

CHAPTER 152: ZONING

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Michigan Planning Enabling Act (2008) repealed and replaced many state laws cited in this chapter, see M.C.L.A. §§ 125.3801 through 125.3885

GENERAL PROVISIONS

§ 152.001 PURPOSE.

The purpose of this chapter 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.

(Ord. § 1.00, passed 5-22-1997)

§ 152.002 INTERPRETATION.

(A) In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the herein described zoning ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

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(B) Where there may be conflicting sections in this chapter, the more restrictive shall apply.

(Ord. § 31.00, passed 5-22-1997)

§ 152.003 VESTED RIGHT; SEVERABILITY; REPEAL OF PRIOR ORDINANCES.

(A) *Vested right.* Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(B) *Severability.* This chapter and the various parts, sections, subsections, provisions, sentences and clause 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 chapter shall not be affected thereby.

(C) *Repeal of prior ordinances.* The zoning ordinance adopted by the township, known as Ordinance No. 228 and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

(Ord. § 32.00, passed 5-22-1997)

§ 152.004 SCHEDULE OF FEES, CHARGES AND EXPENSES.

(A) Fees, charges and expenses shall be assessed as part of the application for special land use permits, variances, appeals, building permits, site plans, certificates of zoning compliance and amendments to defray expenses incurred in processing the applications and reviews.

(B) The Township Board shall establish a schedule of fees, charges and expenses, which schedule is hereby adopted by reference as if set out in full herein, and establish a procedure for their collection. Copies of the current schedule are available through township offices.

(C) No action shall be taken on any application or appeal until all applicable fees, charges and expenses have been paid in full.

(Ord. § 29.00, passed 5-22-1997; Res. 97-0911-02F, passed 2-12-2004)

§ 152.005 EFFECTIVE DATE.

Effective date of this zoning chapter is May 29, 1997.

(Ord. § 35.00, passed 5-22-1997)

§ 152.006 CONSTRUCTION OF LANGUAGE.

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

(A) The particular shall control the general.

(B) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(C) (1) The word **SHALL** is always mandatory and not discretionary.

(2) The word **MAY** is permissive.

(D) Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural and the singular, unless the context clearly indicates the contrary.

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(E) A **BUILDING** or **STRUCTURE** includes any part thereof.

(F) The phrase **USED FOR** includes “arranged for,” “designed for,” “intended for,” “maintained for” or

“occupied for.”

(G) The word **PERSON** includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

(H) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions or events connected by the conjunction **AND, OR, EITHER...OR**, the conjunction shall be interpreted as follows:

(1) **AND** indicates that all the connected items, conditions, provisions, or event shall apply.

(2) **OR** indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(Ord. § 2.00, passed 5-22-1997)

§ 152.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A supplemental building or structure, on the same lot, designed for, occupied for or devoted to an accessory use.

ACCESSORY LIVING QUARTERS. Living quarters within an accessory building.

ACCESSORY USE. A use normally incidental to, or subordinate to and devoted exclusively to, the main use of the land, structure or building.

ACREAGE. Any tract or parcel of land which has not been subdivided and platted.

ADULT FOSTER CARE CONGREGATE FACILITY. A facility licensed under Public Act 218 of 1979 being M.C.L.A. §§ 400.701 through 400.737, to provide foster care for more than 20 adults.

ADULT FOSTER CARE FAMILY HOME. A private residence licensed under Public Act 218 of 1979 for 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The **ADULT FOSTER CARE FAMILY HOME** licensee is a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE MEDIUM GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least 7 but not more than 12 adults.

ADULT FOSTER CARE SMALL GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for 12 or fewer adults.

AGRICULTURE. The art or science of cultivating the ground; the production of crops or livestock on a farm or activities classified as a bona fide agricultural practice by the Michigan Department of Agriculture under the Right to Farm Act; excluding commercial greenhouses, the sale of nursery stock, riding stables, mink, fox and similar so-called fur farms, hog or poultry farms using garbage as a feed, and processing of milk other than milk produced on the farm on which the processing is located.

AIRCRAFT LANDING FIELD (PRIVATE). The use of land for the landing or taking off of aircraft by a proprietor residing in a housing unit contiguous to the site of the aircraft landing strip, and may include

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facilities for the shelter of aircraft but does not include the boarding or care of aircraft owned by other than occupants of the housing units in common ownership with the aircraft landing strip.

AIRPORT/AIRCRAFT TERMINAL. The use of land for the landing or taking off of aircraft, which

provides facilities for shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities.

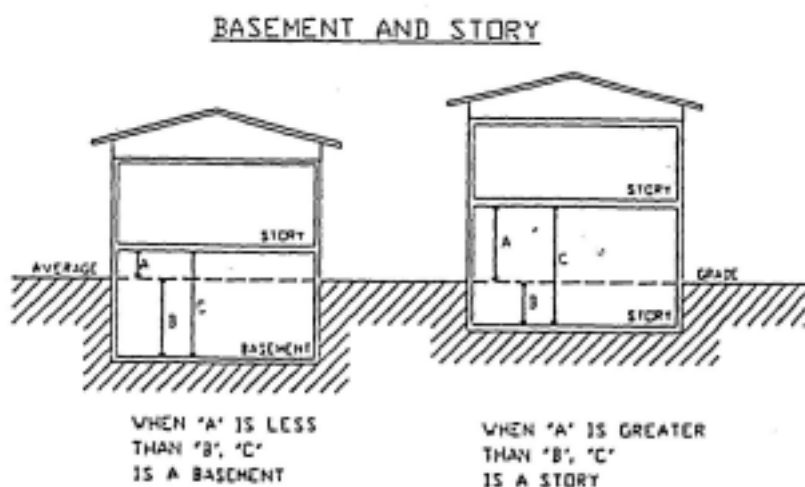
ALLEY. A public thoroughfare or way, not over 30 feet in width, which affords only secondary means of access to the abutting property.

ALTERED. Any change in the use of or in the supporting members of a building, such as bearing walls, columns, posts, beams, girders and similar components.

APARTMENT UNIT. One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than 2 dwelling units.

AUTOMOBILE REPAIR. The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

BASEMENT. That portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story (see illustration).

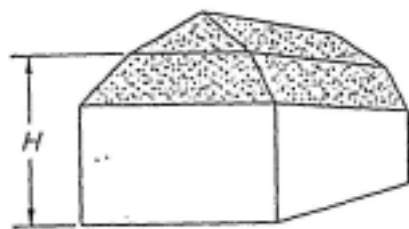


BLOCK. A piece of land bounded on all sides by transportation routes such as streets or railroad lines, or corporate boundary lines of the municipality or physical barriers such as water bodies or public open space.

