3. *Adult motel*—A hotel, motel, or similar commercial establishment that: offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities," "specified anatomical areas," or "specified acts of violence;" and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or offers a sleeping room for rent for a period of time that is less than 24 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.
4. *Adult mini-motion picture theater*—Any enclosed building with the capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities," "specified acts of violence," or "specified anatomical areas" for observation by patrons therein.
5. *Adult motion picture theater*—Any enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities," "specified acts of violence," or "specified anatomical areas" for observation by patrons therein.
6. *Adult personal service establishment*—Any business agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, "therapists," companions or entertainers, either on or off the premises, for the purposes of depicting or engaging in "specified sexual activities," "specified anatomical areas," or "specified acts of violence."
7. *Adult physical culture establishment*—Any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
 - a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - b. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - c. Continuing instruction in martial or performing arts or in organized athletic activities;
 - d. Hospitals, nursing homes, medical clinics, or medical offices; and,
 - e.

Barbershops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, the neck, or shoulders only.

8. *Adult supply store*—Any premises wherein a significant portion or area is used for the sale, rental, distribution, or display of books, magazines, novelties, periodicals, films, videos, recordings, devices, objects, toys, paraphernalia or similar materials, which are used for or characterized by an emphasis on "specified sexual activities," "specified acts of violence" or "specified anatomical areas." Retail establishments which display, sell, distribute, provide or rent such materials within a segregated enclosed area not greater than five percent of the total, useable retail space which is limited to persons 18 years or over, shall not be included in the definition of "Adult Supply Store."
9. *Nude model studio*—Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.
10. *Sexual encounter center*—A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
11. *Sexually oriented business*—An adult supply store, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult personal service establishment, adult physical culture establishment, adult arcade, adult motel, nude model studio, or sexual encounter center.
12. *Specified acts of violence* shall include:
 - a. The graphic depiction, or simulation of human or animal: 1) decapitation; 2) dismemberment; 3) physical torture; 4) stabbing; 5) shooting; 6) strangulation; 7) drowning; 8) electrocution; 9) aggravated assault, whether accomplished by human contact, instruments, or weapons; 10) rape; 11) disfigurement; 12) mutilation; 13) burning; and, 14) disembowelment.
13. *Specified anatomical areas* is defined as:
 - a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and 3) female breasts below a point immediately above top of the areola; and
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
14. *Specified sexual activities* shall be defined as:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral/anal copulation, bestiality, direct physical stimulation or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, or sodomy;
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal, tumescence;
 - c. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation;

- d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts;
 - e. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain;
 - f. Erotic or lewd touching, fondling, or other contact with an animal by a human being;
 - g. Human excretion, urination, menstruation, or vaginal or anal irrigation.
- C. *Development standards.* Sexually oriented businesses shall only be allowed in the C-2 District subject to the following standards:
1. The proposed sexually oriented business will not be located within 1,000 feet of any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business. The distance between a proposed sexually oriented business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other sexually oriented business.
 2. Any sign or signs proposed for the sexually oriented business shall comply with the Atlas Township Sign Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
 3. Entrances to the proposed sexually oriented business shall be posted on both the exterior or interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
 - a. "Persons under the age of 18 are not permitted to enter the premises" and
 - b. "No alcoholic beverages of any type are permitted within the premises" unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
 4. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
 5. Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
 6. All off-street parking areas shall be illuminated to a level of one footcandle as measured at the property line during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
 7. The site shall be so located as to abut a major thoroughfare as designated by the Genesee County Road Commission with all ingress-egress to the site directly from such major thoroughfare.
 8. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing "specified anatomical areas," "specified sexual activities," or "specified acts of violence" shall:
 - a. Be handicap accessible to the extent required by the Americans with Disabilities Act;
 - b. Be unobstructed by any door, lock, or other entrance and exit control device;

- c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times for the adjoining aisle of any occupant;
 - d. Be illuminated by a light bulb of wattage not less than 50 watts; and
 - e. Have no holes or openings, other than doorways, in any side or rear walls.
9. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
- D. *Review procedures for sexually oriented businesses.* All applications to establish a sexually oriented business shall be processed as a conditional use in accordance with the procedures specified in Section 300.1301. The Planning Commission shall adhere to the following procedures when reviewing a conditional land use application for a sexually oriented business:
1. If the Planning Commission determines that a conditional land use application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five business days of said determination detailing the items required to complete the application.
 2. Only when the Planning Commission determines that the application is complete, it shall within 90 days of said determination make and adopt specific findings with respect to whether the sexually oriented business is in compliance with the approval standards of Section 300.1301 and the development standards of Section 300.334,C above. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a conditional use permit for the same within 90 days of its determination that a completed application has been filed, then the conditional use permit shall be deemed to have been approved.
 3. In the event an application for a conditional use permit is denied by the Planning Commission, the applicant shall be entitled to an automatic and prompt review by the Township Zoning Board of Appeals as a means to exhaust local remedies and to be consistent with the intent of Paragon Properties Co., v. Novi, 206, Mich App 74; 520 NW 2d 344 (1994). The applicant shall be notified of the date of the review by the Township Clerk within ten business days of the date of the denial of the conditional use permit application by the Planning Commission. The review shall be conducted at a special Zoning Board of Appeals meeting convened within 45 days of the date of denial of the conditional use permit by the Planning Commission. Notification of the special meeting shall be in accordance with Section 13.03 (300.1303), 4 of the Zoning Ordinance. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission to determine whether the Planning Commission's determination was based upon competent material and substantial evidence in the record and otherwise review the Planning Commission's determine to ensure that it complies with all requirements of both the Michigan and the United States Constitutions.
 - 4.

The decision of the Zoning Board of Appeals shall be final. However, the applicant may appeal to circuit court pursuant to Section 23a of state Public Act 184 of 1943, as amended (the Township Zoning Act).

(Amend. of 6-19-00; Amend. of 6-21-06)

300.335 - One-family detached dwelling unit standards.

Sec. 3.35. One-family detached dwelling units located outside of mobile home parks or manufactured housing communities shall be subject to the following regulations:

1. The dwelling shall have a minimum width across any section of 24 feet and comply in all respects with the local Building Code. Where a dwelling is required, by law, to comply with any federal or state standards or regulations for construction, and where such standards or regulations allow standards of construction which are less stringent than those imposed by the local Building Code, then, and in that event, the less stringent federal or state standard or regulation shall apply.
2. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the local Building Code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable local Building Codes and other state and federal regulations.
3. The dwelling shall not have exposed wheels, towing mechanism, undercarriage, or chassis.
4. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Genesee County Health Department.
5. The dwelling shall contain storage area whether in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to, or of better quality than, the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 15 percent of the minimum square footage requirement. In no case, however, shall more than 200 square feet of storage area be required by this provision.
6. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, and with either a roof overhang of not less than six inches on all sides, or alternatively with window and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than one exterior door being in the front of the dwelling and which contains permanently attached steps connected to said exterior door area where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined by the Building Official, upon review of the plans. Any determination of compatibility shall be based upon the following standards:

- a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based upon the quality of its design and relationship to its surroundings.
- b. Buildings shall have a good scale and be in harmonious conformance with permanent neighboring development.
- c. (i) ;hg;Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

- (ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all buildings walls and other exterior building components wholly or partly visible from public ways and abutting residentially zoned or used property.
 - (iii) Materials shall be of durable quality.
 - (vi) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- d. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
 - e. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways and abutting residentially zoned or used property.
 - f. The roof overhang and pitch shall be comparable to the overhang and pitch of homes typically found in the surrounding area, provided the pitch of the roof shall not be less than five feet of rise for 12 feet of horizontal run (5:12).
 - g. Any determination of compatibility shall be based upon the standards set forth in this section, as compared against the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks or manufactured housing communities 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 standard designed home.
- 7. The dwelling complies with all pertinent building and fire codes. In the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" as amended, shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 - 8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance pertaining to such parks.

(Amend. of 6-17-02; Ord. No. 04-007, 12-20-04)

300.336 - Open space preservation provisions.

[Sec. 3.36.]

Section 1—*Purpose*. The purpose of this section is to provide an alternative means of development to the land owner on land which is residentially zoned that would create the same number of home sites, but preserve no less than 50 percent in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land as required by Section MCL 399.251.

The overlay regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space which might be lost through more traditional subdivision development in the RA and RSA districts.

Section 2—*Establishment of overlay district*. The open space preservation option is established as an overlay district with the underlying zoning to remain in place, and shall be available by right for site condominium developments and platted subdivisions in residential zoning districts where land is zoned for residential development at two or less units per acre or three or less units per acre where public sewer is available.

Section 3—*Definitions*. For the purposes of this article, the terms enumerated in this section shall be defined as follows:

1. *Adjusted parcel acreage*: Net parcel area after the acreage of all lakes, ponds, streams, 50 percent of registered wetlands, property within 100-year flood plain, public rights of way, utility easements are deducted.
2. *Density*. Equals the number of dwelling units situated on or to be developed per net acre of land as determined by Section 9 (c)(2)(w). For the purpose of calculating maximum density, only 50 percent of the acres determined to be wetlands shall be calculated toward the total site acreage. All open bodies of water, land within the 100-year flood plain elevation, public rights-of-way, and area within overhead utility line easements are excluded from this calculation. Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements.
3. *Open space preservation area*: Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residence of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways or lineal parks. The following are not to be considered open space by this definition:
 - a. Golf courses.
 - b. The area of any street right-of-way proposed to be dedicated to the public.
 - c. Access easements for underground or overhead utilities.
 - d. The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site.
 - e. Parking and loading areas.
 - f. Public or private utility system.

Section 4—*Eligibility criteria*. In selecting the open space overlay option, the applicant must present a proposal for residential development that meets each of the following:

1. *Open space*. To be eligible for open space overlay option, the proposed development shall contain at least 50 percent of the land area which will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.
2. *Unified control*. The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
3. *Protection from development in perpetuity*. The applicant shall guarantee to the satisfaction of the township and planning commission that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open space lands or their use for other than recreation, conservation, or agricultural shall be prohibited.
4. *Density impact*. The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
5. *Community master plan*. The proposed development shall be consistent with and further the implementation of the Atlas Township Master Plan as amended.

Section 5—*Regulatory flexibility*. To encourage flexibility and creativity consistent with the open space community concept, the planning commission may grant specific departures from their requirements of the zoning ordinance for yard, lot standards as part of the approval process, provided that such modification results in enhanced buffering from adjacent land uses or public rights-of-way, or further preservation of natural features. However, the application of this section shall not authorize the planning commission to reduce minimum requirements for properties subject to Section 300.504 (non-conventional septic systems).

Regulatory modifications are not subject to variance approval by the zoning board of appeals. No part of an open space community plan may be appealed to the zoning board of appeals. Any deviation of an approved plan shall require approval from the planning commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space site plan.

Section 6—*Project design standards*. A proposed open space community shall be reviewed and approved in accordance with the site plan review procedures of the ordinance and must comply with the following project design standards:

1. *Project design objectives*. The open space community shall be designed to accomplish the following objectives:

- a. Protects, preserve, and maintain conservation areas from clearing, grading, filling, or construction, except as approved for essential services or recreational amenities.
- b. Create sufficient buffer areas to minimize conflicts between residential and agricultural or other open space uses.
- c. Be designed around existing hedgerows, tree lines between fields or meadows, and minimize impact on woodlands.
- d. Leave scenic views and vistas unblocked or uninterrupted, particularly if seen from public road rights-of-way.
- e. Avoid siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- f. Protect wildlife habitat areas, especially species listed as endangered, threatened or of special concern by the federal and state government.
- g. Be designed around sites of historic, archeological, or cultural value and their environs.
- h. Protect the rural roadside character by establishing buffer zones along scenic corridors and improve public safety and vehicular carrying capacity by avoiding development that fronts directly upon existing roadways.
- i. Landscape common areas, cul-de-sac islands, and both sides of new roads with native species and shade trees and flowering shrubs with high wildlife conservation value.

Section 7—*Open space location*. The location of open space preservation areas shall meet the following standards to the greatest extent feasible:

- a. The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least 50 feet.
- b. The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community.
- c. The open space is designed and located to be contiguous to all or most of the dwelling units.
- d. All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.

Section 8—*Guarantee of open space*. The open space preservation area shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the planning commission, such as a recorded deed restriction, covenants that run perpetually with the land, or conservation to easement established per the State of Michigan Conservation and Historic Preservation Act (MCL 399.251 et seq). Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on approved site plan, and shall not be changed to another use. Such conveyance shall provide the following:

- A. Indicate the proposed allowable use of the dedicated open space. The planning commission may require the inclusion of open space restrictions that prohibit the following:
 1. Dumping or storing of any materials or refuse.

2. Activity that may cause a risk of soil erosion or threaten any living plant material.
3. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
4. The use of motorized off-road vehicles.
5. Cutting, filling or removal of vegetation from wetland areas.
6. Use of pesticide, herbicides, or fertilizers within or adjacent to wetlands.

Section 9—*Building setbacks and yard requirements.*

- A. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single family residential district in which the option is to be located.
- B. No building shall be less than 50 feet from the outer perimeter of a property line of the development site.
- C. Review by the planning commission following the standards and procedures adopted by the township for approval will be the site plans, condominiums, platted subdivisions as applicable. Platted subdivisions must be approved by the township board as outlined in the subdivision control provisions of the Atlas Township ordinances. In addition to applicable site plan requirements of the Atlas Township ordinance following application requirements for site plan review are required.
 1. Complete application and payment of a non-refundable application fee. A separate escrow deposit may be required for administrative charges to review the application.
 2. A concept plan drawn on sheets measuring not less than 24" × 36" and not more than 30" × 42" at a scale adequate to determine compliance with all standards contained in this ordinance with a minimum scale not to exceed 1" (one inch) on the concept plan for every 50 feet on the ground. That includes the following at a minimum:
 - a. Name and address of project.
 - b. Current legal description of parcel.
 - c. Name, address and professional seal of the architect, engineer, surveyor or landscape architect responsible for the preparation of the plan.
 - d. A small location sketch of sufficient size and scale to locate the property within the township.
 - e. Title block with the date of preparation and dates of any revisions.
 - f. North arrow.
 - g. Gross acreage, net acreage and adjusted parcel acreage of the parcel.
 - h. Parcel percent of open space for the gross acreage and for the adjusted parcel acreage.
 - i. Zoning and current land uses of the applicants property and all abutting properties including properties across any public or private street.
 - j. Buildings, driveways, streets and structures within the subject site within 100 feet of property lines.
 - k.

Location of all existing buildings, structures, parks, trails, preserved open spaces, street names, and existing right-of-ways, utility poles, towers, drainage ditches, culverts, pavement, sidewalks, parking areas and driveways on the property within 100 feet of subject property.

- l. All existing and proposed lot lines and dimensions, including setback lines and existing or proposed easements. The lot area and width for all lots must be provided.
- m. Number of residential units for each project phase divided by the acreage exclusive of any public right-of-way, or private road, access, easement if multi-phased developments propose the identification of the areas included in each phase.
- n. Existing topography based on United States Geological Service Data (minimum contour interval of two feet) on the site parcels and within 50 feet beyond the site boundaries.
- o. Location of all conservation areas within and surrounding the proposed site within 500 feet. The applicant or applicant's agent shall supply a written description of the natural features and the name, address, telephone number of the individual preparing the determination.
- p. Existing woodlands shown by approximate outline of the total canopy.
- q. Soil boundaries and descriptions based on soil conservation service maps.
- r. The alignment, width, pavement type, detail cross-section, and distance from streets for any proposed sidewalks or pathways.
- s. The layout and dimensions of proposed streets, drives including grades, proposed rights-of-way easements, pavement width, number of lanes to people cross section showing surface and sub-base materials and dimensions.
- t. Location and design of access points including width, radii, provisions for any deceleration or passing lanes, distance from adjacent driveways or street intersections.
- u. Existing and proposed locations of utility services, degrees of slope of sides and retention/detention ponds, calculations for sides of storm drainage facilities, location, and size of wells, septic tanks, drain fields, locations of manholes and catch basins, and all necessary public or private easements for constructing, operating, inspecting, maintaining, altering, replacing or removing pipeline mains or conduits.
- v. Site grading plan for all developments where the grading will occur, with existing and proposed topography at a minimum of two-foot contour intervals and with topography extending a minimum of 50 feet beyond the site in all directions and further, when required, to indicate storm water run off to an improved drain or detention/retention pond so as to clearly indicate cut and fill requirement.
- w. A parallel or guide plan designed for the project that meets all the following requirements:
 1. Conventional lot and road layout as consistent with state, county, and township requirements including standards of design and criteria for tentative preliminary plat.
 2. Meets all standards for lot size, lot width, setbacks required for the underlying zoning district.
 - 3.

Conceptual storm water detention areas as shown in calculations provided in that area indicated that is sufficient for storm water detention.

4. Lots have sufficient building envelope size without impacting wetlands regulated by the MDEQ.
5. Primary conservation areas are shown as excluded from the layout of conventional lots.
6. Any other information as required by guidelines adopted by planning commission pursuant to this article.
7. Reflects the exclusion of lakes, ponds, streams, and property within the 100-year flood plain.

Section 10—*Review and approval*. Approval of an open space option overlay shall be determined by the Atlas Township planning commission and shall be considered a Planned Unit Development (PUD) pursuant to MCL 125.286(c). The Atlas Township planning commission shall be the body charged with approval of an open space overlay option submitted as a PUD and shall hold at least one public hearing upon the submission of a complete application.

The planning commission shall cause to be mailed notice of the hearing date and time for consideration of the PUD to property owners or occupants of structures located within 500 feet of the boundary of the property being considered and shall publish one notice of the hearing in a newspaper which circulates within the township.

(Ord. No. 300.306, 11-11-02)

300.337 - Wind energy conversion system, on-site.

The purpose and intent of these regulations is to provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of an on-site wind energy conversion system (WECS) in Atlas Township, to protect the health, safety, and general welfare of the public, and to ensure compatible land uses in the vicinity of areas affected by on-site WECS.

In all zoning districts, on-site wind energy conversion systems for the purpose of providing electricity to a residence, farm, business, institution, and/or industrial facility on the same site may be permitted as an accessory use to a principal permitted use, and only when meeting the standards of this Section. Upon review of the application for a Building Permit, the Building Department shall grant approval if it is found that the plans comply in all respects with this Section and the Township Building Code.

- A. Prior to the construction of an on-site WECS, a wind site assessment may be conducted to determine feasibility. A temporary anemometer tower, as defined in this ordinance, may be allowed as an accessory use in all districts, subject to the following:
 1. Prior to the installation of a temporary anemometer tower, a building permit from the Township must first be obtained after review and approval by the Building Official.
 2. Anemometer towers shall have a maximum height of one hundred (100) feet.
 - 3.

Anemometer towers shall only be allowed within the rear yard. The Building Official shall have discretion to permit exceptions where warranted, including, but not limited to, lakefront properties, and large, narrow properties with rear-oriented principal structures.

4. The distance between any property line or public utility wires and the anemometer tower shall not be less than 110% of the height of the tower.
 5. The applicant shall be required to remove the temporary anemometer tower and restore the site after completion of the wind site assessment, which shall not exceed a six-month period from the date of the building permit approval.
- B. All on-site wind energy conversion systems shall be subject to the following conditions:
1. Maximum height of a ground mounted WECS support tower shall be one hundred (100) feet from grade. A rooftop mounted WECS shall not extend more than fifteen (15) feet above the highest point of the existing roof.
 2. The setback of a ground-mounted system including ancillary components from all property lines shall be at least equal to 110% of the height of the entire system at its highest point, or the minimum building setback for the respective zoning district, whichever is greater. In non-residential districts, this setback requirement may be reduced to fifty (50) feet provided that 1) there is no residential district, residential use or outdoor use where people would likely congregate (park, outdoor seating area, etc.) within the standard setback area (110% of height), and 2) a report or letter from a registered engineer or manufacturer of certified wind energy equipment is provided that states that the device is designed to collapse so that the structure would not likely fall beyond the proposed setback distance from the nearest property line.
 3. The setback of any system from any existing or planned overhead public utility lines shall be at least equal to 110% of the height of the entire system at its highest point. It shall be the applicant's responsibility to note the location of utility poles and/or overhead lines on a dimensioned drawing as required in this Section.
 4. All ground-mounted systems shall be located in the rear yard. The Building Official shall have the discretion to permit exceptions where warranted, including, but not limited to, lakefront properties, and long, narrow properties with rear-oriented principal structures.
 5. Individual systems may be freestanding and mounted on a monopole or lattice structure or building-mounted (with or without monopole). The use of guy wires or similar forms of secondary support shall be prohibited. Support systems, such as monopoles and lattice structures, shall be constructed of a material, painted, or otherwise treated so as to be non-reflective and in a non-obtrusive color (typically matte white or light gray).
 6. All exposed moving components of a system must maintain a minimum ground clearance of twenty (20) feet.
 7. All WECS must be unclimbable by design or protected by anti-climbing measures such as fences.
 8. All WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.

9. Properties in a residential district are limited to one (1) WECS. Properties in commercial and industrial, and manufacturing districts are limited to two (2) WECS per site.
10. An on-site WECS shall not exceed sound pressure level of fifty-five (55) dbA at the property line closest to the WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If ambient sound pressure level exceeds fifty-five (55) dbA, the standard shall be ambient dbA plus five (5) dbA.
11. Systems shall not be illuminated. No exterior light shall be mounted to or atop any portion of the structure unless required per Article III, General Provisions, Section 300.337 B.15 of the Township Zoning Ordinance.
12. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. However, appropriate warning signs and owner identification may be allowed on buildings or other structures associated with an on-site WECS.
13. Wind energy conversion systems must be approved/certified by the American Wind Energy Association (AWEA), the Small Wind Certification Council, and/or the U.S. Department of Energy or by a certification program recognized by one of the above entities.
14. Systems shall comply with all applicable State construction and electrical codes and Township building permit requirements. Building permit applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Michigan Building Code and certified by a licensed professional engineer shall also be submitted. (This analysis is typically supplied by the manufacturer.)
15. Wind energy systems must comply with applicable Federal Aviation Administration regulations, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.)
16. Building and electrical permit applications for private wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code. (This information is frequently supplied by the manufacturer.)
17. A wind energy system connected to the electric utility grid must obtain an Interconnection and Operation Agreement or its equivalent from the utility company, demonstrating the utility company's approval of an interconnected, customer-owned generator. Interconnected systems shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems shall be exempt from this requirement.
18. Any WECS which is not operated for a continuous period exceeding six (6) months shall be considered abandoned. Where the removal or demolition of an abandoned WECS has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility, with its actual cost and reasonable administrative charge to be drawn or collected from a cash bond or

irrevocable bank letter of credit posted at the time application was made for building permit, or the Township may place a lien on the property to cover costs for the removal of the WECS. Such lien on the property shall be superior to all other liens except taxes.

(Ord. No. 10-002, 2-16-10)

300.338 - Solar energy systems, large.

The purpose and intent of these regulations is to allow and promote the use of renewable energy as an alternative energy source and to provide associated place, land development, installation, and construction regulations for large solar energy systems facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements for large solar farm facilities while promoting a renewable energy source in a safe, effective, and efficient manner.

- A. *Minimum Lot Size and Placement:* A minimum of ten (10) acres of land is required. Large solar energy systems shall be located within four (4) miles of an existing or planned electrical substation.
- B. *Height Restrictions:* All solar devices and support structures located on a large solar energy system facility shall be restricted to a maximum height of twelve (12) feet when orientated at a maximum tilt as measured from the existing grade.
- C. *Setbacks:* All solar devices and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of 50 feet from all property lines.
- D. *Maximum Lot Coverage:* Maximum lot coverage restrictions shall not apply to solar devices. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.
- E. *Safety/Access:* A six-foot tall security fence shall be placed around all electrical equipment not included on the individual solar panel arrays. The use of barbed wire and electrical fences are expressly prohibited.
- F. *Noise:* No large solar energy systems shall exceed fifty (50) dBA as measured at the property line.
- G. *Glare:* Large solar energy system facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto adjoining properties or roadways at any time of the day.
- H. *Landscaping:* A 25-foot wide vegetative buffer shall be installed along the perimeter of the site. Such buffer shall consist of a staggered row of closely spaced evergreen and deciduous trees planted at a scale and density which, in the judgement of the Planning Commission, will provide a complete visual barrier throughout the year that is at least 12-feet above ground within 5-years of planting. A mixture of plant materials shall be used to provide visual interest and as a protective measure against disease, drought, and insect infestation.
- I. *Electrical Interconnections:* Use of above ground transmission lines are prohibited within the site except as may otherwise be required by a public utility.
- J. *Energy storage buildings and equipment:* Energy storage buildings and equipment compounds shall be allowed on site. Such buildings and equipment shall be centrally located, not exceed a height of 10 feet, or occupy an area greater than 500 square feet. Storage buildings shall be of double-wall

construction to provide protection from natural or manmade impacts and also contain a state-of-the-art fire suppression system. Additionally, first aid and emergency safety equipment (also known as "first responder kits") shall be provided in quantities acceptable to local public safety officials within the energy storage compound. Expenses incurred by local public safety officials in response to emergency actions occurring on site shall not cause the Township of Atlas to require any additional expenditure of tax monies in the performance of its duties. Such expenses shall be fully borne by the property owner.