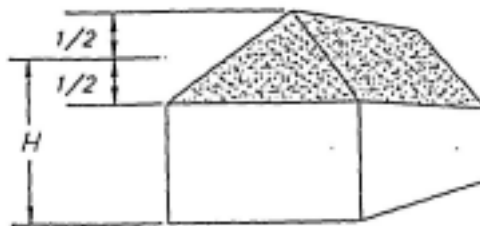
BUILDING. Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING ENVELOPE. The ground area occupied or to be occupied by the principal structure and any permissible detached accessory structure/building which is or is intended to be placed on a building site, and including all areas within the setbacks as found in § 152.100. For parcels without public sewer, the areas for septic systems including any reserve areas, per County Health Department approval, shall be exempted from the building envelope.

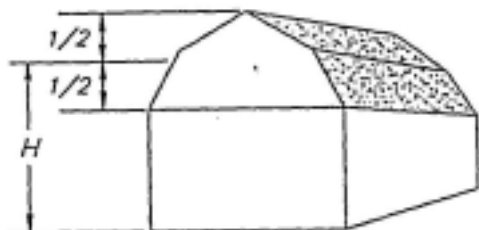
BUILDING, HEIGHT OF. The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs (see illustration).



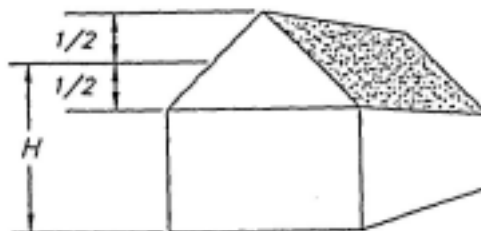
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



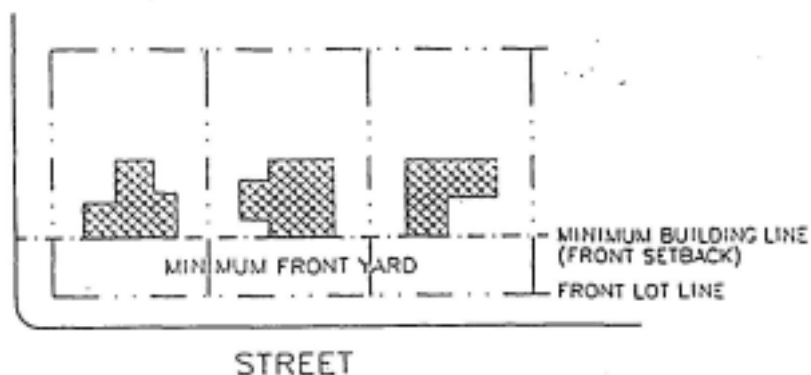
GABLE ROOF

$H =$ HEIGHT OF BUILDING

BUILDING INSPECTOR. An administrative official designated by the governing body with the responsibilities of administering and enforcing the Township Building Code.

BUILDING LINE. A line formed by the face of the building, and for the purposes of this chapter, a minimum **BUILDING LINE** is the same as a front setback line (see illustration).

BUILDING LINE



BUILDING SITE. A lot of record/parcel of land or that portion of a site condominium consisting of the condominium unit, and limited common element, intended for the exclusive use of less than all the co owners.

BUTCHERING. The killing and dressing of animals for meat.

CHILDCARE CENTER. A childcare facility other than a private home in which 1 or more children are received for care and supervision.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examinations and treatment by a group of physicians, dentists or similar professionals.

CLINIC, VETERINARY (ANIMAL HOSPITAL). A place where animals or pets are given medical or

surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. These establishments may or may not have outdoor run facilities present on-site for the animals.

COMMON ELEMENTS. Portions of the condominium project other than the condominium units.

(1) **GENERAL COMMON ELEMENTS.** Means and includes:

- (a) The land in the condominium project;
- (b) The foundations, main walls, roofs, halls, lobbies, stairways, entrances, exits or communication ways;
- (c) The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
- (d) The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
- (e) The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks, and pumps and the like;
- (f) The elevators, incinerators and, in general, all devices or installations existing for common use; and
- (g) All other elements of the condominium project owned in common and intended for common use or necessary to the existence, upkeep and safety of the project.

(2) **LIMITED COMMON ELEMENTS.** Means and includes those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.

COMMUNITY BUILDING. Any public or public utility building.

CONDOMINIUM ACT. Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended.

CONDOMINIUM PROJECT. A plan or project consisting of not less than 2 condominium units established in conformance with the Condominium Act.

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.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate fee simple ownership and use, as described in the master deed.

CONVALESCENT OR NURSING HOME. A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Public Act 152 of 1985, as amended, being M.C.L.A. §§ 36.1 to 36.12, which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury or infirmity.

DANGEROUS OR HAZARDOUS MATERIALS. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental or deleterious to the environment or the health of any person handling or otherwise coming into contact with the material or substance.

DISTRICT. Each part or parts of the unincorporated area of the township for which specific zoning regulations are prescribed.

DWELLING, MULTIPLE. A dwelling designed for occupancy by 3 or more families living independently of each other and having separate cooking and kitchen accommodations and sanitary facilities.

DWELLING, ONE UNIT. A dwelling occupied and so designed and arranged as to provide living, cooking, sleeping and sanitary accommodations for 1 family.

DWELLING, TWO UNIT. A dwelling occupied and so designed and arranged as to provide living, cooking, sleeping and sanitary accommodations for 2 families living independently.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by 1 family for residential purposes and having sanitary and cooking facilities.

DWELLING UNIT, MANUFACTURED. A dwelling unit which is substantially built, constructed, assembled and finished off the premises upon which it is intended to be located.

DWELLING UNIT, SITE BUILT. A dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. **SITE BUILT DWELLING UNITS** shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when the sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

EFFICIENCY APARTMENTS. A dwelling which combines the bedroom, cooking, and living area into 1 room, but which has its own private, separate bathroom.

ERECTED. Includes built, constructed, reconstructed, moved upon or any physical operation on the land required for building, including but not limited to excavating, filling, draining and similar operations.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or 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.

EXCAVATION OF GRAVEL, SAND, TOPSOIL, OR EARTH. Premises from which any rock, gravel, sand, topsoil or earth in excess of 50 cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

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.

FAMILY. Any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage or adoption, including the domestic employees thereof. Any group of persons not so related, but inhabiting a single housekeeping unit, shall be considered to constitute 1 **FAMILY** for each 6 persons, exclusive of domestic employees, contained in the group.

FAMILY DAYCARE HOME. A private home licensed under Public Act 116 of 1973 in which up to 6 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. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

FARM. A parcel of land that must consist of 10 acres or more in size with at least 51% of property, per tax parcel, engaged in active agricultural.

(Am. Ord. 416, passed 2-9-2006)

FARM BUILDINGS. Any structure or building other than a dwelling used or built on a farm.

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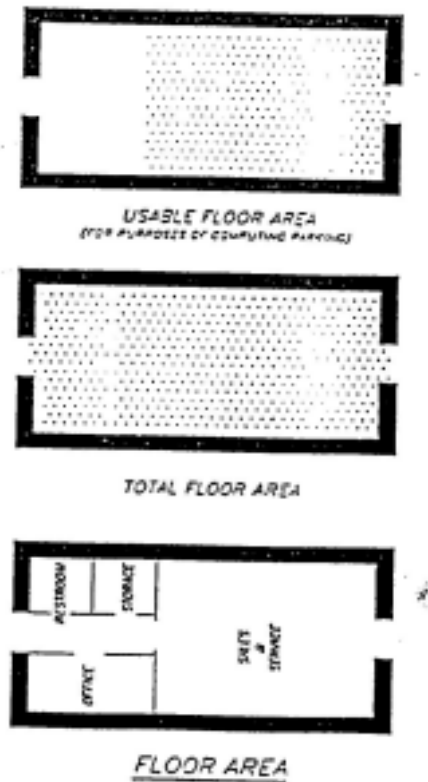
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FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The **FLOOR AREA** of a building shall not include the basement floor area except when more than ½ of the basement height is above grade. **FLOOR AREA** shall include elevator shafts and stairwells at each floor,

floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of 7 feet, 10 inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in **FLOOR AREA**.

FLOOR AREA, RESIDENTIAL. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 dwellings. The **FLOOR AREA** measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. This **FLOOR AREA** which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of **USABLE FLOOR AREA**. Measurement of **USABLE FLOOR AREA** shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls (see illustration).



FOSTER FAMILY HOME. A private home licensed under Public Act 116 of 1973 in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

FOSTER FAMILY GROUP HOME. A private home licensed by the Michigan Department of Social Services in which more than 4 but less than 7 children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

FRONTAGE. All the property fronting on 1 side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of a dead-end street or township boundary measured along the street line.

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along the street line.

GARAGE, PRIVATE AND PUBLIC. Any building for the storage of self-propelled vehicles or trailer coaches, where no storage or servicing for hire is conducted, is a **PRIVATE GARAGE**. A **PUBLIC GARAGE** is one which is not a **PRIVATE GARAGE**.

GARAGE/YARD/BARN/MOVING/RUMMAGE SALE. A temporary general sale of household or personal belongings which shall be allowed to continue for a period of no more than 7 continuous days, or 2 consecutive weekends, and shall be limited to a maximum of 2 times per calendar year at the same location.

GOLF COURSE. An open area of fairways, greens and rough; a **GOLF COURSE** may include clubhouse and related accessory uses, provided that all structures and activities shall be an integral part of the intended main recreational land use. Further, all clubhouse, restaurant, pro-shop facilities and the like shall be secondary in nature to the **GOLF COURSE** and may not be continued if the principal **GOLF COURSE** activity shall cease or become the minor activity of the facility.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building **GRADE** shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building.

GROUP DAYCARE HOME. A private home licensed under Public Act 116 of 1973 in which more than 6 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 child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

HEALTH CARE FACILITY. A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity or physical condition allowing overnight stay, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, out patient clinic, dispensary, home health care agency, and bioanalytical laboratory or central services facility serving 1 or more such institutions, but excluding institutions that provide healing solely by prayer, and clinic facilities of physicians, dentists and optometrists, and other health practitioners.

HOME FOR THE AGED (CONGREGATE CARE). A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 60 years of age or older. **HOME FOR THE AGED** includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

HOME OCCUPATION. An accessory use of a residence. It shall be clearly secondary to the use of the parcel as a residence. The **HOME OCCUPATION** shall take place within the primary structure and be limited to no more than 25% of the total actual floor area. A resident must be the primary employee.

HOTEL. A building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which 1 or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

JUNKYARD. The storage, selling or keeping of abandoned junk, including scrap metals or other salvaged or scrap materials or items commonly known as junk, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The keeping of more than 1 dismantled or inoperative motor vehicle shall be deemed to be the maintenance of a **JUNKYARD**.

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KENNEL. The keeping of 4 or more dogs at least 4 months old by 1 family or commercial establishment, except for veterinary clinics.

LOADING SPACE. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LODGING HOUSE. A building, other than a hotel, or cabin, where 4 or more persons other than

members of the family are lodged for compensation.

LOT. A parcel of land.

LOT AREA. The total horizontal area within the lot lines of the lot.

LOT, CORNER. A lot where the interior angle of 2 adjacent sides at the intersection of 2 streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a **CORNER LOT** for the purposes of this chapter if the arc is of radius less than 150 feet and the tangents to the curve, at the 2 points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

LOT COVERAGE. That part or percentage of the lot covered by buildings, including accessory buildings.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein:

(1) **FRONT PROPERTY LOT LINE (RIGHT-OF-WAY LINE).** In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or double frontage lot, it is that line separating the lot from either street.

(2) **REAR (PROPERTY) LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

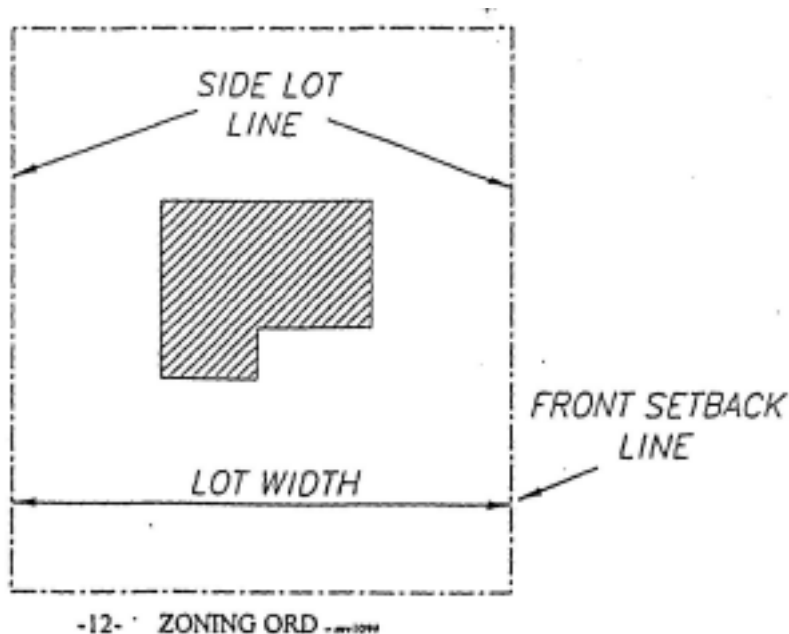
(3) **SIDE (PROPERTY) LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior **SIDE LOT LINE**.