- K. Not less than two (2) off-street parking spaces shall be provided on site for use by service or public safety vehicles, designed in accordance with the requirements of Section 300.325. Parking spaces shall be hard surfaced with pavement having an asphalt or concrete binder. Parking spaces shall be accessible by means of a clearly limited and defined all-weather durable driveway not less than 12-feet wide, improved in a manner appropriate to permit access by emergency vehicles at any time.
- L. A Professional Engineer registered in the State of Michigan shall certify that the construction and installation of a large solar energy system meets or exceeds the manufacturer's safety, construction, and installation standards. Such certification shall be provided to the Township Building Official prior to the issuance of a zoning compliance permit [see Section 300.1306 D].
- M. All electrical components, compartments, storage facilities, wire conduit and interconnections with private structures shall conform with applicable national and local electrical codes. The installation of large solar energy systems shall also comply with local building permit requirements.
- N. The surface area beneath any solar panel or array of panels shall be continually maintained and the pervious surface condition of such land area shall remain unbuilt. Additionally, in no instance shall the peak flow rate of storm water runoff from the site (also known as overland flow) exceed the predevelopment runoff rate. Development shall comply with the requirements for storm water quantity and quality outlined in the 2010 Genesee County Storm Water and Flood Control Design Standard Requirements manual, as may be amended.
- O. *Additional Special Use Criteria:* In addition to the special land use and site plan requirements found in Sections 300.1301 (Conditional use permit review procedures) and 300.1302 (Site plan review), the applicant shall address the following topics in the application for large solar energy system applications:
 - 1) *Project Description and Rationale:* Identify the type, size, rated power output, performance, safety, and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and expected markets for the generated energy. Describe your program for property maintenance.
 - 2) *Job Creation:* Estimated construction jobs and estimated permanent jobs associated with the development.
 - 3) *Visual Impacts:* Graphically demonstrate the visual impact of the project using photos and renditions of the project with consideration given to setbacks and proposed landscaping.
 - 4) *Environmental Analysis:* Identify impacts on existing environmental features, such as topography,

hydrology, geology, and cultural resources.

- 5) *Waste*: Identify any solid or hazardous waste generated by the project.
- 6) *Lighting*: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. Site lighting shall not exceed 0.2 footcandles at the front property line and no light shall reach side or rear property lines.
- 7) *Transportation Plan*: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drive.
- 8) *Prime Farmland*: Identify potential loss of prime farmland as defined by the soil survey for Genesee County or United States Department of Agriculture Natural Resources Conservation Service.
- 9) *Public Safety*: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
- 10) *Sound Limitations*: Identify noise levels at the property lines of the project when completed and operational.
- 11) *Telecommunications Interference*: Identify any electromagnetic fields and communications interference that may be generated by the project.
- 12) *Abandonment and Decommissioning*: Following the operational life of the project, or at the time the project becomes obsolete or an Abandoned Solar Energy System, as determined by the Township Building Official or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Conditional Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the Applicant, including the Applicant's continuing_ restoration security as provided by this Section.
- 13) *Continuing Security and Escrow*: If any Large Solar Energy System is approved for construction under this Section, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:

- a. Continuing Restoration Security: If a Conditional Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Conditional Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
- b. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded in cash by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Conditional Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Conditional Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
- c. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Conditional Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action pursuant to Section 13.07 and revocation of the Conditional Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.

Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

- 15) *Township Review:* Because of the ever-changing technical capabilities of the photovoltaic solar panels and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternatives in both the dimensional and physical requirements in this Section as a part of the Conditional Use Permit approval process.

(Amend. of 11-19-18)

300.339 - Solar energy systems, small.

A. *Permitted.*

- 1) Small solar energy systems shall be restricted to roof-mounted, wall-mounted, or ground-mounted systems.
- 2) Small solar energy systems shall be permitted in all zoning districts by right, subject to administrative approval by the Township Building Official, and upon compliance with all requirements of this section.
- 3) No signage or graphic content shall appear on small solar energy systems except for the manufacturer's certification, safety information, and equipment specifications. Such permitted information shall be depicted within an area of not more than 36 square inches in size.
- 4) Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- 5) The installation of small solar energy systems on pre-existing, legally established nonconforming uses, structures and lots shall be permitted in a manner which does not increase the nonconformity.
- 6) Reserved.
- 7) Reserved.

[Editor's Note: Subsection 6 and 7 above made applicable to only large scale solar energy installations.]

B. *Roof-mounted systems.*

- 1) Roof-mounted systems are permitted to face any rear, side and front yard.
- 2) Roof-mounted systems shall be designed to be in harmony with the architectural style of the building to which it is attached, and not obviously appearing as a separate mechanical structure that appends or appears to interrupt the uniform surface of a roof.

- 3) Roof-mounted systems on an angled roof shall appear to be flush mounted.
- 4) The highest point of the roof-mounted system shall not exceed the highest point of the roof to which it is attached. For installations on a flat roof, the highest point of the system shall be permitted to extend up to 6-feet above the roof to which it is attached; however, it shall be so located or architecturally concealed by a parapet wall or screen so that the system is not visible from abutting rights-of-way or private road easements.
- 5) No roof-mounted system shall be installed in a manner that would cause the shedding of ice or snow from the roof onto a stoop, porch, deck, stairwell, or pedestrian travel area.

C. *Wall-mounted systems.*

- 1) Wall-mounted systems are permitted to face any rear, side and front yard.
- 2) Wall-mounted systems shall be designed to be in harmony with the architectural style of the building to which it is attached and not obviously appearing as a separate mechanical structure that appends or appears to interrupt the design character of the wall to which it is attached.

D. *Ground-mounted systems.*

- 1) Ground-mounted systems shall be accessory to a principal use and located on the same zoning lot as the principal use. Locating ground-mounted systems within a general common element or other similarly-shared space held in common ownership is expressly prohibited.
- 2) Ground-mounted systems shall be subject to the accessory use or structure setback requirements and lot coverage limitations for the zoning district in which the system is to be constructed, provided that a setback of 75 feet shall be required adjacent to any residential structure located off-site.
- 3) No part of a ground-mounted system, including electrical cabinets and storage facilities, shall extend into the required setbacks.
- 4) All exterior electrical lines shall be buried below the surface of the ground.
- 5) The existing zoning district height limitation shall apply to all ground-mounted systems.
- 6) The surface area beneath any solar panel or array of panel shall be continually maintained and the pervious surface condition of such land shall remain unbuilt.

(Amend. of 11-19-18)

300.340 - Building Integrated Solar Devices.

The purpose and intent of this regulation is to allow by right new integrated technologies to be deployed on buildings that do not impact the aesthetic appearance of the building or structure and not be objectionable to the average resident looking at the structure. No zoning approval is required for building integrated solar devices.

(Amend. of 11-19-18)

300.341 - Medical marihuana primary caregiver operations.

Sec. 3.41.

- A. It is the intent of this Section to give effect to the intent of the Michigan Marihuana Act, PA 2008 Initiated Law, MCL 333.26421 et seq as approved by the electors and not to determine and establish an altered policy with regard to marihuana. This Section is designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the Township and its residents to significant adverse conditions. Nothing in this Section shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this Section; and nothing in this Section shall be construed to undermine or provide immunity from federal and state law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.
- B. Definitions.
1. *Marihuana*. The substance defined as such in Section 7106 of the Public Health Code, PA 368 of 1976.
 2. *Michigan Medical Marihuana Act or "Act."* Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
 3. *Primary Caregiver*. A primary caregiver defined as such in MCL 333.26423 of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
 4. *Primary Caregiver Operation*. The cultivation, storage and/or distribution of marihuana by a primary caregiver conducted in accordance with the Act and further subject to the requirements of this Section.
 5. *Qualifying Patient*. A qualifying patient defined as such in MCL 333.26423 of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
 6. *Registry Identification Card*. The document defined as such in MCL 333.26423 of the Act and which is issued by the State of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.
 7. *Enclosed Locked Facility*. A facility defined as such in MCL 333.26423 of the Act where marihuana plants may be kept under the Act.
 8. *Outdoor Enclosed Locked Facility*. An outdoor facility where marihuana plants may be grown or kept in accordance with the definition of an enclosed locked facility under MCL 333.26423 of the Act.
- C. Primary Caregiver Operation Registration Permit Requirement. Prior to establishing a primary caregiver operation under this Section, a permit shall be obtained in accordance with Ordinance No. 20.01, the Atlas Township Medical Marijuana Caregiver Permit Ordinance.
- D. Requirements for Primary Caregiver Operations. Primary caregiver operations shall only be allowed on property zoned M-1, Light Manufacturing District or M-2, Heavy Manufacturing District, subject to the following requirements:

1. All medical marihuana must be grown and contained within an enclosed locked facility or an outdoor enclosed locked facility to which only the primary caregiver and/or registered patients have access.
 2. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the principal building, accessory building or outdoor enclosed locked facility in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
 3. If a room with windows is utilized as a growing location, any lighting methods between the hours of 10 p.m. and 7 a.m. shall employ shielding methods, without alteration to the exterior of the building, to prevent ambient light spillage that may create a distraction or annoyance for adjacent properties.
 4. No person other than the primary caregiver shall be engaged or involved in the primary caregiver operation, except to the extent that the primary caregiver lawfully transfers medical marihuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.
 5. No equipment or process shall be used in growing, processing, or handling of medical marihuana which creates noise, vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses at or beyond the property line. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises or causes fluctuation of line voltage off the premises.
 6. A primary caregiver operation shall not be located within one thousand (1,000) feet of the following: public or private elementary or secondary school; public or private preschool; licensed day care or child foster care facility; public park, beach or recreational area; or, church, synagogue, temple or similar place of worship. Measurement shall be from the closest point of the property line containing the primary caregiver operation to the closest point of the property line containing the above listed facilities.
 7. Any portion of an outdoor enclosed locked facility shall be:
 - a. Set back at least eighty (80) feet from any lot line.
 - b. Set back at least one hundred fifty (150) feet from any residential district.
 - c. Set back at least twenty-five (25) feet from any other outdoor enclosed locked facility on the same property.
- E. Exceptions. This Section shall not be deemed to prohibit or restrict or require permits for the following:
1. The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
 2. The cultivation, storage and/or distribution of marihuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.

3. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
- F. Enforcement. Any violation of this Section shall be subject to enforcement penalties as set forth in Section 300.1307. The Building Inspector, or any other representatives designated by the Township Board, shall have the right at any time, to enter and inspect the premises for safety and compliance purposes for cause shown.

(Ord. No. 21-01, § 1, 2-18-21)

ARTICLE IIIA

300.3A00 - LANDSCAPING

300.3A01 - Intent.

Sec. 3A.01. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. The purposes and intent of this section are as follow:

- A. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement;
- B. To encourage the preservation of existing trees and vegetation;
- C. To assist in providing adequate light and air and in preventing overcrowding of land;
- D. To provide visual buffering and enhance the beautification of the Township;
- E. To safeguard and enhance property values and to protect public and private investment;
- F. To preserve, protect and restore the unique identity and environment of Atlas Township and preserve the economic base attracted to the Township by such factors;
- G. To conserve energy; and to protect the public health, safety, and general welfare;
- H. To provide habitat for living things that might not otherwise occur or be found in urban and suburban environs.

(Amend. No. 12, 8-16-93)

300.3A02 - Scope of application.

Sec. 3A.02. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels, existing as of the date of submittal, which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section.

Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan

is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee consisting of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township, has been posted in accordance with the provisions set forth in Section 13.02 [Section 300.1302].

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

(Amend. No. 12, 8-16-93)

300.3A03 - Landscaping design standards.

Sec. 3A.03. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

- A. *General landscaping.* All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required.
 1. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with planning commission approval.
 2. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 3,000 square feet or portion thereof of landscaped open-space area.
 3. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 4. In consideration of the overall design and impact of the landscape plan, the planning commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Zoning Ordinance, and more specifically, with the intent of the provisions of this Article.
- B. *Required landscaping adjacent to public rights-of-way.* Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area. Required landscaping shall be provided on private property and not within public right-of-way. Said landscaping shall include: A landscaped yard at least five feet in width containing an opaque screen. Said screen may be composed of a berm at least two feet in height or maintenance-free wall at least three feet in height, or a screen of landscaping at least two and one-half feet in height at time of planting. If a berm is utilized, additional landscaping at least one foot in height shall be planted. If a screen of living landscaped material is utilized, it shall attain opacity and a height of three feet within 12 months of planting under normal

growing conditions. One tree shall be planted for each 50 linear feet, or fraction thereof, of frontage on a public right-of-way. Landscaping is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure.

C. *Required landscaping adjacent to other properties:*

- 1) Where a property zoned for nonresidential land use is adjacent to properties zoned exclusively for residential land use, a six-foot high fence, landscaped berm, landscape screen, or masonry wall shall be provided and one tree shall be planted for each 75 feet of common lot line or fraction thereof. Trees shall be planted adjacent to the adjoining property.
- 2) Within a nonresidential district, where gravel or paved ground surface areas consisting of parking lots, driveways, or loading and unloading zones are adjacent to other properties zoned for nonresidential land uses, landscaping, or an opaque fence shall be installed to screen gravel or paved ground surface areas from adjacent properties. Said landscaping shall include a minimum of one tree for each 75 feet of common lot line or fraction thereof.
- 3) The outdoor storage of materials, where permitted, shall be screened by an opaque fence or landscape screen of sufficient height necessary to contain blowing debris and screen the storage area from the view of adjacent property owners and passersby.

D. *Internal landscaping regulations.* All parking areas and other paved ground surface areas used for vehicular parking shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. Interior landscaping shall account for a minimum of five percent of parking areas. Other paved ground surface areas shall have one square foot of interior landscaping for each 50 square feet of paving in all areas exceeding 5,000 square feet. Each separate landscaped area shall contain at least one tree, and a tree shall be planted for each 100 square feet of interior landscaping. All interior landscaping shall be protected from vehicular encroachment by curbing or wheel stops and should be raised. Landscaping dividing strips with or without walkways shall be used to subdivide parking areas into parking bays with not more than 40 spaces, provided that no more than 20 spaces shall be in an uninterrupted row.

E. *Berms.* Except as otherwise provided, earth berms or landscaped berms shall conform to the following standards where required:

- 1) The berm shall be at least three feet above the grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each four feet horizontal with at least a two foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
- 2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- 3) A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm.
- 4) Eight shrubs per tree may be planted as substitute for trees required in item "3" above.

- 5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- 6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

F. *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public rights-of-way or when the subject property abuts the intersection of public right-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of 30 inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of a driveway.

The triangular areas referred to above are:

- 1) The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- 2) The area formed at a corner intersection of two public rights-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two sides.

(Amend. No. 12, 8-16-93)

300.3A04 - Plant materials.

Sec. 3A.04. Whenever in this Ordinance planting is required, it shall be planted within six months from the date of completion of the building or improvements, and shall thereafter be reasonably maintained with permanent plant materials.

Suggested Plant Materials	Minimum Size
A. Evergreen trees	Five (5) feet in height
(1) Juniper	
(2) Hemlock	
(3) Fir	
(4) Pine	
(5) Spruce	

(6) Douglas Fir	
B. Narrow Evergreens	Five (5) feet in height
(1) Column Honoki Cypress	
(2) Blue Columnar Chinese Juniper	
(3) Pyramidal Red-Cedar	
(4) Swiss Stone Pine	
(5) Pyramidal White Pine	
(6) Irish Yew	
(7) Douglas Arborvitae	
(8) Columnar Giant Arborvitae	
C. Tree-Like Shrubs	Six (6) feet in height
(1) Flowering Crab	
(2) Russian Olive	
(3) Mountain Ash	
(4) Dogwood	
(5) Redbud	
(6) Rose of Sharon	
(7) Hornbeam	
(8) Hawthorn	
(9) Magnolia	
D. Large Deciduous shrubs	Six (6) feet in height
(1) Honeysuckle	

(2) Viburnum	
(3) Mock-Orange	
(4) Forsythia	
(5) Lilac	
(6) Ninebark	
(7) Cotoneaster	
(8) Hazelnut	
(9) Euonymus	
(10) Privet	
(11) Buckthorn	
(12) Sumac	
E. Large Deciduous Trees	Three (3) to four (4) inch caliper
(1) Oaks	
(2) Hard Maple	
(3) Hackberry	
(4) Birch	
(5) Planetree (Sycamore)	
(6) Ginkgo	
(7) Beech	
(8) Sweet-Gum	
(9) Honeylocust	
(10) Hop Hornbeam	

(11) Linden

(Amend. No. 16, 8-16-93)

300.3A05 - Maintenance of landscaping.

Sec. 3A.05. All required landscaping shall be maintained on a seasonal basis. The owner shall replace all diseased, dead, or damaged plants, replenish mulch, control weeds, fertilize, and prune beginning upon the construction or planting of landscaping.

ARTICLE IIIB

300.3B00 - SIGNS ORDINANCE NO. 06-001 Adopted March 20, 2006

An Ordinance to Regulate the Size and Placement of Signs.

300.3B01 - Purpose, scope and intent.

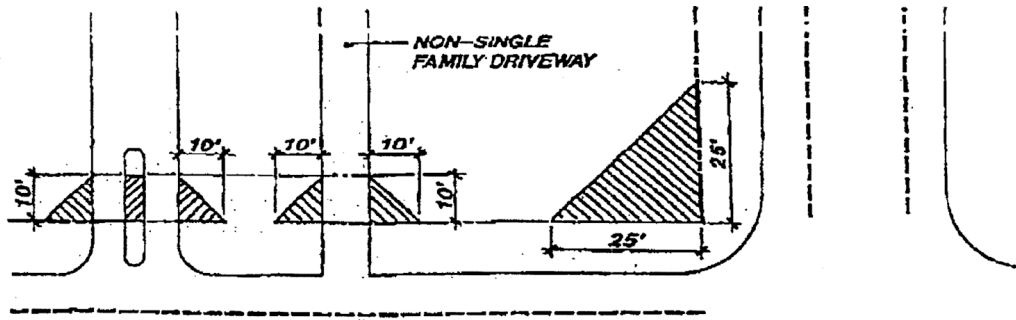
Sec. I. It is the purpose of this Article to encourage sound practice in the regulation of advertising and outdoor signs of all types in all zoning districts. The ordinance is intended to enhance the physical appearance of the township, preserve the scenic and natural beauty of designated areas, create attractive business districts by encouraging compatible designs within a given area, reduce hazards to motorists and pedestrians traveling on public thoroughfares, promote aesthetic values, and thus to promote the health, safety and welfare of this community. It is further the intent of this Ordinance to encourage eventual elimination of signs that are nonconforming.

300.3B02 - Definitions.

Sec. II. The following definitions shall apply in the interpretation of this Ordinance.

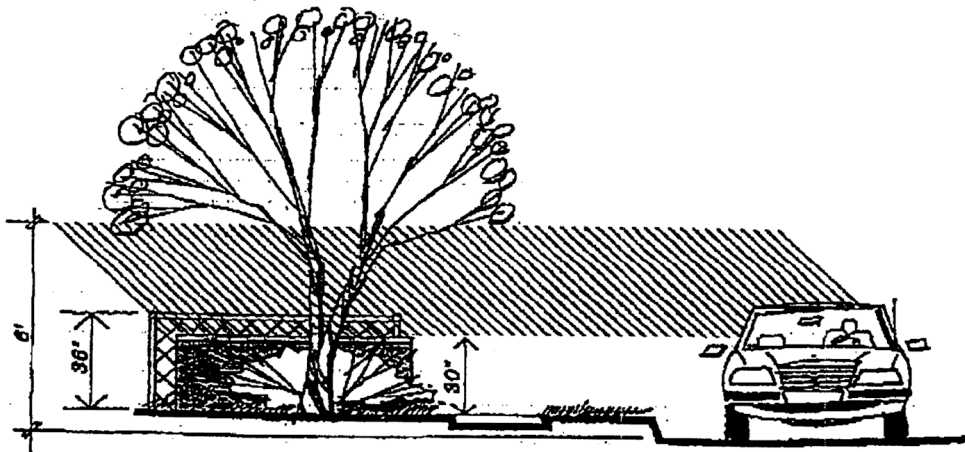
1. *Add-on sign* is a secondary sign that is attached to another sign, including a building sign, or to a sign support for another sign.
2. *Agricultural sign* is a sign advertising the sale of agricultural products or services as produced or provided on the property.
3. *Ancillary sign* is a sign that is secondary to the use of the building or business that advertises specific goods or services available on the premises.
4. *Animated sign* is a sign that uses movement or change of lighting, including a flashing sign, to depict action or create effect of scene. Such a sign does not include changeable copy signs (see "flashing sign" and "changeable copy sign").
5. *Area of a sign* is the advertising display surface of a sign. In the case of a multiple-faced sign, the area of all faces shall be considered as one surface.

6. *Banner* is a sign that is produced on a non-rigid surface with no enclosing network and is draped or spans an area between two rigid supports or components.
7. *Beacon light* is any light with one or more beams, capable of being directed in any direction.
8. *Billboard* (see "freestanding non-accessory sign").
9. *Building frontage* is the portion of the side of a building occupied by a single business where the main entrance of the business is located. Only one entry can be considered the main entrance for the business.
10. *Business center* is a group of two or more stores or businesses that share a parking lot.
11. *Clear vision zone*. All corners at an intersection of two (2) public streets or a private road intersection with a public street shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and landscaping. The clear vision zone shall be provided vertically between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets. The clear vision area shall be provided within a triangular area twenty-five (25) feet in length measured along abutting public street right-of-way lines with the third side being a line connecting these two (2) sides. A nonobscuring fence may have a minimum height of thirty-six (36) inches in a clear vision zone.



**BOULEVARD
ENTRY**

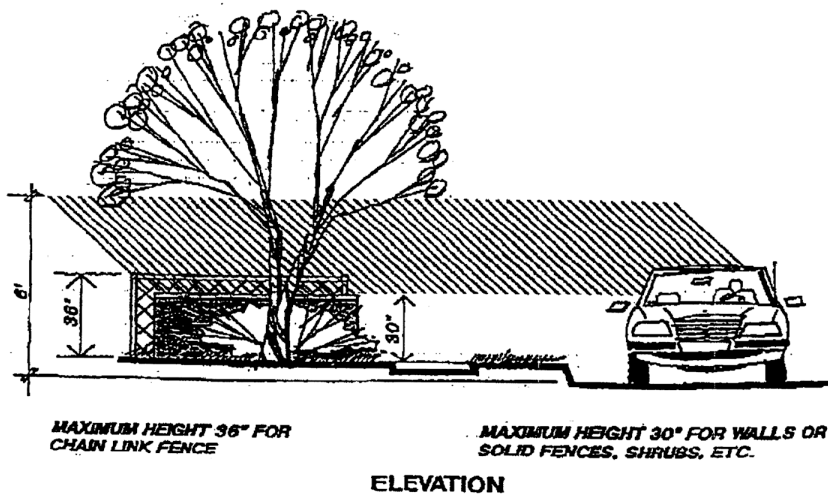
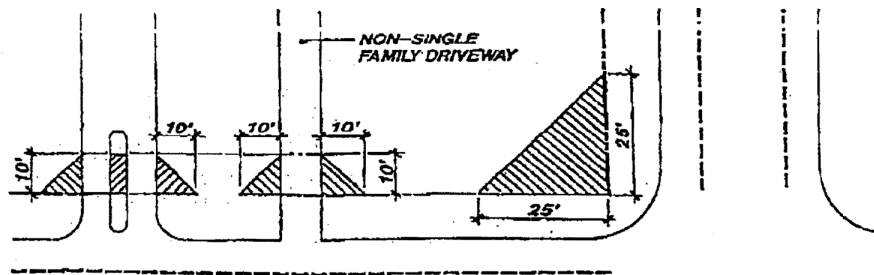
PLAN VIEW



**MAXIMUM HEIGHT 36" FOR
CHAIN LINK FENCE**

**MAXIMUM HEIGHT 30" FOR WALLS OR
SOLID FENCES, SHRUBS, ETC.**

ELEVATION



Clear Vision Zones

12. *Changeable copy sign* is a sign with a changeable message, including electronic message displays, provided the message does not change during a one minute period.
13. *Community/special event sign* is a sign, banner, decoration or display for a holiday with no advertisement content, or for a special municipal, charitable, or school activity.
14. *Construction sign* is a sign identifying an architect, designer, contractor, subcontractor or material supplier participating in construction on the property on which the sign is located.
15. *Copy* is the words, letters, numerals, figures, designs, symbols, insignia, trademarks, and background on a sign surface in either permanent or changeable form.
16. *Copy area* is the area of a sign that contains the copy, excluding any framing.
17. *Directional or informational sign* is a sign giving directions or instructions, such as warnings of danger, no hunting/no trespassing, parking, entrance and exit and restrooms.
18. *Double-face[d] sign* is a sign with two (2) faces.
19. *Erect* is to build, construct, attach, hang, place, suspend, or affix, including the painting of walls.
20. *Festoon* is a string of ribbons, tinsel or small flags.
21. *Flashing sign* is a sign that contains an intermittent or sequential flashing light source, but does not include signs which through reflection or other means, create an illusion of flashing or intermittent light (see "animated sign").

22. *Freestanding nonaccessory sign* is a sign structure, including a billboard, advertising an establishment, business, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished on the property on which said sign is located.
23. *Garage or auction sale sign* is a temporary sign that advertises the date and location of a garage, auction, yard, moving, estate or similar sale.
24. *Height of sign* is the vertical distance as measured from the bottom of the sign base to the highest point of the sign including its framing structure.
25. *Identification sign* is a non-electric sign that has any of the following: name, street number, activity carried on by the occupant, dates of erection or reconstruction, monument citations, commemorative tablets or the like in a nonresidential zoning district or the name and/or address in a residential zoning district.
26. *Illumination sign* is a sign with an artificial light source incorporated internally or externally.
27. *Inflatable sign* is a temporary sign consisting of a bag or balloon inflated with gas or air.
28. *Maintenance* is the cleaning, painting, repairing or replacing of defective parts of a sign in a manner that does not alter the copy, design, or structure of the sign.
29. *Marquee sign* is a sign hanging from, or written on, a canopy or similar structure supported by and extending from the facade of a building.
30. *Monument sign* is a sign with a slab base that is not attached to a building but relates to the business located in the building.
31. *Moving sign* is a sign in which the sign itself or any portion of the sign moves.
32. *Neon sign* (see "outline tubing sign").
33. *Nonconforming sign* is a sign that was erected legally, but which does not comply with subsequently enacted sign ordinance or amendment.
34. *Obsolete sign* is a sign that identifies or advertises a product that is no longer made, a service that is no longer offered, a business that is no longer in operation, or an activity or event that has already occurred.
35. *Outline tubing sign* is a sign consisting of glass tubing filled with neon or other material, which glows when electric current is passed through it.
36. *Painted wall sign* is any sign that is applied with paint or similar substance on the wall of a building.
37. *Parapet* is the extension of a building wall above a roofline.
38. *Pennant* is a small flag, either unadorned or with graphic or verbal material, displayed from a pole, rope, or other support.
39. *Pole sign* is a sign with one or more poles as its support or base that is not attached to a building but relates to the business located in the building.
40. *Political sign* is a sign used in connection with a local, state or national election, initiative, referendum or ballot proposal.
- 41.

Projecting sign is a sign, other than a flat wall sign, which is attached to and projects from, a building wall or other structure not specifically designed to support the sign.

42. *Projection* is the distance by which a sign extends beyond a building.
43. *Public sign* is a sign erected by or on behalf of a government entity.
44. *Real estate sign* is a sign advertising property for sale or lease, and may include up to two riders one above and one below the sign, such as "Open House", "Sold", "Sale Pending", and/or agent's information and flyers describing the property.
45. *Real estate development sign* is a sign designed to promote the sale or lease of lots, homes or building spaces in a real estate development that is under construction.
46. *Real estate development directional sign* is an off-site temporary sign that indicates the location of a real estate development.
47. *Residential identification sign* is a monument sign that identifies the name of a residential development.
48. *Responsible person* is the owner and/or lessee of real property upon which a sign is located or any person with an ownership, license or contractual interest in the sign itself.
49. *Roof sign* is any sign erected over or on the roof of a building.
50. *Sandwich sign* is a sign that consists of two boards upon which a message is posted, which is hinged at the top and open at the bottom so that the boards can lean against each other when placed on the ground or can be worn by a person.
- 50.5. *Sign* is a structure and material that displays letters, words, numerals, figures, designs, symbols, trademarks or illumination devices or insignia.
51. *Sign base* is a structure that supports a sign and is constructed of solid material, such as brick, concrete, stone or treated lumber, or a pole(s) that is enclosed in a structure covered with durable materials.
52. *Snipe sign* is a sign affixed to a tree, fence, utility pole, light pole or similar structure, or a ground sign with a wire support or base.
53. *Temporary or movable sign* is a sign not attached to a permanent supporting structure on the real estate on which the sign is located.
54. *Temporary vehicle sign* is a sign not attached permanently to an automobile, truck, trailer, or other vehicle.
55. *Under-canopy sign* is a sign suspended beneath a canopy, ceiling, roof or marquee.
56. *Wall sign* is a sign that is attached to the wall of a building.
57. *Window sign* is a sign installed on a window.

300.3B03 - General.

Sec. III. Only signs specifically provided for in this Ordinance are permitted.

300.3B04 - Signs requiring a permit.

Sec. IV. The following signs are allowed with a permit and must adhere to the restrictions set forth in this Ordinance.

1. Business center signs.
2. Changeable copy signs illuminated signs.
3. Monument signs.
4. Signs on property adjacent to interstate highways.
5. Outline tubing signs residential identification signs.
6. Street banners advertising community/special events.
7. Temporary or movable signs, including inflatable signs.
8. Wall signs.

300.3B05 - Signs requiring registration.

Sec. V.

1. Community/special event signs.
2. Real estate development directional signs.

300.3B06 - Signs not requiring a permit.

Sec. VI. The following signs do not require a permit, but must adhere to the restrictions set forth in this Ordinance:

1. Agricultural signs.
2. Construction signs.
3. Directional/informational signs.
4. Flags of any country, state, municipality, educational institution, non-profit organization, business entity.
5. Garage, open house and auction sale signs.
6. Identification signs.
7. Political signs.
8. Public signs.
9. Real estate signs.
10. Real estate development signs.
11. Window signs.

300.3B07 - Prohibited signs.

Sec. VII. The following signs are prohibited:

1. Add-on signs.

2. Ancillary signs.
3. Animated signs.
4. Beacon lights.
5. Banners (except street banners advertising community/special events).
6. Festoons.
7. Flashing signs.
8. Freestanding nonaccessory signs.
9. Marquee signs.
10. Moving signs.
11. Obsolete signs.
12. Painted wall signs.
13. Pennants.
14. Pole signs (except real estate, real estate development signs, and agricultural product signs).
15. Projecting signs.
16. Roof signs.
17. Sandwich signs.
18. Snipe signs (except as permitted herein).
19. Temporary vehicle signs.
20. Under-canopy signs
21. Inflatable signs.
22. Scrolling copy.

300.3B08 - General provisions.

Sec. VIII.

1. A clear vision zone shall be free of all signs except public safety signs.
2. No sign shall interfere with, obstruct the view of, or cause confusion with any authorized public sign, signal or device.
3. Except as otherwise provided in this ordinance, no property shall have both a wall sign and a monument sign.
4. All signs shall comply with the requirements of the Atlas Township Building Code.
5. Letters, words, numerals, figures, designs, symbols, trademarks and insignia and other identifying marks on an otherwise conforming sign shall be removed within 30 days of the date that a product is no longer made, a service is no longer offered, a business is no longer in operation, or an activity or event has already occurred. If the letters cannot be removed from their surface, the panel(s) must be replaced with a new panel(s) that is blank on both sides.
- 6.

If a property line, easement or right-of-way line is altered in a manner that affects the setbacks required by this Ordinance, a new sign permit or variance must be obtained.

7. A sign requiring a permit may be relocated on the same premises provided that a new sign permit is obtained.
8. No sign (except as otherwise permitted herein) is allowed where the business that the sign is advertising is not an occupant of the premises where the sign is located.
9. All letters, figures, characters, insignia or representations upon any sign shall be safely and securely attached.
10. No sign shall be located in or project into a public right-of-way or private road or dedicated easement, except public signs and signs installed by the applicable road agency or utility company.
11. Paper sheets shall not be applied in any manner to any sign or any building, except any allowed window signs and except as otherwise permitted in this Ordinance.
12. No flags or permitted banners shall be allowed in a setback area.
13. Nothing in this Ordinance shall be construed to prohibit noncommercial messages on signs that are otherwise allowed herein.
14. All signs shall be maintained in good condition.

300.3B09 - Signs requiring a permit.

Sec. IX.

1. *Monument signs.*
 - a. Monument signs must be set back ten feet from the property line, or the edge of the right-of-way line, whichever is closest to the principal building.
 - b. Monument signs shall be sited parallel or perpendicular to the principal street frontage. In the case of a corner lot, the sign may be placed at an equivalent angle from both street frontages.
 - c. The height of a monument sign includes any portion of a berm above grade on which the sign is placed.
 - d. Monument signs shall not exceed 32 square feet per side, including framing.
 - e. Monument signs shall not exceed six feet in height, including a minimum 12-inch high base, constructed of durable materials or skirting that complements the architecture, color and material of the principal building.
 - f. Monument Signs must contain the street number of the property. The street number may be in the copy area of the sign, on the base, or on the framing of the sign.
 - g. Not more than one monument sign may be erected for any single building, structure or business center regardless of the number of parties, tenants or uses contained therein.
 - h. The length of the base of monument signs shall be not less than 50 percent nor more than 150 percent of the length of the copy area.
 - i.

Monument signs are not allowed on property used for single-family or duplex residences. However, residential identification signs may be placed on one or both sides of each entrance to a residential development.

2. *Illuminated signs.*
 - a. The light for any illuminated sign shall be so shaded, shielded or directed downward to prevent glare, and be primarily confined to the property.
 - b. Signs shall not have scrolling, blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color.
 - c. No sign illumination shall create a traffic hazard.
 - d. Illuminating devices for signs shall comply with the Atlas Township or State Electrical Code.
3. *Outline tubing sign.* Outline tubing signs are limited to one sign which states the words "open" and/or "closed" only, which shall be limited to two square feet, and a single band of one color at the base of a roof line on buildings in commercial districts.
4. *Street banners advertising community/special events.* Street banners on a public road advertising a community or special event must have the approval of the Genesee County Road Commission, the Michigan Department of Transportation or any other responsible road agency.
5. *Temporary or movable signs.*
 - a. Temporary or movable signs not otherwise addressed in this Ordinance shall be erected so that no movable or mechanical parts shall be exposed. Those portions of the sign shall be enclosed by a non-combustible, durable material with a minimum thickness of one-quarter inch.
 - b. Temporary or movable signs shall be located ten feet from the property line, the edge of the right-of-way line, or any easement, whichever is closest to the principal building.
 - c. Temporary or movable signs shall not exceed 18 square feet per side with a maximum height of six feet from ground level.
 - d. The height of a temporary or movable sign includes any portion of a berm above grade on which the sign is placed.
 - e. Temporary or movable signs may be erected for no more than 60 days in a calendar year. No more than 15 days shall be consecutive. The time between issuance of permits for temporary or movable sign(s) shall be at least 30 days.
 - f. Businesses with permanent changeable copy signs are not eligible for a temporary or movable sign permit.
 - g. Only one temporary or movable sign is allowed per business center.
6. *Wall signs.*
 - a. Wall signs shall be flush-mounted, shall not be mounted on the roof of any building and shall not project above the roofline.
 - b. Wall signs shall be safely and securely attached to structural members of a building by means of metal anchors, bolts, or expansion screws. All wall sign anchoring devices shall meet the standards of the Township Building Code.

- c. No nails, tacks, or wires shall be permitted to protrude from the front of any sign.
- d. Wall signs shall not project beyond the top or ends of the wall to which they are attached. Letters may extend beyond the top and in front of the advertising structure.
- e. Letters, designs, insignias shall not exceed 24 inches in height.
- f. Wall signs shall not exceed one square foot for each lineal foot of building frontage, up to a maximum of 32 square feet including framing.
- g. Wall signs shall not cover any portion of a wall opening.
- h. Wall signs shall not protrude more than 12 inches measured from the wall to which it is attached.
- i. Wall signs are not allowed on property used for single-family or duplex residential purposes.
- j. Each store or business within a business center, place of worship, and institutional uses (civic buildings, museums, etc.) shall be allowed one wall sign in addition to a monument sign, provided the requirements of section IX-6 [300.3B09 6] are met.

300.3B10 - Sign permit application requirements.

Sec. X.

1. Sign permits shall be issued by the building inspector or his/her designee upon approval of a written application. Where electrical permits are required, they shall be obtained at the same time as the sign permit.
2. The permit application shall identify the following:
 - a. Name and address of the sign owner and the property owner.
 - b. Name and address of the person who will erect the sign.
 - c. Location of the sign.
 - d. Drawing in color showing design, size, height, materials.
 - e. Topography of land in the parcel.
 - f. Any other pertinent information the Building Inspector may require to insure compliance with the ordinances of the Township.
3. Fees for sign permits shall be set by the Township Board.
4. In addition to the permit fee, a deposit shall be required for all temporary or movable signs in an amount sufficient to compensate the Township to remove and store the sign.
5. A sign permit shall expire if the sign for which the permit was issued has not been erected within six months of issuance of the permit.
6. The following operations shall not require a sign permit:
 - a. Changing advertising copy or message on an approved sign.
 - b. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure.

300.3B11 - Signs requiring registration.

Sec. XI.

1. Signs which advertise of community/special events and directional signs for real estate developments may have a wire or stake base and shall be registered with the Township.
2. Signs requiring registration are limited to an area up to three square feet per side, are limited to two signs per development or event located near major road intersections and must have a minimum separation of 1,000 feet between sets of signs.
3. Real estate development directional signs are limited to the hours of Friday at 6 P.M. through Monday at 7 A.M.
4. The applicant must complete a registration form provided by the Township, which includes at a minimum, an explanation of the necessity for the signs, the location where the signs will be placed, the total number of signs and dates of the event(s).

300.3B12 - Signs not requiring a permit.

Sec. XII.

1. *Agricultural sign.* A sign advertising agricultural product/service shall not exceed 32 square feet in size, or be higher than six feet from grade.
2. *Community/special event signs.* Community/special event signs may be erected on the location of the event no more than 14 days prior to the event, except holiday signs may be erected no more than 60 days prior to the holiday. All community/special event signs must be removed within 14 days after the event occurs. The signs may not exceed eight square feet and must be located two feet back from the property line, the edge of the right-of-way line, or any easement, whichever is furthest from the centerline of the road.
3. *Construction signs.* Construction signs are limited to one sign per development. The size shall not be more than 32 square feet per side in all zoning districts. The sign shall not be erected until a building permit has been obtained for the project, if required, or until actual work has begun, whichever is later. The sign shall be confined to the site of the construction and shall be removed at the time any certificate of occupancy is issued, or the work is completed, whichever is earlier.
4. *Directional and information signs.* Directional and informational signs shall not exceed two square feet per side and shall not have advertising copy, logos or other identifying graphics.
5. *Flags.* Flags of any country, state, municipality must be respectfully displayed on a flagpole or similar support. Other flags are limited to the business or institution name, logo, and slogan. The total number of flags on any lot shall not exceed four.
6. *Garage, open house or auction sale signs.* Garage, open house or auction sale signs, which may have a wire or stake base, are limited to an area up to three square feet per side, provided one of said signs is located on the same parcel as the sale and one at each entrance to the subdivision where the

sale is to take place or the nearest major street intersection to the parcel. The signs shall be erected only on the day of the sale and up to two days prior to the sale and must be removed at the end of the day of the sale or open house.

7. *Identification signs.* Identification signs may not exceed two square feet, and are limited to one for each occupant at each entrance and one general sign at any location on the building.
8. *Political signs.* Political Signs up to three square feet in copy area with a wire or stake base are allowed. Signs larger than three square feet may be no larger than 32 square feet per side, five feet in height, and limited to one per lot. No political signs shall be located in the street right-of-way or easement. All political signs must be erected no sooner than eight weeks prior to the election and must be removed within seven days after the election, unless the election is a primary, in which case signs for primary winners must be removed within seven days after the general election.

Political signs at the Polling Places on election days are subject to the following additional regulations:

- a. No more than one sign per candidate or ballot issue
 - b. No sign shall exceed 16 square feet total area.
 - c. No part of any sign shall exceed four feet above the existing grade.
 - d. Signs may be located no closer than 100 feet from the nearest point of the Polling Place structure, nor closer than four feet from the travelled surface of the Polling Place driveway, nor within the road right-of-way in front of the Polling Place property.
 - e. Signs may be placed no earlier than 6:00 A.M. on the day of the election, and must be removed no later than 11:00 P.M. on the day of the election.
9. *Real estate signs.* Real estate signs in all single-family residential zoning districts shall be a maximum of six square feet per side and a maximum height of six feet from grade to the top of the sign. Real estate signs in all other zoning districts shall be no greater than 16 square feet per side for properties with road frontage up to 300 lineal feet, and no greater than 32 square feet per side for properties with more than 300 lineal feet of road frontage. Nonresidential real estate signs shall be a maximum height of six feet from grade to the top of the sign. Real estate signs are limited to one per property, and confined to the property for sale, rent or lease. The sign shall be removed within 14 days after the sale, rental or lease of the property.
 10. *Real estate development signs.* Real estate development signs are limited to one sign per development. The size shall not be more than 32 square feet per side in all zoning districts. The sign shall not be erected until a building permit has been obtained for the project, if required, or until actual work has begun, whichever is later. The real estate development sign shall be removed upon issuance of a permit for the residential identification sign/monument sign, or any other sign intended to permanently identify the development.
 11. *Window signs.* Window signs on a building side shall not exceed ten percent of the total glass area on that side of the building.

(Ord. No. 13-03, 6-17-13 ; Ord. No. 14-02, 2-18-14)

300.3B13 - Nonconforming signs.

Sec. XIII.

1. A nonconforming sign may remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare and complies with the requirements of this section, and is not an obsolete sign.
2. If a nonconforming sign becomes an obsolete sign, the entire sign (including above-ground base, height, poles, size, wires, panels and any other element) shall be removed within 30 days of the sign becoming an obsolete sign.
3. A nonconforming sign shall not:
 - a. Be relocated, expanded or changed, except as to periodic message changes.
 - b. Be structurally altered so as to prolong the life of the sign or to change the shape, size, type, placement or design of the sign.
 - c. Be altered or repaired after being damaged if the repair or the re-erection of the sign would cost more than 50 percent of the cost of a similar sign.
4. For the purpose of this section of the Ordinance, the terms "altered", "repaired", "changed" and "expanded" shall not include normal maintenance, reducing the copy area, changing copy, changing ornamental molding, frames or other such features or landscaping below the copy area, installing or changing electrical wiring.
5. If a property line, easement or right-of-way line is altered that affects the setbacks required by this Ordinance, the owner of the sign, building or property shall either:
 - (1) Remove the nonconforming sign;
 - (2) Conform with this Ordinance; or
 - (3) Apply for a variance.

300.3B14 - Appeals.

Sec. XIV. Any person aggrieved by any decision of the building inspector may appeal to the Township Board of Zoning Appeals by serving written notice to the building inspector. All provisions of the Zoning Ordinance regarding appeals shall govern sign appeals, provided that unsafe signs that present an immediate and serious danger to the public may be removed by the Township in accordance with Section XVI [300.3B16] herein.

300.3B15 - Variances.

Sec. XV. An applicant may apply to the Board of Zoning Appeals for a variance. All provisions of the Zoning Ordinance regarding variances shall govern sign variances.

300.3B16 - Enforcement and penalty.

Sec. XVI.

1. The building department code enforcement office, police department or agent(s) designated by the Township shall remove a sign immediately and without notice if the condition of the sign presents an immediate threat to public health, safety or welfare, with all costs to remove assessed against the responsible person.
2. The building department code enforcement officer, police department or agent(s) designated by the Township shall remove a temporary or movable sign if it violates the terms of this Ordinance. The applicant shall forfeit the deposit required under Section XI-4 [300.3B11 4.].
3. In addition, the enforcement and penalty provisions of the Zoning Ordinance apply to signs.
4. A violation of this Ordinance is considered a misdemeanor and shall carry a penalty of up to a \$500.00 fine and/or up to 90 days in jail. Further, the Township may enforce any provision of this ordinance by seeking injunctive relief.

300.3B17 - Effective date.

Sec. XVII. The provisions of this Ordinance are ordered to take effect 30 days following publication by the Township of Atlas Board of Trustees in a newspaper of general circulation.

300.3B18 - Adoption.

Sec. XVIII. This Ordinance is declared to have been adopted by the Township of Atlas Board of Trustees at a meeting thereof duly called and held on the 20th day of March, 2006 and ordered to be given publication in the manner prescribed under the laws and ordinances of the Township.

ARTICLE IV

RESIDENTIAL AGRICULTURAL (RA)

300.400 - Intent.

Sec. 400. The Residential Agricultural (RA) District is intended to preserve, enhance and stabilize areas within the Township presently used for single-family homes and farming. It is the further intent of this district to protect the essential characteristics, agricultural uses, while promoting low-density residential uses.

The following regulations shall apply to all Residential Agricultural Districts:

(Amend. No. 4, 8-16-93; Ord. No. 06-004, 7-17-06)

300.401 - Uses permitted.

Sec. 401. In the RA District, unless otherwise provided, no building or land shall be used, and no building shall be erected except for one or more of the following purposes:

- A. General or specialized farming.

1. On farms dedicated to livestock production, structures must meet the minimum setback requirements of the RA District. Animals may be corralled anywhere within the property line. Total animal units that exceed 50 must meet applicable generally accepted agricultural and management practices (GAAMPs), and include notification to Atlas Township. Further, the slaughter of animals not raised on the farm is prohibited.
 2. Stables may be operated for the purpose of keeping horses for boarding, pasturing and/or training.
 3. Animal units totaling 50 or less must comply with section B.
- B. General or specialized farming activities with 50 or less animal units must meet the following:
1. Structures must meet the minimum set back requirements of the RA District. Animals may be corralled anywhere within the property line.
 2. The minimum lot size for cattle and horses shall be five acres. Five-acre lots shall permit two animals and one additional animal per additional acre.
 3. The minimum lot size for sheep, goats, swine, and fowl shall be three acres.
 - a. Two animals shall be permitted on three acre lots, with two additional animals per additional acre.
 - b. Twenty-five fowl shall be permitted on the minimum lot size, and 25 additional fowl shall be permitted per each additional acre.

Type of Animal	Minimum Acres	Number of Animals Permitted on Minimum-sized Lot	Number of Animals per Acre over Minimum
Cattle and equine	5	2	1 animal/acre
Swine, sheep, goats	3	2	2 animals/acre
Fowl/poultry	3	25	25 animals/acre
All others	1,000 pounds live weight, per acre		1,000 pounds live weight per acre

4. Where there are different types of animals kept on the same parcel, the required lot size must be calculated as the combined total requirement for each type of animal (for example, one cow, one horse and two swine require a total of six acres).
 5. Foals and calves born on parcels in compliance with minimum lot size requirements may remain on said parcels for two years even though such additional livestock may increase the number of livestock beyond the number of animals permitted on minimum sized lots.
 6. No animal waste shall be accumulated or stored within 100 feet of any well or any off-site dwelling or building. All animal waste so stored or kept shall be maintained so as to control odor and flies.
- C. Detached one-family dwelling.
- D. Home occupations.

- E. Accessory structures.
- F. Adult foster care family home or adult foster care small group home.
- G. Family day care home.

(Amend. of 04-16-01; Amend. of 4-17-06; Ord. No. 06-004, 7-17-06; Ord. No. 07-003, § 4.a., 4-16-07)

300.402 - Conditional uses.

Sec. 4.02. Structures, and parts thereof, may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions outlined in Section 13.01 [Section 30.1301].

- A. Church, synagogues and temples subject to the following conditions:
 1. The site shall be so located as to have at least one property line abutting and directly accessible to a major thoroughfare.
 2. An obscuring greenbelt buffer shall be provided between the parking area and the side property lines.
- B. Schools and school related activities.
- C. Libraries, cemeteries, museums, public parks, fire and police stations, community buildings, essential services, governmental institutions, hospitals, convalescent homes, sanitariums, all of a non-profit nature subject to the following conditions:
 1. The outdoor storage of materials shall be prohibited.
 2. All buildings shall be compatible in appearance and design with the development of the neighboring area.
- D. Medical and dental clinics subject to the following conditions:
 1. The lot location shall be such that at least one property line abuts a major thoroughfare. The ingress and egress for off street parking facilities for guests and patients shall be directly from said major thoroughfare.
- E. Agricultural tourism business.
- F. Excavation of sand and/or gravel subject to the provisions of Article III, Section 3.09 [Section 300.309].
- G. Roadside stands.
- H. Airports subject to the following conditions:
 - A. *Private airport and landing strips.*
 1. Minimum parcel size and configuration must be adequate to permit a runway easement of a length as prescribed by federal design standards.
 2. The planning commission shall be assured that there is an unobstructed glide slope approach to all landing strips.
 3. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.
 - 4.

Documentation shall be provided indicating compliance with Federal Aviation Regulations Part 77, objects affecting navigable airspace and all other applicable federal and state regulations at the time of application.

5. The number of runways may not exceed the maximum number of two.
6. Aircraft classified as Airplane Design Group (ADG) group 1 and 2 by federal standard may land in a private airport.

B. *Commercial airports and landing fields.*

1. The minimum area required for commercial airports and landing fields, including accessory facilities and improvements, shall not be less than 160 acres.
2. The Planning Commission shall be assured that there is a minimum clear and unobstructed glide slope approach to all runways.
3. The area shall have its principal means of access to a paved public street and said pavement shall extend to the urbanized areas being served by said airport or landing field. All runways shall be readily accessible by fire and emergency vehicles.
4. Documentation shall be provided indicating compliance with Federal Aviation Regulations Part 77, objects affecting navigable airspace, as may be amended or superseded.
5. Documentation shall be provided indicating compliance with all requirements as provided in the Federal Aviation Authority (FAA) Advisory Circular AC 150/5300-13 airport design, as may be amended or superseded.
6. Aircraft classified as airplane design group (ADG) group 1 and 2 by federal standard may land in any public use airport.

I. [Deleted by Amend. of 6-21-06.]

J. Rifle range subject to the following conditions:

1. All such facilities must be situated on a parcel of land not less than 80 acres in area and having a minimum of 1,320 foot road frontage.
2. Such parcel of land must be adequately fenced, that being a fence of at least four feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards."
4. All federal, state, county and township codes and ordinances in regard to firearms shall be strictly adhered to.
5. In no instance shall a firearm be discharged closer than 1,000 feet to an existing residence.
6. In no instance shall a firearm be discharged on any range in any gun club without the presence of a range officer of the gun club for supervision.
7. A site plan for the range, whether indoor or outdoor, shall be submitted to the planning commission for review, clearly indicating all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.

K. *Bed and breakfast operations subject to the following conditions:*

Any dwelling unit used for bed and breakfast operation shall comply with the following requirements:

1. Not more than 25 percent of the total floor area shall be used for bed and breakfast sleeping rooms.
2. There shall be no separate cooking facilities used for the bed and breakfast stay.
3. Occupancy by guests shall be restricted from one to 14 days.
4. One additional parking space shall be provided for each guest room, on-site; further, said parking shall not be permitted within a required front yard.
5. All required parking spaces shall be provided and available for use prior to issuance of a certificate of occupancy for a bed and breakfast operation. In circumstances where paving is not possible due to seasonal limitations or weather conditions, the developer shall provide a performance guarantee consistent with the requirements of the Township Building Official.
6. One unlighted sign; not to exceed three square feet, and attached flat against the face of the building shall be permitted. See Atlas Township Sign Ordinance.