LOT OF RECORD. A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined 2 or more lots as contained on any recorded plat into a single building site, or combined 2 or more lots contained on any recorded plat in the records of the Township Assessor or Treasurer, the combination of lots shall be deemed to be a single **LOT OF RECORD** for the purposes of this chapter.

LOT, REVERSE FRONTAGE. A through lot which is not accessible from 1 of the parallel or non intersecting streets upon which it fronts.

LOT, THROUGH. Any interior lot having frontage on 2 more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of the lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the 2 points where the front setback line intersects the side lot lines (see illustration).



LOT, ZONING.

(1) A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed or built upon as a unit, under single ownership or control of property.

(2) A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A **ZONING LOT**, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include 1 or more lots of record.

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE (PRINCIPAL USE). The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MASTER DEED. The condominium document recording the condominium project, 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.

MEDICAL MARIJUANA CLUB/COMPASSION CLUB. A facility or organization that offers patients and caregivers the opportunity to connect with others for the purpose of providing referral services, education, community outreach, and use of medical marijuana in a completely enclosed building allowed under the Michigan Medical Marijuana Act of 2008. This facility shall not be used for the storage, dispensary, sale, growth, cultivation, processing, or packaging of medical marijuana at any time.

MEDICAL MARIJUANA DISPENSARY. A facility, jointly owned or operated by 1 or more “primary caregivers”, with a maximum of 1 “primary caregiver” operating for every 1,000 square feet of building, where marijuana is stored, dispensed, or offered for sale to “qualifying patients” as defined under the Michigan Medical Marijuana Act of 2008 or M.C.L.A. § 333.26421 and where marijuana may also be grown, cultivated, processed and/or packaged. A “primary caregiver”, “qualifying patient”, and marijuana shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008 or M.C.L.A. §§ 333.26423 *et seq.*

MEDICAL MARIJUANA GROWING FACILITY. A facility, owned or operated by 1 or more “primary caregivers”, with a maximum of 1 “primary caregiver” operating for every 1,000 square feet of building, where marijuana is grown, cultivated, processed and/or packaged to “qualifying patients” as defined under the Michigan Medical Marijuana Act of 2008 or M.C.L.A. § 333.26421. A “primary caregiver”, “qualifying patient”, and “marijuana” shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008 or M.C.L.A. § 333.26423.

MINI-WAREHOUSE (SELF-STORAGE FACILITY). A facility consisting of a building or a group of

buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

MOBILE HOME. A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home.

MOTEL. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

NONCONFORMING LOT. Any lot, outlot or other parcel of land which does not meet the land area or dimension requirements of this chapter.

NONCONFORMING STRUCTURE. A structure conflicting with the regulations in the district in which it is located.

NONCONFORMING USE. The use of land or a structure for purposes which conflict with the provisions of this chapter.

NUISANCE FACTORS. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: sound; dust; smoke; odor; glare; fumes; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; sound of congregation of people, particularly at night; passenger traffic; invasion of nonabutting street frontage by traffic. Excepted are bona fide agricultural practices as provided for in the Right to Farm Act.

OPEN AIR BUSINESS USE. As used herein, shall be deemed to include any of the following businesses when the business is not conducted from a wholly enclosed building:

- (1) Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services;
- (2) Outdoor display and sale of garages, swimming pools and similar uses;
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment;
- (4) Tennis courts, archery courts, gun range, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses; and
- (5) Flea market for the sale of a variety of new or used goods.

PARKING SPACE, AUTOMOBILE. Space within a parking area or building, exclusive of driveways, ramps, columns, office and work area for the parking or storage of 1 automobile.

PARKING AREA, PUBLIC. An area, other than a street, used for temporary parking of more than 4 vehicles and available for public use, either free or for compensation.

PEN. A structure used to house, shelter or enclose an animal associated with a farm operation, either temporarily or permanently.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized under municipal regulation to furnish and furnishing, transportation, water, gas, electricity, telephone, steam,

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telegraph sewage disposal and other similar services to the public.

RECREATIONAL VEHICLE. A vehicle which moves 1 or more persons over the ground, water, ice or

snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of **RECREATIONAL VEHICLE** includes but is not limited to snowmobiles, travel trailers, motor homes, motorcycles, mini-bikes, go-carts, boats and ice-boats.

RECREATIONAL VEHICLE PARK. A campground designed to accommodate those recreational vehicles which are used as a temporary dwelling and are not parked more than 6 consecutive months in any 1 **RECREATIONAL VEHICLE PARK**.

RESTAURANT.

(1) **CARRY-OUT RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or method of operation encourages the consumption of food off-site or it may permit incidental consumption on the premises.

(2) **DRIVE-IN/DRIVE-THROUGH RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design and method of operation, includes 1 or both of the following characteristics:

(a) Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for the customer to exit the motor vehicle; and/or

(b) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

(3) **STANDARD RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes consumption on the premises.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility or other similar uses.

ROADSIDE STAND. A structure used solely by the owner, manager or tenant of the land on which it is located for the sale of produce grown on the land. This does not allow the sale of produce or other commodities on state or county road right-of-way; and provided that customers will not be permitted to stand or park on the public right-of-way.

SETBACK. Distance from the right-of-way lines of streets or side or rear property lines, 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.

SIGN. Any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention, and shall include the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known and visible to the general public, such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, whether bearing lettering or not.

SITE CONDOMINIUM. A condominium development in which property rights in land (rather than airspace) are divided under the authority of the Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272.

SPECIAL CONDITION USE. Any use of land listed as a "principal use permitted subject to special conditions" which, due to its potential effect on adjacent lands, in particular, and the overall township in general, requires approval by the Township Board according to the standards as provided in this chapter.

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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 **STORY** partly below such grade exceeds 50% of the total distance from the floor to the ceiling, then the basement or

cellar constituting the story partially below grade shall be counted as a **STORY**.

STORY, HALF. A story which is situated within a sloping roof, the area of which at a height 4 feet above the floor does not exceed 2/3 of the floor area directly below it.

STREET. A public thoroughfare which affords a principal means of access to abutting property.

TOURIST HOME (BED AND BREAKFAST ESTABLISHMENT). Primarily a family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply, where:

(1) Not more than 25% of the total floor area of the dwelling unit is used for bed and breakfast sleeping rooms;

(2) There are no separate cooking facilities used for the bed and breakfast stay;

(3) Signs may be permitted in accordance with § 152.089, permitted signs in the residential and agricultural districts, for professional signs or name plates.