L. *Kennels subject to the following conditions:*

1. All kennels shall be operated in conformance with all county and state regulations, kennel permits being valid no longer than one year.
2. For dog kennels, the minimum lot size shall be ten acres for the first five dogs and an additional one acre for each five additional animals. A maximum of 40 dogs shall be permitted.
3. Buildings wherein animals are kept, animals runs, and/or exercise areas shall not be located nearer than 100 feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.

M. *Caretakers quarters:*

It is recognized that for certain nonresidential uses it may be necessary or desirable to permit living or sleeping quarters for watchmen, caretakers or employees. It is nevertheless the intent of this Ordinance to discourage the development of detached residential dwelling units or residential structures as a part of nonresidential developments. Dwelling units, living or sleeping quarters may be permitted subject to the following conditions:

- A. All dwelling units, sleeping, or living quarters shall be designed, constructed and maintained as an integral part of the business.
- B. All such uses shall be incidental to and subordinate to the main or principal use.
- C. Sleeping quarters shall be designed with individual sleeping rooms with a minimum of 70 square feet per room. Sleeping or living quarters are not permitted in garages, basements, or cellars.
- D. Sleeping or living quarters shall be inspected and approved prior to a certificate of occupancy. All sleeping, eating and washroom areas shall be maintained in a neat, clean and orderly manner. Any violation thereof shall result in termination (either temporary or permanent) of the sleeping quarters use.

- E. All sleeping or living units or dwelling units shall be limited to occupancy by employees, subcontractors, or persons directly affiliated with the main business.
- F. All dwelling units, living, or sleeping quarters shall receive site plan approval prior to the issuance of a certificate of occupancy. No such uses may be expanded or enlarged without prior approval of the Township.
- N. Large solar energy systems.

(Amend. No. 3, 8-16-93; Amend. of 6-21-06; Amend. of 10-15-12; Amend. of 11-19-18)

300.403 - Parking.

Sec. 4.03. Parking areas as required in Section 3.25 [Section 300.325] shall be provided.

300.404 - Area.

Sec. 4.04. Minimum lot area shall be three acres except as otherwise provided or required; and provided further that the depth of lots created after the date of enactment of this Ordinance shall not be greater than four times longer than their width which shall be a minimum of 185 feet. In no circumstances shall the minimum lot area be less than two acres when other than a conventional on-site sanitary sewage system is used.

(Amend. No. 2, 8-16-93; Amend. of 6-17-02)

300.405 - Front yard.

Sec. 4.05. Except as otherwise provided in this article, the setback provisions of Section 3.14 [Section 300.314] shall apply.

300.406 - Side yard.

Sec. 4.06. Except as elsewhere provided in this article, the setback provisions of Section 3.14 [Section 300.314] shall apply. If there is no right-of-way adjacent to the side yard, no residential structure shall be located closer than 25 feet to the side property line.

300.407 - Rear yard.

Sec. 4.07. No structure or appurtenance thereto shall be closer than 50 feet from any rear lot line, except as otherwise provided in this Ordinance.

300.408 - Height of structures.

Sec. 4.08. No structure or part thereof shall be erected to a height exceeding two and one-half (2½) stories or 25 feet except farm and essential service structures.

300.409 - Minimum floor area per dwelling unit.

Sec. 4.09.

- A. Each dwelling unit that includes a basement shall have a minimum finished living area of 1,100 square feet of floor area per dwelling unit with a minimum of 800 square feet on the ground floor for units of more than one story. Dwelling units without a basement shall have a minimum finished floor area of 1,250 square feet with a minimum of 800 square feet on the ground floor for units of more than one story.

(Amend. No. 1, 8-16-93)

[ARTICLE IVA]

OUTDOOR RECREATION AREA DISTRICT (ORA)

300.4A00 - Intent.

Sec. 4A.00. The Outdoor Recreation Area District is established to accommodate large private recreational facilities including picnic area, golf courses, travel trailer parks, ballfields, and other outdoor recreation sport activities as limited [listed] herein.

(Amend. No. 4, 8-16-93)

[300.4A01 - Uses permitted.]

[Sec. 4A.01.] Private park and recreation area, of at least 20 acres in area, including a picnic area and picnic pavilion; softball and baseball diamonds; golf course (not lighted); driving range (not lighted); swimming, boating and ice sport facilities; amusement and other outdoor recreational sport activities, not including games of chance; or motorcycle racing; camping sites for tents, campers, and travel trailers, limited to not more than 15 days duration for parking of a tent, camper, or travel trailer to use said site only as a private park and recreational facility for such limited time.

1. The proprietor of the travel trailer park shall be deemed to be in violation if any person shall park any tent, camper, or trailer in violation hereof.
2. All camping sites for tents, campers and travel trailers shall have a central water supply system with potable water under pressure piped to within 300 feet of each trailer, tent or camper site and with fire hydrants and adequate hose available within 150 feet of each campsite. If a public water supply system is available within 500 feet of any portion of the land, then the water supply system shall be connected thereto.
3. An enclosed toilet and sewage facility approved by the Michigan State and County Health Departments with hot and cold running water available herein shall be provided in every private park for travel trailer, tent or camper. Such facility shall be located not further than 300 feet from every camp site within the park. If public sewer shall be available within 500 feet of any such park, the park sewer system shall be connected thereto.
- 4.

No vehicle, tent, travel trailer or camper shall be allowed within the park except upon an approved camper site.

5. The proprietor of any travel trailer, tent, or camper park shall not permit any person not properly parked and registered upon an approved camp site within the park to use any facilities of the park.
6. No travel trailer, tent, camper, vehicle, or structure other than a single family residence shall be placed, parked or erected within 50 feet of any property line of a private park for travel trailers, tents, or campers.
7. No structure within such camping park shall have any office of other commercial facility connected thereto or part thereof, unless that office or commercial facility shall be specifically and only for the use of the users of the park, and approved by the Township Planning Commission.

ARTICLE V

RESIDENTIAL SUBURBAN AGRICULTURE DISTRICT (RSA)

300.500 - Intent.

Sec. 5.00. This district is intended to provide for rural, estate-style residential development in farming, open space and woodland areas where prime agricultural soils and environmentally sensitive areas are not generally found. Its purpose is to provide accommodation for such residential life styles in an open space atmosphere that permits continuation of farming and other open space uses.

(Amend. No. 4, 8-16-93)

The following regulations shall apply to all Residential Suburban Agricultural Districts:

300.501 - Uses permitted.

Sec. 5.01. No structure, or part thereof, shall be erected, altered or used, and no land shall be used except for one or more of the following:

- A. All uses permitted in the RA District and subject to the same standards as required in such district provisions, except as otherwise permitted within this Ordinance.

300.502 - Conditional uses permitted.

Sec. 5.02. Structures, and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Atlas Township Planning Commission and subject to the conditional use provisions outlined in Section 13.01 [Section 300.1301].

- A. All conditional uses allowed within an RA District and subject to the requirements as noted in such district provisions, except as otherwise specifically permitted in this Article.
- B. Cluster subdivisions subject to the following conditions:
 1. The proposed subdivision shall consist of a tract of land at least 20 acres in area.

2. The application shall be endorsed unequivocally for such development by all owners of the tract, and procedures and documents shall be provided to assure development under a single administration and as approved by the Township Planning Commission.
 - a. Minimum lot size shall be 20,000 square feet.
3. Residential densities may be at not less than 20,000 square feet per dwelling unit based upon the total land area without sewers.
4. The developer shall dedicate not less than 20 percent of the total land area for parks, woodlands, conservation district, playgrounds, golf courses, tennis courts or other open space areas, such as to encourage the preservation of natural features. Such land may be dedicated to the Township, or may be reserved for private use, in which case satisfactory arrangements shall be made, acceptable to the Township, for the development, operation, and maintenance of all such areas.
 - a. The location, extent, and purpose of areas dedicated for open space or recreational use within any subdivision shall be approved by the Planning Commission and Township Board.
 - b. The development, operation, and maintenance of dedicated land for private open space or recreational use shall be guaranteed by a trust indenture approved by the Township and shall be filed with the Register of Deeds of Genesee County simultaneously with the recording of the final plat of the subdivision.

C. Large solar energy systems.

(Amend. of 11-19-18)

300.503 - Parking.

Sec. 5.03. Parking areas as required in Section 3.25 shall be provided.

300.504 - Area.

Sec. 5.04. The minimum lot area and frontage requirements for a lot fronting on a road having curb and gutter shall be one (1) acre and 125 feet, respectively. The minimum lot area and frontage requirements for a lot fronting on an open ditch road shall be one (1) acre and 150 feet, respectively. However, lots not serviced by a conventional on-site sanitary sewage system shall be at least two (2) acres in size with a minimum frontage of 150 feet. In all cases, the depth of any residential lot shall not be greater than four (4) times its width.

(Amend. No. 2, 8-16-93; Ord. No. 96-001, 11-25-96; Amend. of 8-24-98; Amend. of 5-15-17)

300.505 - Front yard.

Sec. 5.05. The provisions of Section 3.14 [Section 300.314] shall apply to all residential uses.

300.506 - Side yard.

Sec. 5.06. The provisions of Section 3.14 shall apply to all residential uses. If there is no right-of-way adjacent to the side yard no residential structure shall be located closer than ten feet to the side property line.

300.507 - Rear yard.

Sec. 5.07. No residential structure or appurtenance thereto, shall be closer than 25 feet from any rear property line.

300.508 - Height of building.

Sec. 5.08. No structure or part thereof, shall be erected to a height exceeding two and one-half stories or 25 feet except farm and essential service structures.

300.509 - Minimum floor area per dwelling unit.

Sec. 5.09.

- A. Each dwelling unit that includes a basement shall have a minimum finished living area of 1,100 square feet of floor area per dwelling unit with a minimum of 800 square feet on the ground floor for units of more than one story. Dwelling units without a basement shall have a minimum finished floor area of 1,250 square feet with a minimum of 800 square feet on the ground floor for units of more than one story.

(Amend. No. 1, 8-16-93)

ARTICLE VI

RESIDENTIAL URBAN DISTRICT (RU-1)

300.600 - Intent.

Sec. 6.00. The RU-1, Residential Urban District, is an established district in which the principal use of land is for medium density residential development. In promoting the general purpose of this Ordinance, the specific intent of the district is as follows:

1. To encourage the construction of and the continued use of the land for one-family dwellings to include site built dwellings, class "A" manufacturing dwellings, and planned unit developments.
2. To permit low intensity office uses for businesses and professional occupations and to otherwise prohibit business, commercial or industrial use of the land and any other use which would substantially interfere with development or continuation of permitted residential dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.

(Amend. No. 4, 8-16-93)

The following regulations apply to all Residential Urban District:

300.601 - Uses permitted.

Sec. 6.01. No structure or part thereof, shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- A. All uses permitted in the RSA District and subject to the requirements noted in such district provisions, except as otherwise provided herein, and provided further that the following uses are specifically prohibited in all RU-1 Districts.
 1. The commercial raising of swine, horses, cattle, sheep, goats, fowl, fish, dogs, or cats.
 2. Large solar energy system installations.

(Amend. of 11-19-18)

300.602 - Conditional uses.

Sec. 6.02. Structures, and parts thereof, may be erected, altered, or used and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Section 13.01 [Section 300.1301].

- A. All conditional uses permitted in the RSA District and subject to the same conditions, except as otherwise noted in this Article.
- B. Two, three and four family residential structures provided that the following minimum lot area is provided for each structure.
 1. Two family residential structures, 30,000 square feet minimum lot area.
 2. Three family residential structures, 35,000 thousand square feet minimum lot area.
 3. Four family residential structures, 40,000 square feet minimum lot area.
- C. Garden apartments or townhouses in accordance with the provisions of Article VII.
- D. Business and professional office uses.
- E. Mobile home parks in accordance with the provisions of Section 6.09 [Section 300.609] of this Article.
- F. Planned unit developments in accordance to Section 6.10 [Section 300.610] of this Article.
- G. Adult foster care large group home provided the site is located so as to have at least one property line abutting a major thoroughfare with such access to the facility solely from such abutting major thoroughfare.

(Amend. of 4-16-01)

300.603 - Parking.

Sec. 6.03. Parking areas as required in Section 3.25 [Section 300.325] shall be provided.

300.604 - Area.

Sec. 6.04.

- A. Minimum lot area shall be 20,000 square feet; except as otherwise provided herein, and provided further that the depth of the lots shall not be more than four times longer than their width.
- B. If developed under cluster subdivision provisions the minimum density may be 25,000 square feet per dwelling unit of the total land area; provided further that if public sewers are not to be utilized, no lot shall be less than 14,000 square feet.

(Amend. No. 2, 8-16-93)

300.605 - Front yard.

Sec. 6.05. The provisions of Section 3.14 [Section 300.314] shall apply.

300.606 - Side yard.

Sec. 6.06. The provisions of Section 3.14 [Section 300.314] shall apply. If there is no right-of-way adjacent to the side yard no residential structure shall be located closer than 15 feet to the side property line.

300.607 - Rear yard.

Sec. 6.07. No dwelling or appurtenance thereto, shall be located less than 50 feet from the rear property line.

(Amend. No. 5, 8-16-93)

300.608 - Height of structures.

Sec. 6.08. No structure, or part thereof, other than an apartment or townhouse structure, farm buildings, or essential service structures, shall exceed a height of two and one-half stories or 25 feet.

300.609 - Minimum floor area per dwelling unit.

Sec. 6.09.

- A. Each dwelling unit that includes a basement shall have a minimum finished living area of 1,100 square feet of floor area per dwelling unit with a minimum of 800 square feet on the ground floor for units of more than one story. Dwelling units without a basement shall have a minimum finished floor area of 1,250 square feet with a minimum of 800 square feet on the ground floor for units of more than one story.

(Amend. No. 1, 8-16-93)

300.610 - Planned unit development provisions.

Sec. 6.10. A planned unit development may be permitted as a conditional use provided such development is found not detrimental to the public health, safety, and the general welfare of the occupants and the community and complies with the following minimum requirements:

- A. *General Requirements.*

1. The minimum required land area for a planned unit development shall be 60 contiguous acres.
2. The developer shall provide within the planned unit development a sanitary sewage system which shall be sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the Township system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and the Township.
3. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design and will in the opinion of the Township's Engineer collect, carry off and dispose of all predictable surface water run-off within the development and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.
4. If a public water system is not available the developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
 - a. The developer shall provide a fire hydrant within 400 feet of each structure.
 - b. Water systems shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.

B. *Permitted uses.*

1. Single family attached or detached dwelling.
2. Apartment building or townhouse.
3. Accessory private garage.
4. Public or private park or recreation areas which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire or other safety hazards, smoke, fumes or other pollutants detrimental to existing or prospective occupants or the general public.
5. Municipal buildings, community center.
6. School.
7. Church, temple, synagogue, parsonage, or parish house, convent.
8. Theatre for stage productions or films, but not a drive-in theatre.
9. Studio or artist, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
10. Restaurant.
- 11.

Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for the day-to-day operation of a household, and which can be supported economically by a small neighborhood area, including business of the type included in, although not limited to, the following:

- a. Bakery shop where no baking is done on the premises.
- b. Barber and beauty shop.
- c. Cigar store.
- d. Cleaning and dyeing distribution shop (no processing).
- e. Dairy products, retail sales.
- f. Delicatessen.
- g. Dressmaker, custom.
- h. Drugstore.
- i. Florist, retail sales.
- j. Laundry collecting shop, self-service laundry, hand laundry.
- k. Local store selling, at retail, fish, fruit, food, hardware, meats, (no slaughtering) and vegetables, and beer and wine under SDM license and gasoline from not more than two gasoline pumps.

C. *Parking.* Parking as provided according to Section 3.25 [Section 300.325] shall be required.

D. *Density and design standards.*

1. Area limitations for various uses: Within a planned unit development the following percentages of the total land area shall be devoted to the specified uses:
 - a. A maximum of 80 percent for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it, unless otherwise provided herein.
 - b. A maximum of 20 percent for non-residential uses and required parking; provided, however, that open air recreational uses, other open space uses and land devoted to streets shall not be included in determining non-residential use.
 - c. A minimum of 20 percent for open air recreational uses and other useable open space.
 - (1) Useable open space shall be defined as an open area designed and developed for common use by the occupants of the development or by others for recreation (whether commercial, private or public), courts, gardens or household services, activities such as drying clothes, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
2. *Residential density.* The density of residences shall not exceed six units per acre of the land within the development which is devoted to residential use and useable open space.

3. *Lot size.* There shall be no minimum lot size, no minimum setbacks, no minimum lot width for any unit; provided however, that in areas of single family and/or townhouse structures which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser or such structure or parts of such structures, such areas shall be platted with applicable and recordable provisions of the Subdivision Regulations. For purposes of determining overall densities within the planned unit development, the number of units located in such platted areas shall be included.
4. *Height.* The height of any structures within a planned unit development shall be related to the location of the structure such as to equal the distance to the adjacent property line; provided, however, the height limitation shall be related to the fire fighting capability of the Township and provided further that this provision shall not affect any structure of less than 35 feet.
5. *Location of structures.* The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
6. *Protection of open spaces.* Open spaces between structures including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the Planning Commission shall specify.
7. *Roads and parking areas.* The dimensions and construction of roads, alleys and parking areas within the development, whether or not dedication of them to the Township is contemplated, shall conform with all applicable state, county and Township ordinances.

E. *Procedure.*

1. Before any conditional use permit or building permit is issued for land or a building in a planned unit development, the developer shall obtain approval by the Township Planning Commission of an overall plan for development of the land. For this purpose he shall submit to the Planning Commission a plan prepared by a registered community planner, or a registered architect which:
 - a. Shall state the acreages to be devoted to specific uses;
 - b. Shall set forth the proposed density of dwelling units;
 - c. Shall include a major thoroughfare plan and a public utility plan;
 - d. And shall include a separate plan showing the location of parks, open recreational areas and other open spaces, schools and other public or community uses.
2. The criteria for approval of any planned unit development shall be those which are included within the Conditional Use Permit Review Procedures Section of this Ordinance (Article XIII). Criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drainage, densities, land use relationships of proposed uses to each other and uses adjacent to the site and its overall relation to the Community Development Plan.
3. If the plan is approved by the Planning Commission the developer shall thereafter submit a detailed plan, containing all the information required of this Ordinance.
 - a.

The Planning Commission shall review the detailed plan to determine that it complies with this Ordinance and with the overall plan originally submitted by the applicant for the section in which the proposed structure is located.

- b. Approval of any detailed plan shall lapse unless construction is started in that section within one year.
- c. No conveyance of land within the development may be made until the developer has complied with all Township regulations.

ARTICLE VII

RESIDENTIAL URBAN (MULTIPLE-FAMILY) DISTRICT (RU-2)

300.700 - Intent.

Sec. 7.00. The RU-2, Residential Urban (multiple-family) District is intended to permit the development of higher density residential development designed specifically for apartments, condominiums, townhouses and related accessory uses. The multiple-family Residential District is further intended to serve as a zone of transition between the nonresidential districts and the lower density, residential districts. Residential urban zoning districts should be located near streets adequate in capacity to accommodate the volumes of traffic typically generated by such development and should be designed to be compatible with adjacent single-family residential districts. The multiple-family district is designed to ensure sound development policies for areas having a concentration of multiple-family units while assuring an adequate supply of such units in the community.

(Amend. No. 4, 8-16-93)

300.701 - Uses permitted.

Sec. 7.01. No structure, or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

- A. One, two, three and four family residential structures subject to the lot area requirements of Article VI, applicable to such structure.
- B. Garden apartment and townhouses subject to all applicable provisions of this Article.
- C. Medical or dental clinics.
- D. Convalescent or nursing homes.
- E. Accessory structures.
- F. On-site signs as allowed in Atlas Township Sign Ordinance.
- G. Adult foster care family home, adult foster care small group home, or adult foster care large group home.
- H. Family day care home.

(Amend. of 4-16-01; Amend. of 6-21-06; Ord. No. 07-003, §§ 4.b., 5.a., 4-16-07)

300.702 - Conditional uses permitted.

Sec. 7.02. Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the Conditional Use provisions of Section 13.01 [300.1301].

- A. Mobile home parks subject to the conditions of Section 6.09 [300.609].
- B. Planned unit developments subject to the conditions of Section 6.10 [300.610].
- C. Home occupations, subject to the following conditions:
 - 1. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation.
 - 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the living area of the dwelling unit, (exclusive of areas of unfinished attics, attached garages, breezeways and enclosed or unenclosed porches) shall be used for purposes of the home occupation, but in no event more than 500 square feet of floor area.
 - 3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
 - 4. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
 - 5. No more than one home occupation per dwelling unit shall be permitted.
 - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
 - 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
 - 8. Such home occupation shall be carried on entirely within the dwelling and exclusively by the inhabitants thereof.
- D. Schools, and school related activities subject to the following conditions:
 - 1. An elementary school shall have five acres plus one acre for every 100 students.
 - 2. An elementary school shall be located on a paved road with an existing or proposed right-of-way of 86 feet or greater.
 - 3. The principal building shall be located no less than 75 feet from all property lines.

E. Hospitals subject to the following conditions:

1. Minimum lot area shall be ten acres.
2. The lot location shall be such that at least one property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
3. The building height of hospital, shall be no more than four stories or 45 feet.
4. Minimum main and accessory building setback shall be 100 feet from any property line.

F. Essential service structures, excluding power plants.

G. Business and professional office uses.

(Amend. No. 3, 8-16-93; Amend. of 6-21-06)

300.703 - Site plan review.

Sec. 7.03. All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Section 13.02 [Section 300.302].

300.704 - Area.

Sec. 7.04. Minimum lot area for garden apartments and/or townhouses shall be five acres; provided further that each three or more bedroom unit shall require 4,500 square feet of minimum lot area, each two bedroom unit shall require 3,500 square feet of minimum lot area and each one bedroom unit shall require 2,500 square feet of lot area.

300.705 - Parking.

Sec. 7.05. Parking areas shall be provided as required in Section 3.25 [Section 300.325].

300.706 - Front yard.

Sec. 7.06. The front yard provisions of Section 3.14 [Section 300.314] shall apply.

300.707 - Side yard.

Sec. 7.07. The front yard provisions of Section 3.14 [Section 300.314] shall apply. If there is no right-of-way adjacent to the side yard, the minimum side yard shall be 20 feet, provided further that any garden apartment or townhouse structure shall be located not less than 40 feet from the boundary of any single family district.

300.708 - Rear yard.

Sec. 7.08. No residential structure or appurtenances thereto, shall be located less than 20 feet from the rear property line, provided further that any garden apartment or townhouse structure shall be located not less than 40 feet from the boundary of any single family district.

300.709 - Height.

Sec. 7.09. The height of any structure shall be related to the location of the structure such as to equal the distance to any adjacent property line; provided, however, that the height limitation shall be related to the fire fighting capabilities of the Township and provided that this provision shall not affect any structure less than 35 feet.

300.710 - Garden apartment and townhouse site design standards.

Sec. 7.10. The following site design standards shall be required for all garden apartment and townhouse developments.

- A. Maximum structure coverage shall not exceed 30 percent of the site area.
- B. The distance between any two structures within a garden apartment or townhouse development shall not be less than 40 feet.
- C. Any garden apartment or townhouse development adjoining any single family residential district or any developed non-residential district shall be provided with a buffer planted with evergreen and other suitable plantings.
 - 1. A landscape planting area shall also be provided along all street frontage which shall not be less than 30 feet in width.
- D. All garden apartment and townhouse developments shall be served with public sewer facilities.
- E. A minimum of ten percent of the total site area shall be developed for recreation and park purposes.
- F. Provision shall be made for safe and efficient egress and ingress to public streets and highways serving any garden apartment or townhouse development which shall be designed to minimize congestion and interference with normal traffic flow.
- G. All garden apartment or townhouse developments shall have direct access to a State or County primary highway.
- H. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.

300.711 - Minimum floor area.

Sec. 7.11. Each dwelling structure shall have a minimum floor area per dwelling unit in accordance with the following schedule:

<i>Structure</i>	<i>Area per unit</i>
Single-family detached	Area shall be provided in accordance with the requirements of Article VI, Section 6.09 [Section <u>300.609</u>].
Multiple-family dwelling	

One bedroom	800 square feet
Two bedroom	1,000 square feet
Three bedroom	1,200 square feet
Four bedroom	1,400 square feet

(Amend. No. 1, 8-16-93)

ARTICLE VIIA

MOBILE HOME PARK DISTRICT (MHP)

300.7A00 - Intent.

Sec. 7A.00. The Mobile Home Park District is intended to encourage the appropriate location and suitable development of mobile home parks. In keeping with the occupancy characteristics of contemporary mobile homes, this Article establishes density standards and permitted uses that reflect the basic needs of potential residents. The following regulations shall apply to Mobile Home Park Districts.

(Amend. of 7-15-02)

300.7A01 - Uses permitted.

Sec. 7A.01. No structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

- A. Mobile home park developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.
- B. On-site signs in accordance with the requirements of Section 3.21, A [Section 300.321,A] and Section 7A.07,P [Section 300.7A07,P].
- C. Clubhouse, swimming pool, and recreation facilities for the use of park residents and guests.
- D. Family day care homes.
- E. Adult foster care family home or family day care home.
- F. Home Occupations subject to Article XV, Section 3.22 [Section 300.322].
- G. Accessory uses and structures, such as managers offices, laundry facilities, severe weather shelters, tool or storage sheds, and other services for the residents of the park, shall be permitted. Parking for such services shall be provided, as required by Rule 926, Manufactured Housing Commission Rules, as

amended. The park manager may display mobile homes and accessories for on-site sale, provided the accessories are contained within a mobile home or an approved permanent structure. A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community.

(Amend. of 7-15-02)

300.7A02 - Conditional uses permitted.

Sec. 7A.02. Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the Conditional Use provisions of Section 13.01 [Section 300.1301].

A. Schools and school related facilities, subject to the following conditions:

1. A school shall have a minimum land area of not less than five acres plus one acre for every 100 students of maximum design capacity.
2. A school shall be located on, and only have direct access to a paved road with an existing or proposed right-of-way of 86 feet or greater.
3. The principal building shall be located not less than 75 feet from all property lines.

(Amend. of 7-15-02)

300.7A03 - Preliminary plan review.

Sec. 7A.03. All proposed structures or uses of land or structures shall be subject to the preliminary plan review procedures below.

A. *Application:* Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in the MHP zoning district, subject to the conditions listed below, a preliminary plan shall be submitted for review by the Planning Commission in accordance with the requirements of this section.

1. Every preliminary plan submitted to the Township Clerk for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Eighteen copies of the preliminary plan shall be submitted with the application.
2. Upon receipt of complete application and 18 copies of the preliminary plan, the Township Clerk shall forward the package to the Township's Site Plan Review Committee within 15 days for their review, for a determination as to the completeness of the application.
3. The preliminary plan shall be submitted in accordance with Rule 325.3381 of the Michigan Department of Environmental Quality, Division of Water and Radiological Protection for mobile home parks and seasonal mobile home parks and Section 11 of state P.A. 96 of 1987, as amended (Mobile Home Commission Act).

B. *Data required:* Preliminary plans shall contain the following information:

1. The date, north arrow and scale. The scale shall be not less than at least one inch equals 100 feet.

2. All homesites and/or exterior property lines are to be shown and dimensioned.
 3. The location and height of all existing and township approved proposed structures on and within 100 feet of the subject property.
 4. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and recreation areas, if provided.
 5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys and internal access roads.
 6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firm(s) responsible for the preparation of the site plan.
 7. The name and address of the property owner or petitioner.
 8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls. (Please refer to Section 7A.07,O [Section 300.7A07,O] below.)
 9. Size and location of existing utility service sites including proposed connections to public sewer or water supply systems, if available. If a public sewer system is unavailable, the park shall connect to a state approved sewage system. If interconnection to a public sewer or water system will occur, information on system capacity shall also be provided. It is the intent of this section to obtain information which adequately conveys information on the location, layout, and general design of sewer and water systems. Detailed construction plans shall not be required.
 10. Location of all fire hydrants, if applicable.
 11. The number of mobile home sites proposed and a phasing plan if the sites are proposed to be built in stages.
 12. The location, layout and general design of all surface drainage facilities which must meet the requirements and standards of Rules 325.3341 - 325.3349 of the Michigan Department of Environmental Quality, Division of Water and Radiological Protection. Detailed construction plans shall not be required.
 13. Utility and other easements.
 14. Public information available concerning clusters of trees, and township designated landmark trees located on the site.
 15. Existing wetlands.
 16. Public information available concerning floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation.
 17. List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Genesee County."
 18. All required setbacks in Sections 7A.04 [300.7A04] and 7A.05 [300.7A05], below.
- C. A copy of the final construction plan shall be submitted to the Township upon approval by the

Department of Consumer and Industry Services.

D. *Review process:*

1. The municipality shall grant preliminary approval if the proposed mobile home park or seasonal mobile home park conforms to applicable laws and local ordinances not in conflict with this act and laws and ordinances relative to:
 - a. Land use and zoning.
 - b. Municipal water supply, sewage service, and drainage.
 - c. Compliance with local fire ordinances and state fire laws.
2. The county drain commissioner shall review and may approve outlet drainage. The county road commission shall review and may approve ingress and egress roads. The county road commission and the county drain commissioner shall not have authority as to interior streets and drainage in the mobile home park or seasonal mobile home park, unless the streets or drains are dedicated to the public.
3. The local health department shall grant preliminary approval, under the guidance of the department of public health, for on-site water and sewage service and general site suitability.
4. If a reviewing agency as provided in this section has not returned the preliminary plan to the developer, either approved, modified, or disapproved within 60 days after it receives the preliminary plan, the preliminary plan shall be considered approved.
5. Coordination of approvals by state and local governments shall be provided by the director of public health before it may grant construction approval.
6. The developer shall submit the preliminary approval with the final plans to the department of public health for review before the department of commerce may issue a construction permit.

- E. *Fees required:* Fees for the review of preliminary plans shall be established by resolution of the Township Board.

(Amend. of 7-15-02)

300.7A04 - Area, height and placement regulations.

Sec. 7A.04. Mobile home parks shall comply with the following area, height and placement regulations as specified below. All other uses shall comply with the standards established for the RU-1, Residential Urban District.

- A. *Lot size:* The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941, and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

B.

Floor space: There shall be not less than 720 square feet of floor area as measured by its outside dimensions. The floor area of any porch, sun deck, or other structure shall not be used to meet the 720 square foot requirement.

C. *Internal yard setbacks:* The placement of mobile homes within a mobile home park shall observe the following setback requirements:

1. Twenty feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes for a home not sited parallel to an internal road.
2. Ten feet from an on-site parking space of an adjacent mobile home site.
3. An attached or detached structure or accessories that are not used for living purposes shall be a minimum distance of ten feet from an adjacent home or its adjacent attached or detached structures, not less than five feet from a mobile home site property line, shall be located in the rear yard, and shall be in compliance with Section 3.31 [Section 300.331] of this ordinance.
4. Fifty feet from a permanent building, such as a clubhouse or maintenance building.
5. Twenty feet from the edge of an internal road.
6. Seven feet from a parking bay.
7. Seven feet from a common pedestrian walkway.
8. Fifteen feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.

D. *Maximum heights:* The maximum height of any clubhouse building or severe weather shelter shall not exceed 35 feet, or two stories in height, except that structure containing a gymnasium, auditorium or similar use area may reach a height of not more than 50 feet. Storage or service buildings shall not exceed 15 feet, or one story in height.

(Amend. of 7-15-02)

300.7A05 - Development standards for the mobile home park.

Sec. 7A.05. Mobile home parks shall meet the following development standards.

- A. *Park setbacks:* No mobile home or developed recreational use within an open space area within a mobile home park shall be located closer than 50 feet to any public road right-of-way or located closer than 50 feet to a development boundary line which abuts nonresidentially zoned property. A mobile home located within a mobile home park may be located not nearer than ten feet to a development boundary line which abuts residentially zoned land. Site-constructed buildings within a mobile home park such as a community building or laundry shall not be located closer than 25 feet from a development boundary line abutting residentially zoned property.
- B. *Access to public roads:* All access to the park shall be from public thoroughfares. Two access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. Such secondary access may be secured by an emergency crash gate provided, it can be demonstrated to the satisfaction of the Planning Commission through use of expert witness testimony and analysis, that such restricted access will not negatively affect traffic flow within the mobile home park or on

adjoining roadways. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement provided one entrance lane having a minimum width of 14 feet to facilitate the easy delivery of manufactured homes, and two exit lanes (one each for left and right movements) having a lane width of 12 feet each are provided. Ingress/egress to or from mobile home parks shall not be provided through a subdivision, site condominium, or multiple-family development.

- C. *Paving*: All internal roads and parking facilities shall be provided with a paved of concrete or bituminous asphalt surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Manufactured Housing Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area may be allowed to encroach into sidewalk areas.
- D. *Parking*: Parking spaces shall be provided to the minimum extent necessary to reasonably service mobile home units and ancillary uses. A minimum of two off-street parking spaces shall be provided for each mobile home unit. In addition, a minimum of one off-street parking space for every three mobile home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the homesites the parking intended to serve. On-street street parking shall be permitted only when internal access roads contain a pavement width meeting the following schedule to ensure unimpeded access by emergency vehicles.
1. One-way, parallel parking, one side (23 feet).
 2. One-way, parallel parking, two sides (33 feet).
 3. Two-way, parallel parking, one side (31 feet).
 4. Two-way, parallel parking, two sides (41 feet).
- E. *Sidewalks*: Sidewalks, a minimum of five feet in width; shall be installed along one side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, severe weather shelters, and central recreation/park areas. As an alternative, three-foot wide sidewalks may be installed, provided such sidewalks are installed along each side of all internal collector roads and to the public right-of-way. Sidewalks not less than five feet wide shall also be required along that portion of a site fronting along public thoroughfares.
- F. *Utilities*: The installation of utilities within a mobile home park shall be in accordance with the following requirements:
1. All electrical, telephone, television and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932, 934, 935, and 940 of the Manufactured Housing Commission. When separate meters are installed, each meter shall be located in a uniform manner.
 2. All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point and the manufactured housing unit shall be supported so it cannot be abraded by the pad surface. The use of

independent bottled gas service for individual manufactured housing units is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Manufactured Housing Commission.

3. Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall meet the requirements of Rule 929 of the Michigan Manufactured Housing Commission and shall be so located and shielded as to direct the light away from adjacent properties and public right-of-ways.
 4. Minimum standards for plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for mobile homes predating HUD. The Township Building Inspector may only inspect and issue permits for manufactured home installation, home utility connection, and site-built construction.
 5. All mobile home sites and all other buildings within the park shall be connected to the water system of the Township if it is available to the park at the time of Project approval, or to another state approved system. The park water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality (MDEQ) Mobile Home Park Standards.
 6. All mobile home sites and all other buildings within the park shall be connected to the sanitary sewerage system of the Township if it is available to the park at the time of Project approval, or to other state approved systems. The park sanitary sewerage system shall conform to MDEQ Mobile Home Park standards.
 7. All storm sewers shall be constructed in accordance with Parts 2-4 of the MDEQ Mobile Home Park Standards by the developer.
- G. *Skirting*: Skirting shall be installed around all mobile homes in accordance with Rule 604 of the Manufactured Housing Commission. Such skirting shall be compatible aesthetically with the appearance and construction of the mobile home. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days.
- H. *Storage*: The developer shall provide a central storage facility or shall permit or provide individual utility sheds for each manufactured home site. Any utility sheds placed on individual manufactured home sites shall be maintained in good condition and kept painted. Utility sheds shall only be placed in side or the rear yard areas.
- I. *Storage/parking*: Boats, boat trailers, and utility trailers are permitted to be parked within a mobile home park, only in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately fenced, locked or secured, and visually buffered or screened by means of landscaping.
- J. *Installation*: Each mobile home site shall conform with Mobile Home Commission requirements of Rule 602 for installation of mobile homes.
- K.

Streets: Street off-sets of not less than 125 feet shall be provided. Dead-end streets shall not exceed 500 feet in length and shall provide adequate turning areas at their endpoint to accommodate emergency and delivery vehicles.

(Amend. of 7-15-02)

300.7A06 - Landscaping, ground cover, and open space.

Sec. 7A.06. Mobile home parks shall be landscaped as follows:

- A. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home parks shall be graded and equipped to drain all surface water in a safe, efficient manner.
 1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a nonresidential development, the park need not provide screening.
 2. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- B. Required landscaping screening shall consist of evergreen trees or shrubs of a minimum three feet in height which are spaced so they provide a continuous screen at maturity. All such landscaped areas shall be irrigated to maintain plant material in a livable condition. Alternative screening devices subject to prior approval may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above and provided the screening is kept in good repair.
- C. Open space shall be provided as required by Rule 946 of the Manufactured Housing Commission in an amount equal to two percent of the community's gross acreage, but not less than 25,000 square feet, and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

(Amend. of 7-15-02)

300.7A07 - Public health, safety and miscellaneous provisions.

Sec. 7A.07. The following additional provisions shall apply to all mobile home parks:

- A. Except as provided below, fire hydrants shall be installed in all mobile home parks and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than 500 feet between hydrants as measured along adjacent roadways within the mobile home park. The MDEQ, under authority of Rule 1105(2) of the MDEQ Administrative Rules promulgated under the Safe Drinking Water Act (PA 399 of 1976) may prohibit the installation of fire hydrants where water main capacity, system source capacity, storage capacity, or pressure is inadequate to sustain fire flow demands in addition to normal user demands. If the central water system cannot support fire hydrants, "dry" fire hydrants shall be installed.

- B. For the protection of the public safety, an orderly street name and marking system and mobile home unit and numbering marking system shall be established by the mobile home park owner and a plan of this system shall be verified with the Township Fire Department.
 - C. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the development.
 - D. Outdoor fireplaces and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
 - E. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted to be stored in or under any mobile home unit in a mobile home park.
 - F. The mobile home park operator shall ensure that common trash receptacle containers (dumpsters) are provided in sufficient quantity to conveniently serve the residents of the development or weekly curbside pickup is provided with trash containers required to be stored outside.
 - G. Park grounds shall be maintained in a neat condition at all times.
 - H. Every mobile home shall be required to be equipped at all times with one fire extinguisher and one smoke detector in accordance with Rule 702a of the Manufactured Housing Commission.
 - I. There shall be no personal property storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times. This section shall not preclude the placement of towing mechanisms, including axles, which were removed from the manufactured home at the time of its installation, to be stored underneath the home upon its removal provided they are screened from view by skirting and/or perimeter landscaping.
 - J. No personal property shall be stored outside or under any mobile home. Storage (utility) sheds may be used but need not be supplied by the owner of the mobile home park development.
 - K. Towing mechanisms shall be removed from the mobile home dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the mobile home park.
 - L. Manufactured homes and accessory structures for an on-site sale may be displayed for access as model homes. Only one garage and/or storage building may be displayed on an individual home site.
- A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community.
- M. The owner or operator of any mobile home park shall be responsible for all street construction and street maintenance within the confines of the mobile home park, shall be responsible for all snow removal within the confines of the mobile home park, and shall be responsible for picking up trash and garbage within the confines of the mobile home park.
 - N. Fences on individual home sites, where installed, shall provide unimpeded emergency access to each manufactured home.
 - O.

There shall be a maximum of one mobile home park development sign per road frontage with an entrance which shall bear only the name of the mobile home park. Such a sign shall be located not less than 50 feet from the road right-of-way line demarcated by a Clear Vision Zone. The Clear Vision Zone is an unobstructed triangular area described as follows: The area formed at the intersection of two road right-of-way lines where the two sides of the triangular area are 25 feet long measured along abutting public right-of-way lines, and the base of the triangle is a line connecting the two end points of the triangle's sides; also, the area formed at the intersection of a road right-of-way and a driveway where the two sides of the triangle are ten feet long measured along the abutting public rights-of-way line and the edge of the driveway, and the base of the triangle is a line connecting the two end points of the triangle's sides. The sign may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 50 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 32 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced but each side of the sign shall have identical copy and be flush with the other side, if comparable to sign regulations in other developments.

P. Expandable units on mobile homes may be utilized, provided that the minimum spacing between mobile homes as herein provided is maintained.

Q. Site built single-family dwellings shall be permitted in the MHP District. Such dwellings shall comply in all respects with the RU-1, Residential Urban District requirements for such dwellings.

(Amend. of 7-15-02)

ARTICLE VIII

LOCAL COMMERCIAL DISTRICT (C-1)

300.800 - Intent.

Sec. 8.00. The Local Commercial District is intended to permit office and retail business and service uses which are needed to serve nearby residential areas. In order to promote such business development, uses are permitted which would not create hazards, offensive and loud noises, vibration, smoke, glare or excessive truck traffic. The intent of this district is also to encourage the concentration of local businesses in appropriate locations for the mutual benefit of businesses and patrons. It is intended that marginal strip commercial development along major streets be discouraged. Outdoor sales and storage is not permitted within the C-1, Local Commercial District.

(Amend. No. 4, 8-16-93)

The following regulations shall apply to all Local Commercial Districts:

300.801 - Uses permitted.

Sec. 8.01. No structure or part thereof, shall be erected, altered or used, and no land shall be used except for one or more of the following:

A.

Professional and business offices and similar activities employing a predominantly clerical staff which is not engaged in retail sales on the premises of articles or products of a tangible nature and where no heavy or noisy machinery is utilized in the operation of the business. Permitted uses shall include the following:

1. Abstract office.
2. Accountant.
3. Advertising.
4. Appraiser.
5. Architect.
6. Bank and/or trust company.
7. Bonding company.
8. Brokerage house.
9. Building contractor office (not including equipment or material storage).
10. Building and loan association.
11. Buildings, office.
12. Business college.
13. Chiropodist.
14. Chiropractor.
15. Christian science practitioner.
16. Collection agency office.
17. Commission house, office.
18. Credit reporting bureau.
19. Credit unit office.
20. Dentist.
21. Detective agency.
22. Doctor.
23. Electric light and power company or telephone company, office and billing.
24. Engineer office.
25. Finance companies, loan offices.
26. Insurance office.
27. Lawyer.
28. Office service (stenographic service, letter preparation, addressing and mailing, duplicating, multigraphing, mimeographing, machine tabulation, research, and statistical).
29. Osteopath.
30. Real estate sales office.
31. Medical or dental clinics.

- B. Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for day-to-day operation of a household, and which can be supported economically by a small neighborhood area, including the following:
1. Bakery shop where no baking is done on the premises.
 2. Barber and beauty shop.
 3. Cigar shop.
 4. Cleaning and dyeing distribution shop (no processing).
 5. Dressmaker, custom.
 6. Drugstore.
 7. Florist, retail sales.
 8. Laundry, collecting shop, self-service laundry, hand laundry.
 9. Newsstand.
 10. Shoe repair.
 11. Stationery store.
 12. Tailor shop catering to custom tailoring and minor cleaning and pressing activities.
- C. Signs as allowed in the Atlas Township Sign Ordinance.

(Amend. of 6-21-06)

300.802 - Conditional uses permitted.

Sec. 8.02. Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the Conditional Use Provisions of Section 13.01 [Section 300.1301].

- A. Any use of the same general character as any of those indicated in Section 8.01 [Section 300.801]; provided that no trade or business which is determined by the Planning Commission to be harmful to the health and safety and welfare of the Township shall be permitted.
- B. Restaurants and drive-in restaurants.
- C. Bars and taverns.
- D. Funeral homes.
- E. Shopping centers subject to the conditions of Article X.
- F. Essential services, excluding power plants.
- G. Service stations subject to the following conditions:
 1. Minimum lot area shall be 20,000 square feet for automobile service and filling stations.
 2. Minimum lot width shall be not less than 150 feet for automobile service and filling stations.
 3. Buildings shall be located not less than 25 feet from any side or rear lot line.
 4. Ingress and egress drives shall not be more than 30 feet in width.
 - 5.

No more than one curb opening shall be permitted for every 75 feet of frontage (or major fraction thereof) along any street.

6. No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the planning commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 7. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
 8. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
 9. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 30 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
 10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.
 11. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
- H. Schools of commercial art, private business and commercial schools, correspondence and stenographic schools.
- I. Dairy products, retail sales.
- J. Delicatessen.
- K. Bakeries.
- L. Local store selling, at retail, fish, fruit, food, hardware, meats (no slaughtering or butchering) and vegetables, and beer and wine under SDM license.
- M. Any use determined by the Township Planning Commission to be similar to any of the uses listed in this section.

(Amend. No. 3, 8-16-93)

300.803 - Site plan review.

Sec. 8.03. All proposed structures, or uses of land or structures shall be subject to the site plan review provisions of Section 13.02 [Section 300.1302].

300.804 - Merchandise displays.

Sec. 8.04. Merchandise may be displayed or stored only within the established building setback line but not on public property.

300.805 - Parking.

Sec. 8.05. Parking areas shall be provided as required in Section 3.25; provided further that there shall be dedicated to the Township Board, upon the advice and recommendation of the Township Planning Commission, providing for vehicle access to adjacent parking lots to minimize the need for driveways to each land use area and thereby decreasing hazards to vehicular traffic. The advice and recommendation of the Township Planning Commission shall cover the design and layout of the entire parking area, including roadways, and be based on documented findings of safe ingress and egress from the public right-of-way and maneuvering within said parking area, and such other requirements as deemed necessary to provide a safe and healthy environment for the general public.

300.806 - Loading and unloading.

Sec. 8.06. Loading and unloading areas as required by Section 3.25 [Section 300.325] shall be provided.

300.807 - Area.

Sec. 8.07. Minimum lot area shall be that necessary to provide the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district, which cannot be corrected by adequate plantings, or fencing.

- A. Where headlight glare can be minimized by plantings or fencing, the Township Planning Commission shall require adequate plantings or fencing which shall be provided before the premises are used.

300.808 - Front yard.

Sec. 8.08. A front yard setback of not less than 80 feet from the existing right-of-way line shall be provided.

300.809 - Side yard.

Sec. 8.09. Side yard setbacks adjacent to roads shall be not less than 80 feet; provided further that side yards adjacent to any residential district shall be a minimum of 100 feet; provided further that nothing in this section shall prohibit the use of party walls between structures on adjacent lots and housing permitted uses of this district.

300.810 - Rear yard.

Sec. 8.10. A rear yard setback of not less than 80 feet; provided, however, where such rear yard is adjacent to any residential district, the setback shall be a minimum of 100 feet.

(Ord. No. 13-05, 6-17-13.)

300.811 - Height.

Sec. 8.11. The height of any structure shall be related to the fire-fighting capabilities of the Township.

ARTICLE IX

GENERAL COMMERCIAL DISTRICT (C-2)

300.900 - Intent.

Sec. 9.00. The C-2, General Commercial District, as herein established, is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Commercial District or the Commercial Shopping Center District.

(Amend. No. 4, 8-16-93)

The following regulations shall apply to General Commercial Districts:

300.901 - Uses permitted.

Sec. 9.01. No structure, or part thereof, shall be erected, altered or used, and no land shall be used except for one or more of the following:

- A. Any use as a matter of right in the C-1 District and as indicated in Section 8.01 [Section 300.801].
- B. Business and commercial activities, conducted within an enclosed building only, of a general character of large service activity and normally depending for support on more than a neighborhood area and including the following:
 1. Art, antique, book, curio, gift or novelty shop.
 2. Auction or secondhand store.
 3. Automobile gasoline, filling and service station.
 4. Blueprinting or photostating.
 5. Broadcasting or recording studio, radio or television.
 6. Cafe, restaurant, or tea room not serving alcoholic beverages.
 7. Casket sales.
 8. Catering establishment.
 9. Clothing store.
 10. Dairy products, retail sales.
 11. Delicatessen.
 12. Dental laboratory.

13. Department store and/or variety store.
14. Dress shop.
15. Drygoods store.
16. Floor covering and wallpaper store.
17. Furniture and/or appliance store.
18. Funeral home or mortuary.
19. Gasoline service stations.
20. Interior decorating store.
21. Intoxicating liquor, package sales.
22. Jewelry store.
23. Kennel for boarding only of dogs, cats, and other household pets, but not including animal hospital.
24. Local store selling, at retail, fish, fruit, food, hardware, meats (no butchering) and vegetables and beer and wine under SDM license and gasoline from not more than two gasoline pumps.
25. Millinery store.
26. Motels or hotels.
27. Nursery or greenhouse.
28. Pawn shop.
29. Pet shop, bird store or taxidermist.
30. Photographer.
31. Supermarket.
32. Turkish bath.
33. Weaving, custom.
34. The following general sales and service uses:
Agricultural implements, equipment and machinery; aircraft; automobiles, automotive parts; supplies and mechanical repair; bicycles; boats, and marine supplies; business machines; feed; fuel; hardware; ice; industrial and residential machinery and tools, gross weight not to exceed 1,000 pounds; motorcycles and motor scooters; office equipment; plumbing and heating; radio and television; and trailers; provided that storage only for such uses may be in an area enclosed by a solid wall, evergreen hedge, or uniformly painted solid board fence not less than five feet high, but only when such areas have been treated or surfaced so as to prevent dust or dirt from blowing and are protected by posts, curbs, or similar construction to prevent encroachment upon adjacent properties.

300.902 - Conditional uses permitted.

Sec. 9.02. Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Section 13.01 [Section 300.1301].

- A. Any use of the same general character as those indicated in Section 8.01; provided that no trade or business which is determined by the Planning Commission to be harmful to the health, safety and welfare of the Township shall be permitted.
- B. Business and commercial activities similar to and including the following:
 - 1. Airport landing area and accessory uses, including terminals and airline services, passenger or freight, private or public subject to the following conditions:
 - 1. Minimum area required for commercial airport/landing field and/or facilities improvements shall not be less than 160 acres.
 - 2. The area shall have its principal means of access to a paved public street and said pavement cover shall extend to the principal urbanized areas being served by said airport/landing field.
 - 3. The planning commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all runways and landing strips and that no obstruction falls within the required approach zones.
 - 2. Amusement park or arcade subject to the following conditions:
 - 1. All parking shall be provided as off-street parking within the boundaries of the development.
 - 2. All access to the parking areas shall be provided only to a major thoroughfare.
 - 3. All sides of the development abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.
 - 3. Auditorium.
 - 4. Automobile bumping, painting, welding, upholstering and general repair garage, subject to the following conditions:

All necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor or vibration do not create a condition more detrimental to the surrounding area(s) than would result from other permitted uses. The following special requirements and regulations governing the erection of automobile repair garages are hereby established.

- 1. Such use shall be located on a plot of ground having frontage along a commercial street of not less than 100 feet and having a minimum area of not less than 20,000 square feet.
- 2. All repair work must be carried out within an enclosed building.
- 3. No automobile repair garage shall be erected within a 200 foot radius of any residential district.
- 4. Outdoor storage of rubbish, junked equipment or parts is prohibited unless such rubbish, junked equipment or parts is stored adjacent to the principal building in an obscure location that is enclosed with a masonry screening wall. When such screening is provided, such rubbish, junked equipment or parts shall not be stacked or heaped higher than the height of the screening wall. The screening wall shall not be higher than five feet.
- 5.