TOWNHOUSE. Two, 3 or 4 single-family residences, attached by common walls, each with its own separate exterior entrance.

TRAVEL TRAILER. Any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and duly licensable as such, so designed, constructed or added to by means of accessories in such manner, as will permit the occupancy thereof as a dwelling or sleeping place for 1 or more persons.

UNDEFINED TERMS. Any term not defined herein shall have the meaning of common or standard use.

USABLE FLOOR AREA. For purposes of computing parking, that area used for or intended to serve patrons, clients or customers. That floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of **USABLE FLOOR AREA**. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

USE. The purpose for which land structure, or building thereon is designed, arranged or intended to be occupied for or used for, or for which it is occupied or maintained.

VARIANCE. A modification of the literal provisions of this chapter granted when strict enforcement of the zoning ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

YARD. A space, open to the sky and unoccupied or unobstructed, on the same parcel with a building or structure. **YARD** measurements shall be the minimum horizontal distances. In the case of corner lots, front yard shall be deemed to exist along each street frontage. In the determination of a land area where a building is to be erected, altered or used, no road right-of-way shall be included in the computation of the required minimum land area.

YARD, FRONT PRIMARY. The primary front yard shall front directly on a public or private road upon which the property is addressed. Corner and through (double frontage) lots shall be considered to have dual front yards. In the case of flag-shaped or irregular-shaped lots, that property line that lies parallel to, but does not directly front upon a public or private road, shall be considered a primary front property line. **PRIMARY FRONT YARDS** shall be regulated by the front yard setback per lot requirements of the § 152.100.

YARD, FRONT SECONDARY. The secondary front yard, in the case of corner or through lots, shall front directly on a public or private road upon which the property is not addressed. **SECONDARY FRONT YARDS** shall be regulated by the front yard setback per lot requirements of § 152.100.

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YARD, REAR. A yard extending across the full width of the lot between the rear lot line and the nearest point of the main building.

YARD, SIDE. A yard extending from the front yard to the rear yard between the side lot line and the nearest point of the main building or of an accessory building attached thereto.

ZONING ADMINISTRATOR. An administrative official designated by the governing body with the responsibilities of administering and enforcing this chapter.

ZONING BOARD OF APPEALS. The Board of Zoning Appeals, as provided under provisions of the Township Rural Zoning Act, being Public Act 184 of 1943, being M.C.L.A. §§ 125.321 through 125.333, as amended, and as modified by Public Act 168 of 1959, being M.C.L.A. §§ 125.321 through 125.333.

ZONING DISTRICT. A portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements as established by this chapter.

(Ord. Art. II, passed 5-22-1997; Am. Ord. 426, passed - - ; Am. Ord. 427, passed 3-8-2007; Am. Ord. 430, passed 3-20-2007; Am. Ord. 431, passed 3-20-2007; Am. Ord. 433, passed 3-13-2008; Am. Ord. 439, passed 11-10-2011; Am. Ord. 445, passed 9-12-2013; Am. Ord. 460, passed 8-14-2014)

Statutory reference:

State laws cited in this section, including M.C.L.A. §§ 125.271 through 125.301, and 125.321 through 125.333, were repealed and replaced under the 2008 Michigan Planning Enabling Act; see M.C.L.A. §§ 125.3801 through 125.3885

GENERAL REGULATIONS

§ 152.015 SCOPE.

Except as elsewhere provided in this chapter, no building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in a manner, and no building, structure, land, premises or part thereof shall be used for a purpose, and no open space surrounding any building or structure shall be reduced or encroached upon other than as permitted by the provisions of this chapter or in the district in which the building, structure, land or premises is located. If a less restrictive category shall specifically permit uses allowed in a more restrictive category, then the permission shall only extend to those categories specifically named and none higher.

(Ord. § 3.00, passed 5-22-1997)

§ 152.016 BUILDING REGULATION.

(A) Except as hereafter provided, no building shall be erected or altered to exceed in height the limit herein established for the district in which the building is located.

(B) No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which the building is located. If a less restrictive category shall specifically permit a building allowed in a more restrictive category, then the permission shall only extend to those categories specifically named and none higher.

(1) *Unlawful building.* In case any building or part thereof is used, erected, occupied or altered contrary to law or the provisions of this chapter, the building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating the nuisance shall become a lien upon the land.

(2) *Frontage and street access.* No building shall be erected on a lot, unless the lot fronts its full width, as required by § 152.100, upon a street or road that has been dedicated to the public.

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(3) *One principal building.* In Single-Family Residential Districts, only 1 principal building shall be placed on a lot of record. Mobile home parks, multiple-family developments, commercial shopping centers or office parks need not front each structure within the development upon publicly dedicated streets or roads provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the township.

(4) *Temporary building.* No temporary building shall be erected unless a building permit has been

issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within 30 days of issuance of a certificate of occupancy or upon completion of the project and failure to remove the building shall constitute an automatic revocation of the certificate of occupancy. No temporary building may be used as a residence except as permitted in §§ 152.029 and 152.030.

(Ord. § 3.01, passed 5-22-1997)

§ 152.017 CONFLICTING LAWS, ORDINANCES, REGULATIONS OR RESTRICTIONS.

Conflicting laws of a more restrictive nature are not affected or repealed by this chapter. The provisions of this chapter shall be considered as minimum. Conflicting township ordinances of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness are hereby repealed, to the extent of that conflict and no further.

(Ord. § 3.02, passed 5-22-1997)

§ 152.018 CONSTRUCTION OR CONTRACTS UNDER PERMITS PRIOR TO THIS CHAPTER.

Any building or 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 chapter, may be completed and used in accordance with the plans and applications on which the building permit was granted.

(Ord. § 3.03, passed 5-22-1997)

§ 152.019 PERMITS.

(A) Before any excavations, construction or erection may be undertaken, a permit must be obtained from the township office. Building permit fees for all new construction or repair, alterations and additions to structures already erected shall be according to the fee schedule as adopted by the Township Board. No required building permit for a construction project will be issued to an applicant until an approved zoning permit has been issued or determined not necessary.

(B) (1) *Expiration/renewal.* In the event that a building permit is not issued, the fee so paid shall be returned to the payer thereof. A building permit shall become void unless operations are commenced within 6 months from date of issuance unless the 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 1 year after the date of issue; provided that the Building Inspector may, on application, renew a permit for not to exceed 1 additional year, without additional charge, if a satisfactory degree of progress in construction is shown. All permits or renewals thereof shall be in writing.

(2) *Violations and cancellation of permit.*

(a) Should the Building Inspector determine that the construction is not proceeding according to the application filed, or is in violation of any provision of this chapter, he or she 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 reinspection duly made.