An automobile repair garage use shall not include the parking or storage of dismantled, nonlicensed or nonrepairable vehicles of any kind, unless ordered by a law-enforcement agency. The storage, sale or rental of mechanical equipment, new or used cars, motorcycles, minibikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile repair garage.

6. All temporary outdoor storage of vehicles for repair shall not be located within 50 feet of a public right-of-way or a residential district.
7. All buildings shall be set back not less than 40 feet from all existing or proposed street right-of-way lines, whichever is greater.
5. Ballroom.
6. [Deleted by Amend. of 6-21-06.]
7. Bowling alley, or billiard or pool hall.
8. Cafe or restaurant service alcoholic beverages.
9. Carnival or circus, or amusement enterprise of a similar type; provided the nearest point of such location is not less than 100 feet from a public road nor less than 500 feet from any lot of record upon which a dwelling is located.
10. Cleaning establishment.
11. Club or lodge (non-profit fraternal or religious associations) subject to the following conditions:
 1. Such uses shall front upon and have direct access to a major thoroughfare.
 2. A minimum site size of three acres shall be required.
 3. Only commercial uses ancillary to the club function shall be permitted.
 4. Land not utilized for buildings, parking, etc., shall be landscaped.
 5. All parking shall be located in the side or rear yard.
12. Community auction sales area.
13. Dance hall.
14. Dancing school with more than one instructor.
15. Drive-in business or retail or service nature.
16. Drive-in theatre subject to the following conditions:
 1. The lot location shall be such that at least one property line abuts a major thoroughfare and shall be at least 500 feet from any residential district. There shall be at least one exit and one entrance to the lot which shall be directly onto said major thoroughfare. Access to any residential street shall not be provided.
 2. The premises shall be enclosed with a solid screen fence eight feet in height. The solid screen fence shall be of a permanent material of metal, brick or masonry.
 3. All points of entrance or exit shall be located no closer than 250 feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
 4. Space shall be provided, on-premises, for 50 waiting vehicles to stand at the entrance to the

facility.

5. The theater screen shall not be placed closer than 100 feet from any public street right-of-way and shall be so constructed as to not be visible to a major thoroughfare or any residential district.
6. Such use shall be located on a parcel of at least 20 acres in size.
7. The projected internal design shall receive approval from the building official as to adequacy of drainage, lighting, and other technical aspects.
8. Ingress and egress drives shall be paved.
17. Fairgrounds.
18. Golf driving range and commercial activities incidental thereto subject to the following conditions:
 1. All parking shall be provided as off-street parking within the boundaries of the development.
 2. There must be maintained a minimum open green space of 50 feet between the property line and any adjacent district. In addition, on those sides abutting a residential district, there shall be provided and maintained a landscaped greenbelt consisting of plant materials eight feet in height or greater, or fencing eight feet in height or greater, sufficient to contain golf balls on the site.
19. Ice skating or roller skating rink.
20. Medical or dental clinic or laboratory.
21. Monument sales.
22. Express office and/or terminal.
23. Movers, terminal, garage and storage.
24. Parking, public, for which a charge is made.
25. Race tracks (including midget auto, karting, horse, and snowmobile), subject to the following conditions:
 1. Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides, and shall be subject further to the following conditions and such other controls as deemed necessary by the Planning Commission to promote health, safety and general welfare:
 - A) All parking shall be dust free and be provided as off-street parking within the boundaries of the development.
 - B) All access to the parking areas shall be provided only to a dust free major thoroughfare.
 - C) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot greenbelt planting as to obscure from view all activities within the development.
26. Rescue mission or revival church.
- 27.

Sales and service uses of the type listed in Sec. 9.01(B)(34) [Section 300.901(B)(34)]; provided that the gross weight of industrial and residential machinery and tools may exceed 1,000 pounds; provided further, that storage area shall comply with the provisions of Section 9.01(B)(34) [Section 300.901(B)(34)].

28. Schools of commercial are, private business and commercial schools, correspondence and stenographic schools.
29. Stadium, baseball, football, or any other type.
30. Tavern selling beer and/or wine and/or spirits for consumption on the premises.
31. Shopping centers subject to the conditions of Article X.
32. Self-storage facilities subject to the following conditions:
 1. The lot shall have direct frontage to an interstate highway, state trunkline, or arterial street.
 2. A plan for the security and management of the site shall be submitted by the applicant for approval by the Planning Commission. Means of security shall include lighting, fencing, security cameras and security gates. 24-hour monitoring shall be accomplished through an on-site manager or off-site monitoring services.
 3. Access to storage units shall be restricted to customers and employees, with mechanical or electronic locking devices at all access points.
 4. A living unit for an on-site caretaker or resident manager is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission.
 5. Building height shall not exceed one story 15 feet in height except that a caretaker or resident manager's unit may be allowed a building height of two stories or 25 feet.
 6. No single storage building shall exceed 5,000 square feet.
 7. Parking shall be provided on-site totaling at least four (4) spaces plus one (1) additional space for each 200 storage units.
 8. All interior drives shall have a minimum width of 28 feet, and shall be paved to Township standards.
 9. A sight-proof barrier shall be provided around the perimeter of the development. Said barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six feet in height and shall be constructed of brick, stone, masonry units, or wood products which are determined by the Planning Commission to be durable and weather resistant.
 10. A ten-foot wide landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district.
 11. Building separation between self-storage buildings on the same site shall be 15 feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
 12. The storage of combustible or flammable liquids, combustible fibers, explosive materials, or

toxic materials are expressly prohibited.

13. No repair, servicing, painting, or other maintenance activity may be conducted on the premises. Further, no units may be utilized for any business activity other than storage.
 14. No open storage, outdoor storage of recreational equipment, or other similar goods and vehicles shall be permitted.
 15. The property owner shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval, including the approved safety and management plan and all other applicable ordinances.
33. Nursery and landscape supply sales, including outdoor display and storage areas:
1. A 10-foot greenbelt shall be maintained along all property boundaries that abut a public road right-of-way or residential zoning district. The greenbelt shall be planted with at least one evergreen tree per 50 feet of lineal greenbelt area. The Planning Commission may modify this requirement to allow comparable existing vegetation to be used in place of new plantings.
 2. All outdoor storage areas for mulch, rock, topsoil and the like that are visible from a public road right-of-way or adjacent residential zoning district shall be screened with a solid fence at least 6 feet in height or a solid evergreen screen comprised of trees at least 5 feet in height.
 3. Unpaved driving surfaces shall be maintained in a dust-free condition and graded to maintain a smooth driving surface.

(Amend. No. 3, 8-16-93; Ord. No. 99-006, 5-17-99; Amend. of 6-21-06; Ord. No. 21-02, § 1, 3-15-21)

300.903 - Site plan review.

Sec. 9.03. All proposed structures, or use of land or structure, shall be subject to the provisions of Section 13.02 [Section 300.1302].

300.904 - Merchandise displays.

Sec. 9.04. All merchandise display shall be subject to the same setback as required for any structure within the district.

300.905 - Parking.

Sec. 9.05. Parking areas shall be provided as required in Section 3.25 [Section 300.325]; provided further that there shall be dedicated to the Township Board and easement to be regulated by the Township Board, upon advice and recommendation of the Township Planning Commission, providing for vehicle access to adjacent parking lots to minimize the need for driveways to each land use area and thereby decreasing hazards to vehicular traffic.

The advice and recommendation of the Township Planning Commission shall cover the design and layout of the entire parking area, including roadways, and be based on documented findings of safe ingress and egress from the public right-of-way and maneuvering within said parking area, and such other requirements as deemed necessary to provide a safe and healthy environment for the general public.

300.906 - Loading and unloading.

Sec. 9.06. Loading and unloading areas, as required by Section 3.25 [Section 300.325] shall be provided.

300.907 - Area.

Sec. 9.07. Minimum lot area shall be provided as required under section 8.07 [Section 300.807].

300.908 - Front yard.

Sec. 9.08. A front yard setback shall be provided as required under Section 8.08 [Section 300.808].

300.909 - Side yard.

Sec. 9.09. Side yard setback shall be provided as required under Section 8.09 [Section 300.809].

300.910 - Rear yard.

Sec. 9.10. A rear yard setback shall be provided as required under Section 8.10 [Section 300.810].

300.911 - Height.

Sec. 9.11. The height of any structure shall be related to the firefighting capabilities of the Township.

ARTICLE X

COMMERCIAL (SHOPPING CENTER) DISTRICT (C-3)

300.1000 - Intent.

Sec. 10.00. The Commercial Shopping Center District, as established in this Article, is intended to permit a wider range of business and entertainment activities than those permitted in the Local Commercial District. The permitted uses are intended to provide businesses and services usually found in major shopping centers and central business districts at the juncture of major streets. These uses generate large volumes of vehicular traffic and require detailed planning particularly as to relationships with adjacent residential areas.

(Amend. No. 4, 8-16-93)

The following regulations shall apply to all Commercial (Shopping Center) Districts:

300.1001 - Uses permitted.

Sec. 10.01. No structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

A.

Any use permitted as a matter of right within the C-1 Local Commercial District, as indicated in Section 9.01 [Section 300.901].

B. The following uses permitted in the C-2 General Commercial District:

1. Art, antique, book, curio, gift or novelty shop.
2. Cafe, restaurant, or tea room not serving alcoholic beverages.
3. Catering establishment.
4. Clothing store.
5. Department store and/or variety store.
6. Dress shop.
7. Dry goods store.
8. Floor covering and wallpaper store.
9. Furniture and/or appliance store.
10. Interior decorating store.
11. Intoxicating liquor, package sales.
12. Jewelry store.
13. Millinery store.
14. Pet shop, bird shop or taxidermist.
15. Pawn shop.
16. Photographer.
17. Food stores or supermarkets.
18. Turkish bath.
19. Weaving, custom.
20. The following general sales and service uses:
Business and office supplies and equipment; hardware; and appliances.

300.1002 - Conditional uses permitted.

Sec. 10.02. Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission, and subject to the Conditional Use provisions of Section 13.01 [Section 300.1301].

- A. Any use of the same general character as those permitted in Section 9.01 [Section 300.901]; provided that no trade or business which is determined by the Planning Commission to be harmful to the health, safety, and welfare of the Township shall be permitted.
- B. Restaurants, bars and lounges service alcoholic beverages.
- C. Bowling alleys.
- D. Indoor theaters.
- E. Hotels and motels.

F. Automobile service centers.

300.1003 - Site plan review.

Sec. 10.03. All proposed structures, or use of land or structures within this district shall be subject to the provisions of Section 13.02 [Section 300.1302].

300.1004 - Merchandise displays.

Sec. 10.04. All merchandise displays shall be subject to the same setback as required for any structure within this district.

300.1005 - Parking.

Sec. 10.05. Parking areas shall be provided as required in Section 3.25 [Section 300.325].

300.1006 - Loading and unloading.

Sec. 10.06. Loading and unloading areas as required in Section 3.25 [Section 300.325] shall be provided.

300.1007 - Area.

Sec. 10.07. Minimum lot area for a Shopping Center District shall be five acres.

300.1008 - Front yard.

Sec. 10.08. A front yard setback of not less than 80 feet from the existing right-of-way line shall be provided.

300.1009 - Side yard.

Sec. 10.09. Side yard setbacks adjacent to roads shall not be less than 80 feet; provided further that side yard setbacks adjacent to any residential district shall not be less than 100 feet; provided further that the minimum setback from any other side property line shall be 80 feet.

300.1010 - Rear yard.

Sec. 10.10. Rear yard setbacks adjacent to roads shall not be less than 80 feet; provided further that rear yard setbacks adjacent to any residential district shall not be less than 100 feet; provided further that the minimum setback from any other rear property line shall be 80 feet.

300.1011 - Height.

Sec. 10.11. The height of any structure shall be related to the fire fighting capabilities of the Township.

300.1012 - Shopping center development requirements.

Sec. 10.12. The general plan for a shopping center shall include specific evidence and facts showing that it has considered and made provision for, and the development shall be executed in accordance with the following essential conditions:

- A. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of 15,000 square feet of floor area.
- B. All buildings shall be arranged in an integral development.
- C. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than 100 feet from the intersection of any public street lines with each other.
- D. No part of any parking access and/or service area may be located closer than 40 feet of any property line adjacent to a residential district.
- E. Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
- F. Any shopping center development adjoining any residential development shall be provided with a buffer of at least 40 feet, which buffer shall be provided adjacent to the property line.
 1. Such a buffer shall be planted with evergreen and other suitable plantings and used for no other purposes.
 2. A landscaped planting area shall also be provided along all street frontage which shall not be less than 20 feet in width.
- G. All shopping center developments shall have access to a paved state or a county primary highway.
- H. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- I. Lighting facilities shall be required where deemed necessary for the safety and convenience of shoppers and employees. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

ARTICLE XI

LIGHT MANUFACTURING DISTRICT (M-1)

300.1100 - Intent.

Sec. 11.00. The Light Manufacturing District is intended to provide for light industrial uses that will have a limited impact upon adjacent uses through restrictions placed upon the degree of noise, smoke, glare, waste and other features of light industrial operations. It is further intended that permitted light industrial uses shall serve as a

buffer between heavy industrial uses and nonindustrial uses and that railroad access or major industrial facilities shall not be required.

(Amend. No. 4, 8-16-93)

The following regulations shall apply to Light Manufacturing District:

300.1101 - Uses permitted.

Sec. 11.01. No structure, or part thereof, shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- A. Amusement enterprises including but not limited to games of skill and science, merry-go-rounds, ferris wheels, penny arcade, shooting gallery.
- B. Baseball or football stadium.
- C. Circus or amusement enterprises of a similar type.
- D. Pony riding ring.
- E. Chemist shop.
- F. Veterinary animal hospital.
- G. The following uses which must be conducted wholly within an enclosed building except for on-site delivery vehicles:
 1. The manufacturing, compounding, processing and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, except fish, meat, fowl, vegetables, vinegar and yeast.
 2. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planning mill), yarns, and paint not requiring a boiling process.
 3. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 4. The manufacturing of pottery, figurines, or similar ceramic products, using previously pulverized clay.
 5. The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
 6. Blacksmith shop or machine shop, wrought iron shop, excluding punch presses over 20 ton rated capacity, drop hammer, and automobile screw machines.
 7. Laundry, cleaning and dyeing works and carpet or rug cleaning.
 8. Distribution plants, parcel delivery service, ice and cold storage plants.
 9. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and

the like.

10. Laboratories, experimental or testing.
11. Poultry or rabbit killing incidental to a retail business on same property.
12. Public utility service yard or electrical receiving transforming station.
- H. Building material sales yard, including but not limited to rock, sand, gravel and the like (excluding concrete mixing).
- I. Contractors equipment storage yard or plant or centers.
- J. Retail lumber yard including incidental millwork.
- K. Coal yard.
- L. Draying, freighting or trucking terminals.
- M. Plumbing or sheet metal shop.
- N. Freight yards.
- O. Industrial Park, subject to the following conditions:
 1. Permitted uses shall include all uses permitted by right within this district. Conditional uses may be permitted, subject to the conditional use provisions of Section 13.01 [Section 300.1301].
 2. The minimum required land area for an industrial park shall be 20 contiguous acres.
 3. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
 4. The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with the township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise construed and maintained in conformity with the statutes, Ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.
 5. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the Township's Engineer collect, carry off, and dispose of all predictable surface water runoff within and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the Genesee County Drain Commissioner and the Township.
 6. If a public water system is not available the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
 - a. The developer shall also provide a fire hydrant within 400 feet of each structure.
 - b. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.

7. All industrial parks shall have direct access to a paved state or county primary highway.
8. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways service the industrial park without undue congestion or interference with normal traffic flow.
 - a. All points of vehicular access to and from public streets shall be located not less than 200 feet from the intersection of any public street lines with each other.
9. No part of any parking access and/or service area may be located closer than 150 feet of any residential property line.
10. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
11. Any industrial park adjoining any residential development shall be provided with a buffer of at least 60 feet which buffer shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area shall also be provided along all street frontage which shall not be less than 60 feet in width.
12. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors.
 - a. These facilities will be so arranged in such a manner so as to protect abutting streets, and adjacent properties from unreasonable glare or hazardous interference of any kind.
13. Maximum building coverage on any lot within the industrial park shall not exceed 30 percent.
14. Minimum lot sizes within an industrial park shall be one acre.

300.1102 - Conditional uses permitted.

Sec. 11.02. Structures and parts thereof may be erected, altered or used, and lands may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the Conditional Use provisions of Section 13.01 [Section 300.1301].

- A. Any use of the same general character as permitted in Section 11.01; provided that no use which is determined by the Planning Commission as harmful to the health, safety and welfare of the Township shall be permitted.
- B. Restaurants and drive-in restaurants.
- C. Motels.
- D. Vehicle assembly, painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, battery manufacture.

300.1103 - Site plan review.

Sec. 11.03. All proposed structures or uses of land or structures shall be subject to the site plan review provisions of section 13.02 [Section 300.1302].

300.1104 - Parking.

Sec. 11.04. Parking areas shall be provided as required in Section 3.25 [Section 300.325].

300.1105 - Loading and unloading.

Sec. 11.05. Loading and unloading areas, as required in Section 3.25 [Section 300.325].

300.1106 - Area.

Sec. 11.06. Minimum lot area for any manufacturing use shall be four acres; provided further that if the intended use of the land is within an industrial park, the minimum lot size shall be one acre; provided further that the maximum building coverage for any industrial use shall not exceed 30 percent.

300.1107 - Front yard.

Sec. 11.07. A front yard setback of not less than 80 feet from the existing right-of-way shall be provided.

300.1108 - Side yard.

Sec. 11.08. Side yard setbacks adjacent to roads shall not be less than 80 feet from the existing right-of-way; provided further that side yard setbacks adjacent to any residential district shall not be less than 150 feet; provided further that the minimum setback from any other property line shall be 80 feet.

300.1109 - Rear yard.

Sec. 11.09. Rear yard setbacks adjacent to roads shall not be less than 80 feet; provided further that rear yard setbacks adjacent to residential districts shall not be less than 150 feet; provided further that the minimum setback from any other property line shall be 80 feet.

300.1110 - Height.

Sec. 11.10. The height of any structure shall be related to the fire fighting capabilities of the Township.

300.1111 - Smoke control.

Sec. 11.11. No individual or individuals shall cause, suffer, or allow to be discharged in the atmosphere from any source, smoke, the shade or appearance of which is equivalent to or greater than that density described as No. 2 of the Ringelmann Chart; provided, however, that smoke, the shade or appearance of which is equivalent to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating four minutes in any 30 minutes shall be permitted; and provided further, that smoke, the shade or appearance of which is equivalent to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating three minutes in any 15 minutes shall also be permitted when building of new fire or when breakdown or malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.

300.1112 - Control of noise.

Sec. 11.12. At no point on the boundary of any non-industrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

Octave band in cycles per second	Maximum permitted sound level in decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

300.1113 - Control of odors.

Sec. 11.13. There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.

- A. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
- B. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.

300.1114 - Control of glare or heat.

Sec. 11.14. Any operation producing intense glare or heat shall be performed within an enclosed building or

behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot line.

300.1115 - Control of vibrations.

Sec. 11.15. No vibration which is discernable to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

300.1116 - Control of radioactivity or electrical disturbance.

Sec. 11.16. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.

300.1117 - Outdoor storage and waste disposal.

Sec. 11.17.

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- B. All outdoor storage facilities for fuel, raw materials, and products; and all fuel, all raw materials, and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- C. No materials or wastes shall be deposited upon a lot in a form or manner that may be transferred off the lot by natural forces or causes.
- D. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

ARTICLE XII

HEAVY MANUFACTURING DISTRICT (M-2)

300.1200 - Intent.

Sec. 12.00. The intent of the Heavy Manufacturing District is to provide suitable locations for manufacturing, assembling and fabricating uses, including large or specialized industrial operations requiring good access by road and railroad and the availability of public facilities and utility services.

(Amend. No. 4, 8-16-93)

The following regulations shall apply to Heavy Manufacturing Districts:

300.1201 - Uses permitted.

Sec. 12.01. No structure, or part thereof, shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- A. Any use permitted as a matter or right within the M-1 District as indicated in Section 11.01 [Section 300.1101].
- B. The following activities involving the manufacturing, assembling, processing, storage, packing and/or treatment of raw materials or previously processed material:
 1. Acetylene gas manufacture.
 2. Ammonia, bleaching powder or chlorine manufacture.
 3. Asphalt mixing plant, manufacture, or refining.
 4. Automobile assembly, painting, upholstering, rebuilding, conditioning, body and fender work, truck repairing, tire recapping or retreading, battery manufacture.
 5. Boiler works.
 6. Brick, tile or clay products manufacture.
 7. Chemical manufacture.
 8. Concrete or cement products manufacture.
 9. Dye stuff manufacture.
 10. Food processing, smoking, curing or canning.
 11. Freight classification yards.
 12. Iron, steel, brass, or copper foundry or fabrication plant.
 13. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture.
 14. Power plants.
 15. Quarry and stone mill.
 16. Railroad repair shop.
 17. Rolling mills.
 18. Rubber manufacture.
 19. Salt works.
 20. Soap manufacture.
 21. Storage, sorting, collecting, or baling of rags, paper, iron or junk.
 22. Stove or shoe polish manufacture.
 23. Tar or tar products manufacture or distilling.
 24. Wholesale storage of petroleum.
 25. Wool pulling or scouring.
- C. Industrial park, subject to the following conditions:
 1. Permitted uses shall include all uses permitted by right within this district. Conditional uses may be permitted, subject to the conditional use provisions of Section 13.01 [Section 300.1301].

2. The minimum required land area for an industrial park shall be 40 contiguous acres.
3. Minimum lot sizes within an industrial park shall be two acres.
4. Such development shall comply with all requirements of industrial park in the M-1 (Light Manufacturing) District unless otherwise specified herein.

300.1202 - Conditional uses permitted.

Sec. 12.02. Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the Conditional Use Provision of Section 13.01 [Section 300.1301].

- A. Any use of the same general character as permitted in Section 11.01 [Section 300.1101]; provided that no use which is determined by the Planning Commission to be harmful to the health, safety, and welfare of the Township shall be permitted.
- B. The following activities involving the manufacture, assembly, processing, storage, packing and/or treatment of raw materials or previously processed material:
 1. Acid manufacture.
 2. Blast furnaces or coke ovens.
 3. Cement, lime, gypsum or plaster of paris manufacture.
 4. Distillation of bones, coal, tar, or wood.
 5. Drop forge industries using power hammers.
 6. Fat rendering, except as an incidental use.
 7. Explosives, manufacture or storage.
 8. Fertilizer manufacture.
 9. Garbage, offal, or dead animals dumping or reduction.
 10. Glue manufacture.
 11. Incineration of garbage.
 12. Meat packing plants.
 13. Paper and pulp manufacture.
 14. Rock crushing.
 15. Sawmill.
 16. Slaughter of animals, killing of poultry.
 17. Smelting of tin, copper, zinc, or iron ores.
 18. Stockyards or feeding pens.
 19. Tannery or the curing or storage of raw hides.
 20. Oil drilling and production of oil, gas or hydrocarbons.
- C. Automobile wrecking and junk yards if carried on wholly within a building or provides for the following:

1. All junk yards shall be provided with a buffer of at least 40 feet which buffer shall be provided adjacent to all abutting lands and rights-of-way.
 - a. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purpose.
2. All junk yards shall be enclosed on all sides by a tight unpierced fence or wall with a height of not less than the height of the stored objects, but in no case less than eight feet.
3. An emergency access road shall be provided and maintained to the rear of the property for access by fire and emergency vehicles.

(Amend. No. 3, 8-16-93)

300.1203 - Site plan review.

Sec. 12.03. All proposed structures or uses of land or structures shall be subject to the site plan review provisions of Section 13.02 [Section 300.1302].

300.1204 - Parking.

Sec. 12.04. Parking areas shall be provided as required in Section 3.25 [Section 300.325].

300.1205 - Loading and unloading.

Sec. 12.05. Loading and unloading areas shall be provided as required in Section 3.25 [Section 300.325].

300.1206 - Area.

Sec. 12.06. Minimum lot area for any manufacturing use shall be four acres; provided that if the intended use of the land is within an industrial park, the minimum lot size shall be two acres; provided further that the maximum building coverage for any industrial use shall not exceed 40 percent.

300.1207 - Front yard.

Sec. 12.07. A front yard setback of not less than 80 feet from the existing right-of-way line shall be provided.

300.1208 - Side yard.

Sec. 12.08. Side yard setbacks adjacent to roads shall not be less than 80 feet from the existing right-of-way; provided further that side yard setbacks adjacent to any residential district shall not be less than 200 feet; provided further that the minimum setback from any other property line shall be 80 feet.

300.1209 - Rear yards.

Sec. 12.09. Rear yard setbacks adjacent to roads shall not be less than 80 feet; provided further that rear yard setbacks adjacent to residential districts shall not be less than 200 feet; provided further that the minimum setback

from any other property line shall be 80 feet.

300.1210 - Height.

Sec. 12.10. The height of any structure shall be related to the fire fighting capabilities of the Township.

300.1211 - Performance standards.

Sec. 12.11. All uses established or placed into operation within this district shall comply at all times with the Performance Standards as set forth in Section 11.11 through Section 11.17 [Section 300.1111 through Section 300.1117].

ARTICLE XIA

HISTORIC VILLAGE DISTRICT (HV)

300.12A00 - Intent.

Sec. 12A.00. The intent of the Historic Village District is to ensure the preservation of historic and architecturally significant buildings within Atlas Township and to allow for new development that is coordinated and compatible with the community's existing historic structures. The purpose of the Historic Village District is to encourage a diversity of complementary land uses, which may include single-family, multiple-family, office, commercial, and public/semi-public facilities.

The provisions of this Article have been developed to coordinate a mixture of land uses with the intent to:

- A. Establish and maintain high aesthetic standards;
- B. Preserve the district's visual character by assuring improvements are properly related to their sites and to surrounding developments;
- C. Encourage flexibility in architectural design and building bulk; provided that the designs and building bulk shall be compatible and harmonious with nearby residential and commercial areas.
- D. Encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of any specific area development plans that may be adopted by the Township.

(Amend. No. 9, 8-16-93)

300.12A01 - Area of application.

Sec. 12A.01. This district is to be applied to those historically significant areas of the Township for the purpose of accommodating a mixture of compatible land uses. Property may be considered for historical village district zoning when the following criteria are satisfied:

- A. The site has been designated for historic village development in the Township's future land use plan;

- B. The property and the affected area are presently provided with adequate public facilities, services, and transportation networks to support this use; or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property; and,
- C. The development will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of smoke, fumes, glare, noise, vibration, or odors.

(Amend. No. 9, 8-16-93)

300.12A02 - Uses permitted.

Sec. 12A.02. In the Historic Village District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, except for one or more of the following uses:

1. General administrative offices used primarily for conducting the affairs of a business, profession, service, industry, or government.
2. Commercial and office uses allowed as permitted uses in the C-1, Local Commercial District.
3. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to, groceries, meat, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware when such business is conducted within a completely enclosed building.
4. Restaurants, bars and taverns, and other places serving food or beverage, except those having the character of a drive-in.
5. Medical clinics and/or optical facilities that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eyeglasses, etc.
6. Theaters, auditoriums, concert halls, and similar places of assembly when conducted within a completely enclosed building.
7. Business and technical schools.
8. Essential services, public telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
9. Health and athletic clubs.
10. Residential dwellings as permitted and regulated in the residential districts of the Township.
11. Common open space, including pedestrian plazas and courts.
12. Any other use which is determined by the planning commission to be of the same general character as, and compatible with, the above permitted uses.

(Amend. No. 9, 8-16-93)

300.12A03 - Accessory uses.

Sec. 12A.03. The following shall be allowed as accessory uses in the Mixed-Uses District:

1. Uses and structures customarily accessory and incidental to a permitted use.

2. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
3. Day-care facilities.
4. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, tennis courts, and exercise studios, which are provided in association with a permitted use.
5. Parking and loading structures and areas provided in conjunction with a permitted use.

(Amend. No. 9, 8-16-93)

300.12A04 - Site plan review.

Sec. 12A.04. All proposed structures, or use of land or structure, shall be subject to the provisions of Section 3.03 [Section 300.303].

(Amend. No. 9, 8-16-93)

300.12A05 - Parking.

Sec. 12A.05. Parking areas shall be provided as required in Section 3.25 [Section 300.325]; provided further that there shall be dedicated to the Township Board an easement to be regulated by the Township Board, upon the advice and recommendation of the Township Planning Commission, providing for vehicle access to adjacent parking lots to minimize the need for driveways to each land use area and thereby decreasing hazards to vehicular traffic.

The advice and recommendation of the Township Planning Commission shall cover the design and layout of the entire parking area, including roadways, and be based on documented findings of safe ingress and egress from the public right-of-way and maneuvering within said parking area, and such other requirements as deemed necessary to provide a safe and healthy environment for the general public.

(Amend. No. 9, 8-16-93)

300.12A06 - Loading and unloading.

Sec. 12A.06. Loading and unloading areas as required by Section 3.25 [Section 300.325] shall be provided.

(Amend. No. 9, 8-16-93)

300.12A07 - Area.

Sec. 12A.07. Minimum lot area shall be that necessary to provide the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district, which cannot be corrected by adequate plantings, or fencing. Where headlight glare can be minimized by plantings or fencing, the Township Planning Commission shall require adequate plantings or fencing which shall be provided before the premises are used.

(Amend. No. 9, 8-16-93)

300.12A08 - Front yard.

Sec. 12A.08. The front yard requirement shall not be less than the average depth of existing developed front yards on lots within 400 feet of said lot and within the same block face.

(Amend. No. 9, 8-16-93)

300.12A09 - Side yard.

Sec. 12A.09. Side yard setbacks shall not be less than 15 feet from any property line provided further that side yard setbacks adjacent to any residential district shall not be less than 25 feet.

(Amend. No. 9, 8-16-93)

300.12A10 - Rear yard.

Sec. 12A.10. Rear yard setbacks shall not be less than 25 feet; provided further that rear yard setbacks adjacent to residential districts shall not be less than 35 feet.

(Amend. No. 9, 8-16-93)

300.12A11 - Height.

Sec. 12A.11. No building shall exceed the height of two and one-half stories or 25 feet.

ARTICLE XIIB

SPECIAL HOUSING (SH)

300.12B00 - Intent.

Sec. 12B.00. The intent of the Special Housing (SH) District is to encourage the development of a variety of nontraditional housing types not ordinarily found in conventional single-family residential districts so as to provide housing opportunities for all persons wishing to reside in the community.

(Amend. No. 10, 8-16-93)

300.12B01 - Uses permitted.

Sec. 12B.01. No structure or part thereof shall be erected, altered, or used, and no land may be used except for one or more of the following purposes:

- A. One, two, three, and four family residential structures subject to the lot area requirements of Article VI, Residential Urban District, (RU-1) applicable to such structure.

- B. Garden apartment and townhouses subject to all applicable provisions of Article VII, Residential Urban (Multiple-Family District).
- C. State licensed adult foster care facilities.
- D. Home occupations.
- E. Accessory structures.

(Amend. No. 10, 8-16-93)

300.12B02 - Conditional uses.

Sec. 12B.02.

- A. Mobile home parks in accordance with the provisions of Article 6.09.
- B. Planned unit developments in accordance with the provisions of Section 6.10 [Section 300.610] of this Article.
- C. Churches, synagogues, and temples.
- D. Schools and school related activities.
- E. Libraries, cemeteries, museums, public parks, fire and police stations, community buildings, essential services, governmental institutions, hospitals, convalescent houses, and sanitariums, all of a nonprofit nature.
- F. Medical or dental clinics.

(Amend. No. 10, 8-16-93)

300.12B03 - Parking.

Sec. 12B.03. Parking areas as required in Section 300.325 shall be provided.

(Amend. No. 10, 8-16-93)

300.12B04 - Area.

Sec. 12B.04.

- A. Minimum lot area shall be 20,000 square feet; except as otherwise provided herein, and provided further that the depth of the lots shall not be more than four times longer than their width which shall not be less than 100 feet.

(Amend. No. 10, 8-16-93)

300.12B05 - Front yard.

Sec. 12B.05. The provisions of Section 3.14 [Section 300.314] shall apply.

(Amend. No. 10, 8-16-93)

300.12B06 - Side yard.

Sec. 12B.06. The provisions of Section 3.14 [Section 300.314] shall apply. If there is no right-of-way adjacent to the side yard no residential structure shall be located closer than 15 feet to the side property line.

(Amend. No. 10, 8-16-93)

300.12B07 - Rear yard.

Sec. 12B.07. No dwelling or appurtenance thereto, shall be located less than 50 feet from the rear property line.

(Amend. No. 10, 8-16-93)

300.12B08 - Height of structures.

Sec. 12B.08. No structure, or part thereof, other than an apartment or townhouse structure, farm buildings, or essential service structures, shall exceed a height of two and one-half stories or 25 feet.

(Amend. No. 10, 8-16-93)

ARTICLE XIIC

COMMERCIAL/INDUSTRIAL DISTRICT (C/I)

300.12C00 - Intent.

Sec. 12C.00. The Commercial/Industrial District is planned to allow for a mixture of compatible uses of an intensive commercial and light industrial nature within a planned campus environment. The district is established with the intent to develop and maintain high aesthetic standards and to preserve the district's visual character by assuring that improvements are properly related to their sites and to surrounding developments. Flexibility in architectural design is encouraged to the extent that the development is compatible and harmonious with adjacent development.

The prime characteristics of this district are the low intensity of land coverage and the absence of nuisance factors. Permitted uses shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lots or property such as, but not limited to vibration, sound, electromechanical disturbances, radiation, air or water pollution, dust, or emission of odorous toxic or nontoxic matter, nor create a potential for explosion or other hazard.

(Amend. No. 11, 8-16-93)

300.12C01 - Principal uses permitted.

Sec. 12C.01.

1. Uses primarily engaged in research activities, including research laboratories, developmental laboratories, and compatible light manufacturing such as, but not limited to, the following: biochemical, chemical, electronics, film and photography, medical and dental, metallurgy, pharmaceutical, or x-ray.
2. Pilot plant operations and testing activities.
3. Headquarters of business offices for commercial and industrial uses which conduct the principal firm's activity outside of the district.
4. Uses primarily engaged in the manufacture, research assembly, testing and repair of components, devices, equipment and systems, and parts and components, involving the following items: coils, tubes, semiconductors, communication, navigation, guidance and control equipment, data processing equipment, including computer software, glass edging and silvering equipment, graphics and art equipment, metering equipment, radio and television equipment, radar, infrared, and ultraviolet equipment, optical devices and equipment, or filling and labeling machinery.
5. Uses primarily engaged in the manufacturing, processing, and/or assembly of the following or similar products: food products, apparel and finish products from textile products, furniture and fixture products, chemical and allied products, plastics and rubber products, stone, clay, and glass products, fabricated metal products, or professional, scientific, controlling, photographic, and optical products or equipment.
6. Uses engaged in service industries or those industries providing service to, as opposed to the manufacture of a specific product, such as the repair and maintenance of appliances or component parts, tooling, printers, testing shops, small machine shops, and shops engaged in the repair, maintenance and servicing of such items.
7. Uses involving industries engaged in the distribution and/or storage or warehousing of products relating to the permitted uses.
8. Uses engaged in blueprinting, photostating, photoengraving, printing, publishing and bookbinding.
9. Uses primarily engaged in administrative and professional offices, but limited to: I) offices which are associated with any permitted business use, or, II) offices which do not attract nor are primarily dependent upon business customers visiting the office. Permitted offices include, but are not limited to, corporate offices, regional offices, general offices, and such professional offices as accountants, attorneys, engineers, architects, and planners.
10. Accessory uses and structures when related and incidental to a permitted use such as, but not limited to, food preparation, food service, eating facilities, and auditoriums to serve employees and storage, service, and maintenance facilities, provided all materials are stored inside a closed building.

(Amend. No. 11, 8-16-93)

300.12C02 - Nuisances.

Sec. 12C.02. No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A "nuisance" shall include, but not be limited to, any of the following conditions: Any use, excluding reasonable construction activity of the lot which emits dust, sweepings, dirt,

or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any water reclamation area or other waterway, and which, in the opinion of the Atlas Township Planning Commission may adversely affect the health, safety, comfort of, or intended use of property by persons within the area; the escape or discharge of any fumes, odors, gases, vapors, steam, acids, or other substances into the atmosphere which discharge may be detrimental to the health, safety, or welfare of any person or may interfere with the comfort of persons within the area or which may be harmful to property or vegetation; the radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser, or other radiation; any vibration, noise, sound, or disturbance which is objectionable due to intermittence, beat, frequency, strength, shrillness, or volume. All uses within the Commercial/Industrial District shall be subject to the industrial performance standards of Sections 11.11 through 11.17 [Section 300.1111 through 300.1117].

(Amend. No. 11, 8-16-93)

300.12C03 - Loading and unloading.

Sec. 12C.03. Loading and unloading areas, shall be provided as required in Section 3.25 [Section 300.325].

(Amend. No. 11, 8-16-93)

300.12C04 - Area.

Sec. 12C.04. Minimum lot area within the Commercial/Industrial (C/I) District shall be one acre; provided further that the maximum building coverage for any industrial use shall not exceed 30 percent.

(Amend. No. 11, 8-16-93)

300.12C05 - Front yard.

Sec. 12C.05. A front yard setback of not less than 80 feet from the front property line shall be provided.

(Amend. No. 11, 8-16-93)

300.12C06 - Side yard.

Sec. 12C.06. Side yard setbacks shall not be less than 80 feet from the property line provided further that side yard setbacks adjacent to any residential district shall not be less than 100 feet.

(Amend. No. 11, 8-16-93)

300.12C07 - Rear yard.

Sec. 12C.07. Rear yard setbacks shall not be less than 80 feet; provided further that rear yard setbacks adjacent to residential districts shall not be less than 100 feet.

(Amend. No. 11, 8-16-93)

300.12C08 - Height.

Sec. 12C.08. The height of any structure shall be no greater than 30 feet.

ARTICLE XIID

SCHEDULE OF REGULATIONS

300.12D00 - Schedule of regulations.

Sec. 12D.00. Schedule limiting height, bulk, density, and area by zoning district.

Zoning district	Minimum zoning lot size per unit		Maximum number of stories	Maximum height of structures in feet	Minimum yard setback (per lot in feet)			Minimum floor area per unit (sq. ft.)	Maximum percent of lot area covered by all buildings
	Area	Width in feet			Front	Each side	Rear		
RA, Residential Agricultural	3 acres A, B	185	2½	25	C	25C	50	—	—
RSA, Residential Suburban	43,560 A, B	125	2½	25	C	10C	25	—	—
RU, Residential Urban	20,000 A, B, D	100	2½	25	C	15C	—	—	—

RU-2, Residential Urban, Multiple- Family	5 acres	—	E	E	C	20C	20	—	F
C-1, Local Commercial	G	—	E	E	80	80	80H	—	—
C-2, General Commercial	G	—	E	E	80	80	80H	—	—
C-3, Commercial	5 acres	—	E	E	80	80H	80H	I	—
M-1, Light Manufacturing	4 acres	J	E	E	80	80H	80H	—	30
M-2, Heavy Manufacturing	4 acres	J	E	E	80	80H	80H	—	40
ORA, Outdoor Recreation Area	20 acres								
MHP, Mobile Home Park									

(Ord. No. 13-05, 6-17-13)

300.12D01 - Notes to schedule of regulations.

Sec. 12D.01.

- A. Farm operations and the keeping of horses for recreational purposes shall be permitted in the district upon a land area of five acres.
- B. The depth of lots shall not be greater than four times their width.
- C. Section line roads, 100 feet right-of-way: 90 feet setback.
Quarter section line roads, 80 feet right-of-way: 70 feet setback.

Local thoroughfares, 66 feet right-of-way: 55 feet setback.

When structures have been built upon a majority of the parcels in the block face with a lesser setback than permitted by this Ordinance, a structure may be built to the setback of the mean average of the structures in the block; provided further that the setback on corner lots on the side streets shall not reduce the buildable width on parcels of land to less than a 24-foot width building.

The front yard requirement shall not be less than the average depth of existing developed front yards on lots within 400 feet of said lot and within the same block face.

D. Two family residential structures: 30,000 square feet minimum lot area.

Three family residential structures: 35,000 square feet minimum lot area.

Four family residential structures: 40,000 square feet minimum lot area.

E. The height of any structure shall be related to the location of the structure such as to equal the distance to any adjacent property line; provided, however, that the height limitation shall be related to the fire fighting capabilities of the Township and provided that this provision shall not affect any structure less than 35 feet in height for garden apartments and townhouses.

F. Maximum structure coverage shall not exceed 30 percent of the site area.

G. Minimum lot area shall be that necessary to provide the required setbacks and all necessary structure areas.

H. When the rear yard is adjacent to a residential district, the setback shall be a minimum of 100 feet in the C-3 District; 150 feet in the M-1 District; and 200 feet in the M-2 District.

I. Shopping centers shall provide for the construction of a minimum of 15,000 square feet of floor area.

J. If the intended use of the land is within an industrial park, the minimum lot size shall be one acre in the M-1 District and two acres in the M-2 District.

(Ord. No. 13-05, 6-17-13)

ARTICLE XIII

300.1300 - ADMINISTRATION

300.1301 - Conditional use permit review procedures.

Sec. 13.01.

A. *Intent.*

These conditional use permit review procedures are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances, would be detrimental to other permitted land uses and cannot be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing

protection to adjacent land uses. These procedures are adopted to provide guidelines for the Township Planning Commission to follow in arriving at any decision over which such Commission has jurisdiction, and to provide for the general welfare, as well as to provide for the interest of the property owner.

B. *Procedure.*

1. An application for the approval of a conditional use shall be made, by an owner of an interest in the land on which the conditional use is to be located, to the Township Clerk accompanied by the necessary fees and documents as provided herein.
2. The application shall be accompanied by a site plan drawn to a scale of 1" = 20' and placed on a standard sheet and containing the following information:
 - a. Statistical data including: Number of dwelling units by size of dwelling units (e.g., 1-bedroom, 2-bedroom, and 3-bedrooms), if any, and total gross acreage involved. In the case of mobile home parks, each mobile home site, size and location shall be shown. In all other cases, the location types, horsepower, fuel, dimensions and other data of all machinery to be used on the proposed site shall be shown.
 - b. The location of principal and accessory buildings on the lot and the relationship of each structure to another.
 - c. Vehicular traffic and pedestrian circulation features within and without the site.
 - d. The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading and unloading spaces, and other service areas within the development.
 - e. The location, dimensions, and proposed use of all on-site recreation areas, if any.
 - f. The location of all proposed landscaping, fences, or walls.
 - g. The height and dimensions of all structures.
 - h. Front, rear, and side elevations of any typical structure proposed for development.
 - i. The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.
 - j. The location, dimensions, and lighting of all signs.
 - k. The location, intensity, and orientation of all lighting.
 - l. The location map at a smaller scale, indicating the relationship of the site to the surrounding land area of not less than one square mile.
3. The conditional use permit application may be accompanied by an application for a zone change, where such a zone change is necessary to the consideration of the application, provided all applicable provisions for a zone change application have been complied with.
4. The application and zone change application, if any, shall be referred within ten days after receipt by the Township Clerk to the Township Planning Commission for its review and action.
 - a.

The Commission shall review and communicate its recommendation on the zone change application within ten days after its regular meeting at which such application was considered in accordance with procedures prescribed by applicable statute.

5. The Commission shall hear any person wishing to express an opinion on the application and review the conditional use permit application at its next regular meeting, following receipt of the application, provided such regular meeting provides adequate time to notify adjacent property owners and post a notice of public hearing, as required.
 - a. The Township Clerk shall publish a notice of public hearing in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owner of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval.
 - b. The notice shall:
 - (1) Describe the nature of the conditional use permit request.
 - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (3) State the date, time, and place of the public hearing.
 - (4) Indicate when and where written comments concerning the request will be received.
6. The Commission shall, within two weeks after the public hearing at which the application was considered, advise the applicant, the Building Inspector, and the Township Clerk of its findings regarding vehicular traffic, circulation; geographical considerations; air, water, and land pollution; waste disposal; and other problems which can be anticipated from the proposed activity, and of its approval, with any condition the Commission may find necessary, or of its disapproval, with its reasons in writing.
 - a. The Commission may direct the applicant to comply with any condition which it deems necessary to provide for the public health, safety, and welfare of present or prospective occupants of the conditional use and of any lands contiguous to the proposed use or deemed necessary for the prevention of any nuisance condition.
7. The Building Inspector shall, upon receipt of notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the Township Treasurer attesting to the payment of all required fees, issue a building permit for the approved conditional use, provided he has found satisfactory compliance with all condition precedents imposed by such approval.

C. Standards for approval

1. The Planning Commission shall review the particular circumstances and facts applicable to each proposed conditional use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a. Will be harmonious with and in accordance with the general objectives of the future land use plan.
 - b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - e. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such service.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - h. Will be consistent with the intent and purposes of this Ordinance.
2. If the facts regarding the conditional use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not approve the conditional use.
3. In approving the conditional use permit, the Planning Commission may require such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.
4. The Planning Commission may deny, approve or approve with conditions, a request for conditional use approval. The decision on a conditional use shall be incorporated into the minutes of the meeting containing the conclusions relative to the conditional use under consideration which specifies the basis for the decision and any conditions recommended.

[D. *Reserved.*]

- E. *Group Day Care Home.* Pursuant to Section 206,(4) of state PA 110 of 2006, a group day care home shall be issued a conditional use permit if the group day care home meets all of the following standards:

1. Is located not closer than 1,500 feet to any of the following:

- (a) Another licensed group day care home.
 - (b) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - (c) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - (d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. Has appropriate fencing for the safety of the children in the group day care home as determined by the Township.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit, but not prohibit, the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations, if any, governing signs used by a group day care home to identify itself.
 6. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.

(Amend. No. 5, 8-16-93; Amend. of 6-19-00; Ord. No. 07-003, §§ 1, 6a., 4-16-07)

300.1302 - Site plan review procedures.

Sec. 13.02.

- A. *Intent.* These site plan review procedures provide an opportunity for the planning commission to review a proposed use in terms of site preparation and grading, building footprint, parking supply and design, service areas, easements, access points, vehicular and pedestrian traffic flow, landscape design, relationship to adjacent uses, adequacy of utilities, stormwater management, placement of signs and lighting fixtures, preservation of significant natural features and aesthetics. This article is also intended to assist the township in ensuring that buildings, structures, and uses are in conformity with the provisions of this zoning ordinance, other ordinances of the township, and state, county, or federal statutes. Refer to Article II, 300.201 of this Ordinance for the definitions of the words used in this Section.
- B. *Uses Required To Be Site Planned.* Site plan review shall be required for the following:
 1. Development of vacant property.
 2. Any change of use in lands or buildings.
 3. Any building containing three or more dwelling units.
 4. Remodeling or altering existing structure which increases the usable floor area by ten percent.
 5. Site condominium developments.
 6. Large solar energy systems in RA Rural Agriculture and RSA Rural Suburban Agriculture districts and small solar energy systems that are an accessory use to a primary use in any district.

- C. *Uses Not Required To Be Site Planned.* Site plan review shall not be required for the following:
1. Construction, reconstruction, erection or expansion of a single family or two family dwelling on a single lot or parcel of land.
 2. Placement of a mobile home on a single lot or parcel of land.
 3. Construction, reconstruction, erection or expansion of farm buildings or structures on farms used in the commercial production of farm products as these are defined by the Michigan Right To Farm Act (PA 93 of 1981).
 4. Permitted accessory buildings and structures accessory to single-family, two-family, or mobile home dwellings in any zoning district, except for small solar energy systems in any districts.
 5. Construction, reconstruction, erection or expansion of uses of lands buildings [sic] which are excused by law from the requirement of site plan review.
- D. *Site Plan Review Procedures.*
1. The applicant may request review of a site plan by the Site Plan Review Committee prior to submittal in order to assure compliance with this Ordinance.
 2. Any person with legal interest in a lot or parcel may apply for review of a site plan by filing completed application forms, the requisite non-refundable fee, and 13 hard copies plus 1 electronic copy of required site plan contents with the township clerk.
 3. The Site Plan Committee shall, within ten days of submission, review the application and site plan submitted to determine if the application is complete. If, in the opinion of the Site Plan Committee, the application and site plans are inadequate for review by the full body of the Planning Commission, the Site Plan Committee shall advise the applicant what is necessary to complete the application and/or site plan. No application or site plan shall be added to the agenda of the planning commission until they meet the requirements of the Site Plan Review Committee. The Site Plan Committee will review for basic threshold requirements only. Further documentation or supporting information can/may be required as the Planning Commission deems necessary.
 4. Should the applicant dispute the decision of the Site Plan Committee, an appeal may be filed with the Board of Zoning Appeals pursuant to Section 13.04 [300.1304].
 5. The planning commission shall review the site plan once it is placed upon its agenda and take one of the following actions:
 - a. Table the site plan and request the applicant to revise the site plan or provide additional documentation or information.
 - b. Approve the site plan upon a finding that applicable ordinance standards are met.
 - c. Approve the site plan with conditions which the planning commission determines are reasonable and necessary to ensure conformance with this ordinance.
 - d. Deny the site plan with specific reasons listed for denial.
- E. *Required Site Plan Contents.*

1. A completed application form which contains the names and addresses of all property owners and the applicant; the interest of the applicant in the property; the names and addresses of the developer; and current proof of ownership of the land to be site planned or evidence of a contractual ability to acquire such land.
2. The site plan shall be drawn at an engineering scale of:

Acreage	Scale
5 or more	1" = 200'
2 - 4.99	1" = 100'
1 - 1.99	1" = 50'
0 - .99	1" = 20'

3. The site plan shall have a cover sheet containing:
 - a. The name and address of the project;
 - b. The name, address, and professional certified seal of an engineer, surveyor or responsible for preparation of the site plan;
 - c. A complete and current legal description and size of property in acres and square feet. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles and bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description;
 - d. A location sketch of sufficient size, scale and detail to locate the property within the township;
 - e. Title block with north arrow, date of preparation, and date of any revisions.
4. The site plan shall contain existing condition sheets illustrating:
 - a. All existing lot lines and dimensions, including setback lines and existing or proposed easements (proof of ownership of such easements to accompany the site plan submission).
 - b. Existing topography (minimum contour interval of two feet).
 - c. Existing natural features such as streams, marshes, ponds, drainage patterns, 100 year floodplain boundary and the limits of any wetland, including attachment of a wetland determination by a recognized consultant. Also note if the site is within 500 feet of a lake, river, stream, drainage course, or other waterway.
 - d. Existing woodlands shall be shown by approximate outline of the total canopy: Individual deciduous trees over eight inches in caliper measured at a height of four and one-half above the ground and individual evergreen trees six feet in height or higher, when not a part of a group of trees shall be accurately located and identified by species and size (caliper for deciduous, height for evergreens).
 - e. Soil characteristics of the parcel, if not served by sanitary sewer, showing at minimum the detail as provided by the Soil Conservation Service Soil Survey of Genesee County.
 - f. Zoning and current land use of applicant's property and all abutting properties including properties across any public or private street.