(b) Should the permit holder fail to comply with any applicable requirements, at any state of construction, the Building Inspector is hereby empowered to cancel the building permit issued and shall cause notice of the cancellation to be securely posted upon the construction and at a location of ready visibility. Posting of this notice shall be considered sufficient notification to the permit holder of

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cancellation thereof. No further work shall be undertaken or permitted upon the construction until a new building permit shall have been issued.

(c) Any permit holder whose construction shall have been stayed under division (2)(a) above, or whose building permit shall have been canceled under division (2)(b) 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 division (2)(a) above, or until a new building permit shall have been issued to replace the canceled building permit, as provided in division (2)(b) above.

(3) *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 Michigan Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended (Land Division Act, Public Act 591 of 1996).

(4) *Personal construction authority.* Nothing in this chapter 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.

(Ord. § 3.04, passed 5-22-1997) Penalty, see § 152.999

§ 152.020 AREA REQUIREMENTS; GENERALLY.

No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area per family or percentage of lot occupancy in connection with an existing or proposed building or structure, including mobile homes shall again be used as part of the lot required in connection with any other building or structure existing or proposed.

(Ord. § 3.05, passed 5-22-1997)

§ 152.021 SEWER AND WATER CONNECTION.

Before any building permit shall be issued under terms of this chapter, the applicant shall obtain the endorsement in writing of the Genesee County Health Department or the Charter Township of Clayton Building Inspector, approving his or her plans for sewage disposal and water supply, in accordance with the state law, county regulation, or ordinance, whichever is the most restrictive.

(A) *On-site sewage disposal.* Before any building permit shall be issued under the terms of this chapter, the applicant shall obtain the endorsement in writing from the Genesee County Health Department approving his or her plan for any on-site sewage disposal system in accordance with state law, county regulations, or township ordinance, whichever is the most restrictive, and in accordance with the applicable regulations of the Genesee County Sewage Disposal District.

(B) *Water supply.*

(1) 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.

(2) 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.

(C) *Toilets (water closets) required.*

(1) Every dwelling, business, church, school or any other place where humans are present for longer than 4 hours a day shall be provided with, as an integral part of a permanent structure, a toilet or toilets sufficient to accommodate the number of persons normally using the area, structure or place, including open land areas where humans congregate for longer than 4 hours. Numbers of toilets shall be in

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compliance with state laws and township plumbing or building codes where applicable. The toilet or toilets shall be wholly within an enclosed room or rooms which are devoted to toilet use only and shall include in the room or rooms hot and cold running water (not a hand pump), sinks and plumbing for washing purposes, as well as plumbing to an outside complete underground sewage disposal system, either a public sewage disposal system or septic tank and underground effluent disposal field which meets all regulations that are from time to time hereafter currently acceptable to the county, state or township health regulations, whichever are most restrictive. No outdoor toilets, backhouses, privies, latrines, trenches or the like shall be permitted anywhere in the township, except as hereinafter specifically provided. These restrictions are deemed to be of utmost concern to the public health, safety and welfare of the citizens of the township and state, and the nonconforming use provisions of this chapter shall not be applicable to this

provision.

(2) Approved water flush-type toilet facilities for the sanitary and safe disposal of all human waste material shall be required where people gather, work, live or otherwise frequent. Where sanitary sewer is available, the utilization of the public sewerage system shall be considered the only safe and sanitary means for liquid waste disposal except as hereinafter specifically provided. Disposal of human waste material in any manner which could be a hazard to the public health or create objectionable nuisance conditions is prohibited.

(D) Temporary sanitary facilities.

(1) Temporary use of approved portable toilets not connected to plumbing, or other temporary facilities, may be approved by the Building Inspector under conditions where sewer and plumbing on construction or other sites is not completed to the extent flush type facilities can be installed, or for transient gatherings not exceeding 1 week; provided, however, that such approval shall be granted for such transient gatherings at any 1 site no more than 3 times in each calendar year. No such portable facilities shall be installed within the Charter Township of Clayton without first obtaining a permit from the Building Department. All other provisions of this chapter, including but not limited to site plan review procedures, shall be applicable and shall be deemed in pari materia herewith.

(2) Before granting any permit the Building Inspector or his or her representative shall determine, with advice of the Genesee County Health Department, that the use is necessary and shall require the following:

(a) The installation of sufficient numbers of such facilities to accommodate the anticipated volume of usage in accordance with such county or state regulations as may apply. In the event applicable regulations do not exist, the Building Inspector shall make such requirements as he or she deems appropriate in the circumstances, subject to Planning Commission review.

(b) Portable toilets shall be constructed and maintained so as to store all waste material in tight containers, free from leakage, which are smooth and easily cleanable, which deny access to flies, rodents and other vermin, are free of objectionable odors and meet any additional sanitary requirements as may be deemed necessary by the Building Inspector.

(c) Construction shall be such as will enclose the portable toilet and will furnish privacy to users, and the facility shall be kept clean.

(d) Servicing of portable toilets shall be performed as often as is necessary to comply with divisions (2)(b) and (c) above, but at least weekly.

(e) Approved service vehicles shall be used and the individuals and vehicles providing service shall be licensed under Public Act 243 of 1951, as amended.

(3) The expiration date of all township permits issued hereunder shall be the date of expiration of the state service license or the date of termination of the request for use set forth in the permit application, whichever comes first.

(4) Consideration may be given, by the Building Inspector, to the use of latrines for certain specific primitive type gatherings (of less than 24 hours in duration) provided the intent for the request is in connection with and for the sole purpose of teaching others how to survive in a primitive environment (i.e.,

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Boy or Girl Scout merit badge training). In all instances, each proposed site will be evaluated on its own merit and appropriate safeguards implemented to ensure adequate protection of the groundwater, and in no case shall latrines in such circumstances be approved more than 10 times in a calendar year at any 1 site.

(Ord. § 3.06, passed 5-22-1997)

Local legislation reference:

Similar provisions, see Resolution 98-514-02, passed 9-13-2001

§ 152.022 MOVING BUILDINGS.

Any structure or building which is wholly or partially located within this township or outside this township shall not be moved or placed within Charter Township of Clayton before a building permit shall have been granted.

(Ord. § 3.07, passed 5-22-1997)

§ 152.023 GARBAGE CONTAINERS

All garbage shall be stored in weatherproof and rodent-proof covered containers. Where permanent outdoor storage of containers is required, the containers shall be provided with screening, subject to provisions of § 152.077.

(Ord. § 3.08, passed 5-22-1997)

§ 152.024 DANGEROUS EXCAVATIONS OR HOLES PROHIBITED.

The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This section shall not apply to excavations operated under a special condition use permit issued pursuant to this chapter, or the Building Code of the township, where the excavations are barricaded and warning signs posted in a manner as may be approved by the Building Official, nor does this section apply to lakes, streams or other natural bodies of water, or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of the State of Michigan, Genesee County, Clayton Township or other governmental agencies.

(Ord. § 3.09, passed 5-22-1997) Penalty, see § 152.999

§ 152.025 NONCONFORMING USES.

(A) *Continuance.* Any lawful nonconforming use of land, structures or buildings existing at the time of the effective date of this chapter may be continued except as herein prohibited or restricted, provided that the building, structure or use thereof shall not be structurally enlarged, altered or changed in use, unless the alteration, enlargement or use shall conform to the provisions of this chapter for the district in which it is located, except as elsewhere provided. No nonconforming use if changed to a conforming use permitted in the district in which it is located shall be resumed or changed back to a nonconforming use.

(1) There may be a change of tenancy, ownership or management of any existing nonconforming uses of land and/or structure. Failure to continue to use any land, building or structure, or part thereof, which is a nonconforming use under this chapter, for a period of 1 year shall be held to be conclusive proof of an intention to legally abandon any rights to maintain or reestablish the nonconforming use.

(2) Persons who have enlisted or have been called into the U.S. government service during periods of national emergency may discontinue the nonconforming use of any land, building or structure for a period greater than 1 year during such emergencies. The persons shall reestablish the nonconforming use within 6 months of the end of the national emergency.

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(B) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance yard requirements shall be obtained through approval of the Zoning Board of Appeals.

(C) *Destruction of structures.* Nothing in this chapter shall prevent the restoration, repairing or rebuilding of any nonconforming building or structure damaged by fire, explosion, act of God, or any act of the public enemy, subsequent to the effective date of this chapter, or shall prevent the continuance of the use of the building or part thereof, provided that the restoration and resumption shall take place within 1 year of the time of the damage or destruction. Should the structure be destroyed by any means to an extent of more

than 75% of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.

(D) *Maintenance of structures.* Nothing in this chapter shall prevent the repair, reinforcement or maintenance of a nonconforming building, structure or part thereof, existing at the effective date of this chapter, rendered necessary by wear and tear, deterioration or depreciation, provided the cost of the work shall not exceed 30% of the reproduction value of the building or structure in any period of 12 consecutive months.

(Ord. § 3.10, passed 5-22-1997)

§ 152.026 YARD AND LOT AREA REQUIREMENTS.

Where a lot abuts upon any alley, 1/2 of the width of the alley may be considered a part of the lot for the purpose of computing the area of the lot and the depth of any rear yard required under this chapter. In determining lot and yard requirements, no area shall be counted as accessory to more than 1 principal building or use, and no area necessary for compliance with the open space requirements for 1 main building or use shall be included or counted in the calculation of the open space accessory to any other main building or use.

(Ord. § 3.11, passed 5-22-1997)

§ 152.027 ACCESSORY BUILDINGS.

The provisions of this section are designed to limit the amount of obstructive and unsightly ground and area coverage on residentially zoned property, while allowing the reasonable use of land.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURES. A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.

(B) Accessory uses, buildings and structures that are customarily incidental to that of the principal use of the parcel shall be permitted, provided said accessory use, buildings, and structures are not otherwise regulated by this section and are in compliance with the following:

(1) *Attached accessory structure.* Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this section applicable to the main building.

(2) *Vacant parcels.* Accessory buildings/structures on a lot that does not contain an existing domicile are allowed only if approved by the Zoning Board of Appeals upon satisfactory showing of hardship.

(3) *Corner lots.* When an accessory building/structure is located on a corner lot, the buildable area of the secondary front yard shall begin at the front yard setback line. Thereafter, all setbacks as described in

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division (B)(5) below apply.

(4) *Front yard prohibition.* No part of the primary front yard shall be used for any accessory building, garage, or other similar accessory/ structure.

(5) *Setbacks.* In all residential zoning districts, detached accessory buildings or structures shall not be located within the area required for the setback requirements pursuant to this section, and shall be no closer than 10 feet from the principal building, and not closer than 10 feet from any lot line for parcel of land.

(6) *Lot coverage.* The lot coverage created by accessory buildings when added to the lot coverage created by principal buildings shall not exceed the maximum lot coverage for each land development district as specified in § 152.100 of this chapter.

(7) *Height of accessory buildings:*

(a) For parcels .99 acre or less in size, the sidewalls of the permitted accessory building shall not

exceed 9 feet and shall have a minimum roof pitch of 4/12.

(b) For parcels 1 - 4.99 acres in size, the height of the permitted accessory building, as described in § 152.007, shall not exceed the height of the associated domicile or 20 feet, whichever is lesser and shall have a minimum roof pitch of 4/12.

(c) For parcels of 5 - 49.99 acres in size, the height of the permitted accessory building, as described in § 152.007, shall not exceed 25 feet and shall have a minimum roof pitch of 4/12.

(8) *Number of accessory buildings permitted.* The number of accessory buildings or structures shall be dependent on the land area and use of the principal parcel.

(a) For parcels of .499 acres or less: a single accessory building of not more than 800 square feet in floor area shall be erected on a lot.

(b) For parcels of .5 to .999 acres in size: a single building of not more than 1,000 square feet in floor area shall be erected on a lot.

(c) For parcels of 1 to 1.999 acres in size not more than 2 accessory buildings of no more than a total of 1,200 square feet in floor area shall be erected on a lot.

(d) For parcels of 2 to 2.999 acres in size: not more than 3 accessory buildings of no more than a total of 2,400 square feet in floor area shall be erected on a lot.

(e) For parcels of 3 to 4.999 acres in size: not more than 3 accessory buildings of no more than a total of 3,600 square feet in floor area shall be erected on a lot.

(f) For parcels of 5 to 9.999 acres in size, not more than 3 accessory buildings with a floor area of no more than a total of 3% of the square footage of the parcel shall be erected on a lot.

(g) For parcels of 10 to 19.999 acres in size, not more than 3 accessory buildings, with a floor area of no more than a total of 3% of the square footage of the parcel shall be erected on a lot.

(h) For parcels of 20 acres in size or more, not more than 4 accessory buildings, with a floor area of no more than a total of 3% of the square footage of the parcel shall be erected on a lot.

(9) *Calculation of the number of accessory buildings permitted.* Service structures defined as, but not limited to, pump houses, wood burner enclosures, wood storage structures, gazebos, and similar structures as approved by the Township Zoning Administrator, shall NOT BE COUNTED as part of the number of accessory buildings permitted on a parcel pursuant to division (B)(8) above, but SHALL BE INCLUDED in the calculation of the total number of square footage of allowable accessory structures for a specified parcel size.