- g. Buildings and structures within the subject site and within 400 feet of the property lines.
 - h. An aerial photograph indicating the limits of the site, surrounding land uses and street system is required for sites of 20 acres or more.
5. The site plan shall contain proposed project information as follows:
- a. The location of all existing buildings, structures, street names and existing rights-of-way, utility poles, towers, drainage ditches, culverts, pavement, sidewalks, parking areas, driveways, and other improvements on the property and within 400 feet of the subject property (including driveways on the opposite side of any street). Notes shall be provided indicating those which will remain and those which are to be removed or modified.
 - b. Footprints, dimensions, setbacks and typical floor plan of any rooftop or ground mounted equipment to scale. Any accessory buildings or structures (garages, sheds, decks, fences, walls) shall be shown on the plan.
 - c. Elevations drawings [sic] shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. These elevations shall be considered part of the approved site plan.
 - d. Percentage of building coverage and impervious surface ratio (all acreage exclusive of any public right-of-way or private road access easement[]); lot area for each lot; and a description of the number of each unit by size and number of bedrooms; if a multiphase development is proposed, identification of the areas included in each phase.

For commercial and office uses: The Gross Floor Area and Useable Floor Area of each use or lease space.

For industrial uses: The floor area devoted to industrial uses and the area intended for accessory office use.

- e. The alignment, width, pavement type and distance from street for all sidewalks or bikepaths.
- f. The layout and dimensions of proposed streets, and drives, including: grades, existing or proposed right-of-way or easement and pavement width, number of lanes, typical cross section showing surface and subbase materials and dimensions.
- g. The location and design of access points including width, radii, provision for any deceleration or passing lanes, distance from adjacent driveways or street intersection. Written verification shall be provided for any shared access agreements or for driveway curb return extending beyond the property line. It is the intention herein that maximum detail be provided to the Planning Commission.
- h. A traffic impact study shall be required when the proposed development is expected to generate over 50 vehicle trips during peak hours of traffic or over 500 Vehicle Trips a Day (VTD). Additionally, when the proposed development is located on or adjacent to an unpaved road that is deemed to be at or in excess of 100% of it's capacity a traffic impact study will be required showing the impact of the proposed development and any related (current or

proposed) development on the affected infrastructure. *An unpaved road is deemed to be at capacity when *350 VTD are generated from existing and/or proposed development. (*350 VTD suggested by GCRC.)* Road capacity (unpaved) will be calculated based on ten vehicle trips per dwelling unit per day. (This number is derived from "Trip Generation" a publication of the Institute of Traffic Engineers.) Roads having dwelling units that must use the primary road for egress and ingress will be included in the capacity calculation of the impacted infrastructure. This requirement applies to all new development, phases or changes to a development where a traffic study is more than two years old and/or roadway conditions have changed significantly (traffic volume increasing more than 2% annually) or a change in use or expansion at an existing site.

- i. Existing and proposed locations of utility services (with sizes), degrees of slope of sides of retention/detention ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks and drain fields; location of manholes, catch basins and fire hydrants; location, size, and inverts for storm and sanitary sewers; all necessary public or private easements for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character; notes shall be provided clearly indicating which existing services will remain and which will be removed. It is the intention herein that maximum detail be provided to the Planning Commission.
- j. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two foot contour intervals and with topography extending a minimum of 100 feet beyond the site in all directions and a general description of grades within 50 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines. A general description and location of the stormwater management system shall be shown on the grading plan. An Engineer as hired on a consulting basis by the township shall require detailed design information for any retention/detention ponds and stormwater outfall structures or basins. If regulated wetlands are to be used, the applicant shall provide status of DEQ permit application or copy of permit with attached conditions.
- k. A landscape plan which indicates proposed ground cover and plant locations and with common plant name, number, and size at installation, which trees and landscape material shall be congruent with landscape material similarly found in the area and which are aesthetically attractive. For any trees to be preserved, a detail shall be provided to illustrate protection around the tree's drip line. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. The location, type and height of proposed fences shall be described
- l.

Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.

- m. Parking, storage and loading/unloading areas, including the dimensions of a typical space, aisle, and angle of spaces. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.
 - n. Details of exterior lighting including location, height, photometric grid, method of shielding and style of fixtures. Parking lot lighting to be mounted on the building, if permitted by the Planning Commission, shall not be placed such as to interfere with clear sight by all cars gaining access to or from adjoining, abutting or surrounding properties.
 - o. Locations of all signs including location, size, area, type, height and method of lighting. All regulatory signs shall meet the standards from the Michigan Manual of Uniform Traffic Control Devices (MMUTCD).
 - p. Woodlands and individual trees of eight inches or greater caliper as measured at dbh four and one-half feet above the ground shall be shown, and preserved to the extent possible.
 - q. The boundaries of any state regulated wetland shall be shown. Documentation of a wetland determination by a qualified wetland specialist may be required.
 - r. The Planning Commission shall require the applicant to prepare and submit an environmental impact assessment upon a finding that the site contains sensitive environmental features (as defined in the Atlas Township Master Plan) which may be impacted by the proposed development.
 - s. The site plan submittal for a mobile home/manufactured housing park shall be in accordance with Section 300.7A03 B.
 - t. Reserved for future use.
6. A person, firm, or corporation intending to develop a condominium shall submit the following information with the site plan:
- a. A street construction plan that complies with the specifications of county roads as outlined by the Genesee County Road Commission, including 150 foot minimum frontage on roads with open ditch, and 125 foot of frontage on roads with curb and gutter and proper storm drainage;
 - b. Evidence that all infrastructure will be designed and constructed similar to the requirements for infrastructure in plats as specified in the Subdivision Control Ordinance;
 - c. A "Consent to Submission of Real Property to Condominium Project", stating all parties which have ownership interest in the proposed site condominium subdivision or evidence of authority or right that the developer has of legal option to purchase the subject property from the owner(s) of record;
 - d. Two copies of an "as-built" survey. The as-built survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by the Township Board;

- e. One copy of the site plan of at least thirteen by 13 × 16 inches with a margin of at least one inch but not greater than one and one-half inches.
 - f. Draft copies of the proposed Master Deed, Restrictive Covenants and By-Laws shall be included as part of the site plan submittal for review and approval by the Planning Commission or their designee prior to the recording of the Master Deed required by Section 72 of state PA 59 of 1978, as amended. Such documents, as approved, shall become part of the record of approval. No subsequent amendment, revision, or deletion to these documents may occur unless such change receives a mutual consent of the developer or the association of co-owners as may be applicable at the time such change is proposed and the individual or body which initially approved the site plan. When recorded, a copy of the Master Deed and a copy of any subsequently amended. When recorded, a copy of the Master Deed and a copy of any subsequently amended Master Deed or amendment shall be filed with the local Supervisor or Assessing Officer as required by Section 73 of state PA 59 of 1978, as amended.
7. The Site Plan Committee may grant exception from required application and/or site plan submittal terms in the following circumstances:
- a. The project involves a minor revision or improvement to an existing site, such as a parking lot improvement.
 - b. The project involves a temporary building or structure to be approved by the Board of Zoning Appeals.
 - c. The project involves one of the following uses in residential districts: utility/telephone exchange buildings, swimming pools, keeping of animals or family day care homes.
 - d. The project involves a change in use within an existing building when the use will be similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts.

The Site Plan Committee shall provide a statement explaining the specific waivers to the planning commission.

8. The standards for site plan review shall be:
- a. Buildings and structures must meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas.
 - b. The proposed site plan must be compatible with, and not harmful, injurious, or objectionable to, existing and planned future uses in the immediate area. The proposed development shall be coordinated with improvements serving the subject property and with the other developments in the vicinity.
 - c. Placement and height of buildings, structures and parking shall preserve existing views of lakes, woodlands, and other significant visual resources to the greatest extent reasonable. Proposed architecture shall complement the character of the surrounding area.
 - d.

Regulated and non-regulated wetlands, and organic soils shall be preserved or modified in an acceptable manner. A ten foot setback from the boundary of any non-regulated or wetland regulated by the Michigan Department of Environmental Quality shall be provided.

- e. Any uses proposed in a 100 year floodplain shall meet the standards applying to floodplains.
- f. The development will not reduce the natural retention storage capacity of any watercourse, thereby increasing potential for flooding. Provisions must be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage or sedimentation ponds may be required to reduce or filter stormwater runoff. Stormwater runoff on paved areas will be collected at intervals, but will not obstruct the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material. Maximum detail is intended to insure that adequate retention exists on each Phase of the site plan to be approved.
- g. The site plan and impact assessment must demonstrate best effort to preserve the integrity of the land, existing topography and natural drainage patterns. Grading or filling must not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- h. The site plan must be designed to preserve existing woodlands and individual quality trees with a caliper of at least eight inches, measured at dbh four and one-half feet above ground to the greatest extent reasonable. In particular, the applicant must strive to preserve mature oak, hickory, beech, maple, and ash trees. Woodlands, trees and natural areas to be preserved will be protected during construction by fencing or other barrier obvious to construction personnel. If any trees are proposed for transplant, transplant methods shall be adequately described.
- i. Greenbelts along public street frontage and required trees within parking lots must be provided with at least one-third of the required trees within the interior of the parking area. The amount, type, and minimum size of landscaping must meet ordinance standards and be properly labeled and identified in a plant list. Trees and shrubs native to Michigan should be used where appropriate.
- j. Traffic impacts are addressed in the Impact Study, if required. Improvements such as bypass lanes, deceleration lanes or a traffic signal shall be considered.
- k. Proposed driveways must meet the design and spacing standards. Streets and parking lots must be designed to promote safe, convenient, uncongested and well defined vehicular and pedestrian circulation. Access to the site must be designed to minimize conflicts between vehicles and pedestrians, and with traffic using adjacent streets and driveways. Shared access or service/frontage drives should be used where appropriate.
- l. Adequate ingress to and egress from all the sites and all buildings or groups of buildings shall be provided for emergency vehicles, approved by the Fire Chief or his designee.
- m.

The number and dimensions of off-street parking and loading/unloading spaces, the design and setbacks of parking and loading areas and the number of barrier free spaces, must meet all standards.

- n. Waste receptacles (dumpsters, compactors, and individual recycle stations) must meet all standards.
 - o. Site lighting fixtures are designed to direct lighting within the site. The height and intensity of fixtures must meet the standards.
 - p. Proposed signs must meet the requirements of the Atlas Township Sign Ordinance.
 - q. Information must be provided to help insure compliance with laws, rules and regulations and policies for hazardous waste storage and handling, to minimize adverse effects on adjacent properties, the lakes, wetlands, and drinking water. Uses utilizing, storing or handling hazardous material must provide secondary containment facilities and provide documentation of compliance with state and federal regulations, as required.
 - r. The development must provide adequate sanitary sewer, either through on-site septic systems, connections to public or publicly approved sewer facilities, or by providing separate sewer facilities. All new utility distribution lines will be placed underground. The proposed utilities must be approved by the Township Engineer.
 - s. If the proposed project involves one or more Special Land Uses, any site related standards must be met.
 - t. Any phases of development must be in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
 - u. The applicant must demonstrate the site plan meets the standards of other government agencies, where applicable.
 - v. Infrastructure for site condominium projects shall be designed and constructed of materials and standards at least equal to construction requirements for subdivisions. This requirement applies to elements such as sanitary sewer, public water lines, road[s], lights, signs, storm sewer and other utilities and infrastructure.
9. An approved site plan is valid for 12 months from the date of approval; provided, however, approval of a site plan for a mobile home park is valid for five years. Upon written application filed with the township clerk prior to the expiration of the 12-month period, the planning commission may authorize a single extension of the time limit for approval of a formal site plan for two further six-month periods each.
10. The planning commission may require a performance bond to guaranty that all aspects of the site plans approval are complied with. The performance bond shall be a cash deposit or an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, making the township the beneficiary thereof. The amount of the bond shall be within the discretion of the planning commission.
- 11.

The Planning Commission shall notify persons within 300 feet of the site plan within ten days of the first meeting.

F. Administrative Site Plan Review Procedures for Solar Energy Systems, Small in all districts.

1. To support the development of non-fossil fuel energy within the Township, an administrative procedure has been developed to reduce the administrative burden of creating such a system as an accessory use to a principal use.
2. The Township Building Official shall administratively review a site plan application to determine if the proposed facility will be appropriately sited and will limit its negative impacts upon the adjoining properties and uses.
3. The decision of the Township Building Official may be appealed to the Zoning Board of Appeals.

(Ord. No. 97-002, 7-15-97; Amend. of 6-21-06; Amend. No. 08-01, 2-25-08; Amend. of 5-15-17; Amend. of 11-19-18)

300.1303 - Variance review procedures and membership.

Sec. 13.03.

A. *Intent.* These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, or his predecessors in title, a literal enforcement of the Ordinance would result in an unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, or size of yards, and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or uses in an adjoining District.

B. *Procedures.*

1. An appeal may be taken to the Zoning Board of Appeals by an aggrieved person, firm, or corporation, or by an officer, department, board, or bureau of the state or local unit of government. An appeal shall be made in accordance with the processing procedures established by the Zoning Board of Appeals. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided for under PA 110 of 2006.
2. The application shall be accompanied by a site plan drawn to the scale of 1" = 20' and placed on a standard sheet and containing the following information:
 - a. Dimensional elements for which a variance is requested.
 - b. Dimensional relationships of the subject lot to the structures on all adjacent lots.
3. Each appeal shall be accompanied by a processing fee in an amount established by resolution of the Township Board, and may be amended from time to time. No portion of such fee shall be reimbursable to the applicant. The Building Official shall, as soon as practicable, transmit to the Board, all of the papers constituting the record upon which the action appealed from was taken. The application shall be accompanied by an affidavit by the applicant explaining:
 - a.

How the strict enforcement of the provisions of the Township Zoning Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.

- b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same Zoning District.
 - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.
 - e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
4. A public hearing on the appeal shall be held. A notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the Township and sent to the person appealing not less than fifteen (15) days before the public hearing. In addition, written notice stating the nature of the appeal and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question regardless of whether the property or occupant is located in the Township. If a tenant's name is not known, the term "occupant" may be used.

The notice shall:

- a. Describe the nature of the request.
 - b. Indicate the property that is subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
5. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice, as required heretofore, or within not more than 35 days after receipt of the application by the Township Clerk, and hear and question any witness appearing before the Board.
6. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the applicant, the Township Board, the Building Inspector, and the Township Planning Commission within two weeks from the time of the meeting at which it considered the application.
- a. The Board shall not approve an application for a variance unless it has found positively that:
 - (1)

The strict enforcement of the Zoning Ordinance would cause unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.

- (2) The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same Zoning District.
 - (3) The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - (4) The requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.
 - (5) The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.
7. The Building Inspector shall, upon receipt of the notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the Township Treasurer attesting to the payment of all required fees, issue a building permit on such other approval permitting the variance, subject to all conditions imposed by such approval.
 8. No order of the board permitting the erection of a building or the split of a substandard lot shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained, or the review and approval of the lot split is initiated within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 9. When a variance has been denied by the Board of Zoning Appeals, the variance shall not be reconsidered for a period of one year following the date of denial.
- C. *Membership.* The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Article VI of Act 110 of the Public Acts of 2006, as may be amended (the Michigan Zoning Enabling Act). The Zoning Board of Appeals shall be composed of not fewer than five (5) members selected from the electorate, appointed by the Supervisor, with the consent of the Township Board.
1. The first member of the Zoning Board of Appeals shall be a member of the Planning Commission.
 2. The remaining members shall be qualified and registered electors of the Township on such day and throughout his tenure of office. One member may be a member of the Township Board, but shall not serve as chairperson of the Zoning Board of Appeals. The members selected shall be representative of the population distribution and of the various interests present in the Township.
 3. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
 4. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies.

When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

5. Vacancies for unexpired terms shall be filled for the remainder of the term. Any appointive vacancies in the Zoning Board of Appeals shall be filled by the Township Supervisor with the consent of the Township Board for the remainder of the unexpired term.
6. The legislative body 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 [the] 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 has the same voting rights as a regular member of the Zoning Board of Appeals.
7. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Amend. No. 5, 8-16-93; Ord. No. 07-003, § 2, 9—12, 4-16-07)

300.1304 - Appeals procedures.

Sec. 13.04.

- A. *Intent.* These appeals procedures are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the Township Zoning Ordinance, except the issuance of a variance which shall follow the procedures of Section 13.03 [300.1303] of this Ordinance.
- B. *Procedures.* An appeal shall be filed with the officer from whom the appeal is taken and with the Board of Zoning Appeals specifying the grounds for the appeal.
 1. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the appeal is taken.
 2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
 3. Such appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State.

4. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm, wholly, or partly, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties in the way of carrying out the strict letter of such Ordinance, the Board shall have power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. The decision of such Board shall not be final, and any person having an interest affected by any such Ordinance shall have the right to appeal to the circuit court on questions of law and fact. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.
5. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official.
6. Any action by the Board shall be stated in writing.

(Ord. No. 73-003, § 13, 4-16-07)

300.1305 - Zoning Ordinance amendment procedures.

Sec. 13.05.

A. *Initiation of amendments:*

1. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by any qualified voter, resident in the Township upon the filing with the Township Clerk of a petition containing the proposed text or map change and endorsed by Township electors numbering not less than five percent of the number of Township electors voting for the office of the governor at the last election at which a governor was elected, and accompanied by any necessary documents.
2. Any proposal for an amendment to the Zoning Ordinance map may be initiated by any owner of an interest in the lot as to the rezoning of such a lot, upon the filing with the Township Clerk of a petition proposing the zone change, accompanied by a map at a scale of not less than 1" = 50' showing the subject parcel in relation to adjoining parcels of land, and the necessary fees for such zone change.
3. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Township Board of the Township Planning Commission, upon filing with the Township Clerk a resolution, duly adopted and proposing an amendment.

B. *Procedures.*

1. The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as may be amended (the Michigan Zoning Enabling Act). Whenever a petitioner requests a

zoning district boundary amendment, he/she shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk; however, there shall be a twelve-month waiting period between a Township Board denial for a zoning district boundary change and new request.

2. Any applicant desiring to have any change made in this Ordinance shall, with his/her petition for such change, deposit the sum established by resolution of the Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.
3. Zoning Ordinance text and map amendments shall only be approved by the Township Board after receipt of a recommendation by the Township Planning Commission. Before submitting its recommendation, the Township Planning Commission shall hold not less than one (1) public hearing.
 - a. Notices of the public hearing shall be given not less than fifteen (15) days before the proposed text or map amendment will be considered.
 - b. Notices under this section shall: describe the nature of the amendment; indicate the property that may be subject of the request; state when and where the public hearing will be held; include the places and times at which the proposed text and/or map amendment(s) may be examined; and indicate when and where written comments will be received concerning the request. In addition, if an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the notice shall include a listing of all street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
 - c. Notice of the public hearing shall be published in a newspaper of general circulation in the Township. 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 manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
 - d. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within the Township. If the name of the occupant is now [not] known, the term "occupant" may be used in making notification.
4. Following the hearing, the Township Planning Commission shall submit the proposed Zoning Ordinance amendment, including any zoning map, to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been

received by the Township within thirty (30) days after receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review and recommendation of the Ordinance amendments.

5. The Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed text and/or map amendment(s) to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary. The Township Board, however, shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of a public hearing held by the Township Board shall be given in the same manner for the original notification.

At a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by majority vote of its membership, a text amendment or Zoning Districts map change for the portions of the Township outside the limits of cities and villages, with or without amendments that have been previously considered by the Planning Commission. Except as otherwise, provided under Section 402 of PA 110 of 2006 pertaining to protest petitions, a Zoning Ordinance shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as may be specified by the Township Board.

6. The Zoning Ordinance amendments shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of Ordinance adoption shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

C. *Conditional rezoning.*

1. *Purpose.* The Township Board may, from time to time, on recommendation from the Planning Commission or on petition, amend, supplement, or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedures established in state PA 110 of 2006, as amended (the Michigan Zoning Enabling Act).

It is recognized, however, that there are certain instances where it would be in the best interests of the Township, as well as advantageous to a property owner(s) seeking a change in zoning boundaries, if certain conditions could be proposed by a property owner(s) as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of state enabling law by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. *Application and offer of conditions.* Conditional rezoning shall be subject to the following general provisions:
 - a. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning

process. The offer of written conditions shall be made to the Planning Commission. If the written offer of conditions is made after the Planning Commission has held a public hearing on the rezoning request, a new public hearing with the proposed statement of conditions must be held.

- b. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as further modified by the requirements of this Section.
 - c. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - d. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - e. Any use or development proposed as part of an offer of conditions that would require a conditional use permit under the terms of Section 300.1301 of this Ordinance may only be commenced if a conditional use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - f. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of Section 300.1303 of this Ordinance.
 - g. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of Section 300.1302 of this Ordinance.
 - h. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions at any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
3. *Planning commission review.* The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval with the conditional provisions, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
 4. *Township board review.* After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, The Township Board

shall, in accordance with Section 300.1305, B, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

5. *Approval.* If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of this Ordinance adopted by the Township Board to accomplish the requested rezoning.
6. *Statement of conditions.* The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of Genesee County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Genesee County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
7. *Zoning map designation.* Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation of the letter "C" that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
8. *Waiver of statement of conditions.* The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Genesee County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recoding of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
9. *Subsequent use of land restrictions.* Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the

Statement of Conditions.

10. *Compliance with conditions.* Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.
11. *Time period for establishing development or use.* Unless another time period is specified in the approved Statement of Conditions, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Planning Commission in accordance with Section 300.1302 E.9., if it is demonstrated to its reasonable satisfaction that: (1) there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and, (2) the Planning Commission finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
12. *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 11 above, then the land shall automatically revert to its former zoning classification as set forth in Section 405, (2) of PA 110 of 2006.
13. *Subsequent rezoning of land.* When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 12. above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Genesee County a notice that the Statement of Conditions is no longer in effect.
14. *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to Subsection 11 above, or during any extension thereof granted by the Township Planning Commission, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
15. *Township right to rezone.* Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be

conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

16. *Failure to offer conditions.* The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

(Ord. No. 07-003, §§ 3, 14, 4-16-07)

300.1306 - Administration and enforcement.

Sec. 13.06.

- A. *Administrative official.* The Building Inspector designated by the Township Board shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Township Board may direct.
 1. If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, or the owner of record of the lot upon which such violation is taking place, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of any lot or structures; or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- B. *Building permits required.* No structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Inspector. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this Ordinance, unless he receives a written approval for a conditional use permit from the Township Planning Commission, or a reversal on appeal, or variance from the Board of Zoning Appeals, in accordance with the provisions as provided by this Ordinance.
- C. *Building permit application.* All applications for building permits shall be accompanied by two sets of plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required by the Building Inspector, including data on existing or proposed structures or alteration; existing or proposed uses of the structure and lot; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other information as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.
 1. One copy of the plans shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved or disapproved, and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Building Inspector.
- D. *Certificates of zoning compliance for new, altered, or non-conforming uses.* It shall be unlawful to use, or occupy, or permit the use, or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure,

until a certificate of zoning compliance shall have been issued therefore by the Building Inspector stating that the proposed use of the structure or lot conform to the requirements of this Ordinance.

1. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Building Inspector. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have six months to apply for certificates of zoning compliance. Failure to make such application within such six months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.
 2. No permit for erection, alteration, moving, or repair of any structure shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
 3. A temporary certificate of zoning compliance may be issued by the Building Inspector for a period not exceeding six months during alterations for partial occupancy of a structure pending completion of such alterations, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
 4. The Building Inspector shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.
 5. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the applicable provisions of this Ordinance.
- E. *Expiration of building permit.* If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; it shall be cancelled by the Building Inspector; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

- F. *Construction and use to be as provided in applications, plans, permits, and certificates of zoning compliance.* Building permits or certificates of zoning compliance shall be issued by the Building Inspector on the basis of plans and applications approved, where necessary, by the Township Planning Commission or the Board of Zoning Appeals and authorize only the use, arrangement, and construction set forth in such approved plans or constructions. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided under applicable provisions of this Ordinance.

300.1307 - Penalties for violation.

Sec. 13.07.

- A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the grants of variances, or appeals, or conditional use permits, shall constitute a nuisance. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00, or imprisoned for not more than 90 days, or both, and in addition shall pay all costs and expenses involved in the case.
1. Each day such violations continue shall be considered a separate offense.
 2. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
 3. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

300.1308 - Schedule of fees, charges, and expenses.

Sec. 13.08.

- A. Fees, charges, and expenses shall be assessed as part of the application for conditional use permits, variances, appeals, building permits, certificates of zoning compliance, and amendments to defray expenses incurred in processing such applications.
- B. The Township Board shall establish a schedule of fees, charges, and expenses, and establish a procedure for their collection.
1. The schedule of fees, charges, and expenses shall be conspicuously posted in the Township hall.
 2. The schedule of fees, charges, and expenses may be altered or amended by resolution duly adopted by the Township Board.
- C. No action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.

ARTICLE XIV

300.1400 - SEVERABILITY CLAUSE

300.1401 - Severability.

Sec. 14.01. This Ordinance and the various parts, sections, subsections, provisions, sentences, and clauses therefore are hereby declared to be severable. If any part, section, subsection, provision, sentence, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected

thereby.

ARTICLE XV

EFFECTIVE DATE

300.1500 - Effective date.

Sec. 15.00. This Ordinance shall become effective on July 9, 1977.