(Ord. § 3.12a, passed 5-22-1997; Am. Ord. 415, passed 7-13-2006; Am. Ord. 428, passed 3-8-2007; Am. Ord. 466, passed 8-14-2014; Am. Ord. 2019-480, passed 5-9-2019)

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§ 152.028 ACCESSORY LIVING QUARTERS PROHIBITED.

The use of accessory structures as living quarters is prohibited except as otherwise provided as a temporary dwelling in this chapter.

(Ord. § 3.13, passed 5-22-1997) Penalty, see § 152.999

§ 152.029 PROHIBITED TEMPORARY USES.

Motor homes or travel trailers shall not be used as a place of human habitation except as permitted in § 152.030 under temporary permit from the Zoning Board of Appeals. No tent or any other type of temporary structure shall be used for human habitation temporarily or permanently, whether the tent or temporary structure shall have been in existence prior to this chapter or not. This provision is not intended to prevent the recreational use of tents by residents on their own property. A mobile home shall not be permitted to be used as a temporary residence except as outlined in § 152.030.

(Ord. § 3.14, passed 5-22-1997) Penalty, see § 152.999

§ 152.030 TEMPORARY MOTOR HOME, TRAVEL TRAILER PARKING.

(A) No person shall park or cause to be parked any motor home or travel trailer over 48 hours on any street, alley, highway or other public place.

(B) No motor home or travel trailer shall at any time be parked and lived in between the established setback line and the curb line on any lot.

(C) No motor home or travel trailer shall be used or occupied unless there is a clear unoccupied space of at least 10 feet on all sides thereof.

(D) No person shall park, or permit the parking of any occupied motor home or travel trailer, or use, occupy or permit the use of occupancy of any motor home or travel trailer on any site, lot, field or tract of land not specifically licensed as a mobile home park in a Manufactured Housing Community District, except as otherwise provided in this chapter.

(E) Not more than 1 motor home or travel trailer may be parked temporarily, used and occupied on the premises of any dwelling, and then only if the occupants of the motor home or travel trailer have access to and the unlimited use of the sanitary facilities of the dwelling on the premises. This provision applies to visitors who stay not more than 2 weeks in any calendar year.

(F) In the event of loss of use of the main building or dwelling on a given lot as a result of fire, wind, flood or other catastrophe, a temporary permit to park, use and occupy a mobile home, motor home or travel trailer on the lot may be granted until the main building or dwelling can be restored for its normal use in accordance with all provisions of § 152.034.

(G) No person shall spill or drain any waste water or liquid waste of any kind from a motor home or travel trailer upon the surface of the ground or upon any paved area.

(H) No person shall remove or cause to be removed the wheels or tires from any occupied motor home or travel trailer except for the purpose of repair, nor shall any person elevate, block or stabilize any motor home or travel trailer other than with jacks designed, provided and intended for that purpose. No parked motor home or travel trailer shall be occupied for sleeping purposes by a greater number of persons in any one 24-hour period than the vehicle is designed and arranged to accommodate at 1 time.

(I) The Township Zoning Administrator shall have the authority to enter at any reasonable time any premises upon which a motor home or travel trailer is parked, used or occupied, for the purpose of ascertaining that the owner, operator or occupant thereof is complying with all the statutes, ordinances and rules and regulations governing the same.

(Ord. § 3.15, passed 5-22-1997)

§ 152.031 PERFORMANCE STANDARDS.

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No use otherwise allowed shall be permitted within any use district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within the area.

(A) *Smoke*. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted; smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating 4 minutes in any 30 minutes.

(B) *Method of measurement*. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbrascope readings of smoke density may be used when correlated with the Ringlemann Chart.

(C) *Dust, dirt and ash*. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using the process or furnace or combustion device or contrivance to reduce the quantity of gas-borne or air-borne solids or

fumes emitted into the open air, which is operated in conjunction with the process, furnace or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20

grains per cubic foot of the carrying medium at a temperature of 500° Fahrenheit, as measured by the A.S.M.E. Test Code for dust-separating apparatus.

(D) *Storage.* In all commercial and manufacturing districts, the open storage, not including display, of any equipment, vehicles and all materials, including wastes, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall the wall be less in height than 4 feet, 6 inches measured from the surface of the adjacent building flooring. In all residential districts, the storage of dismantled vehicles shall be within completely enclosed accessory structures.

(E) *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

(F) *Noise.* At no point on the boundary of any nonindustrial 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***

***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

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Above 4,800 32

(G) *Vibrations.* No vibration which is discernable to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

(H) *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of 1 volume of odorous air to 4 or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.

(I) *Front yard parking.* No part of any front yard shall be used for any accessory building, garage, or other structure, nor shall any motor vehicle be parked in any front yard except upon a regularly constructed driveway. In addition, on a corner lot no motor vehicle shall be parked in the side yard abutting public street except upon a regularly constructed driveway.

(J) *Exterior lighting.* All lighting for parking areas or for the external illumination of building or for the illumination of signs shall be directed away from and shall be shielded from adjacent districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

(K) *Corner clearance.* No fence, wall, shrubbery, sign or other obstruction to vision above a height of 2-1/2 feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 30 feet from their point of intersection.

(L) *Outdoor storage and waste disposal.*

(1) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel used for farm operations or 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.

(2) 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.

(3) No materials or wastes shall be deposited upon a lot in a form or manner that may be transferred off the lots by natural forces or causes.

(4) 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.

(Ord. § 3.16, passed 5-22-1997)

§ 152.032 NUISANCE.

(A) No structure, excavation or land shall be permitted to become or to remain in a dangerous, noxious, hazardous or offensive condition.

(B) The accumulation of junk, refuse, brush or weeds shall be a violation of this chapter.

(C) No existing structure or land shall be permitted to deteriorate, fall down, become in disrepair or in the event of damage not be put in repair so as to become dangerous, hazardous or an unattractive nuisance.

(D) No structure which is unoccupied shall be left open or not securely locked and closed against all unauthorized persons, and no such structure shall be permitted to become an unattractive nuisance.

(E) Any continual sale of household or personal belongings (which may be known as but are not limited to: garage sales, yard sales, barn sales, moving sales,) lasting for a period of more than 7 continuous

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days, or 2 consecutive weekends, held more than 2 times per year at the same location shall be a violation of this section.

(F) The owner or occupant or person entitled to possession or any principal or subcontractor contributing to any of the above described conditions or under whose direction or control such conditions develop may each or all or any of them be charged for violation of this section or this chapter.

(G) Continued failure to correct the condition shall constitute a separate violation for each day that the conditions shall not be corrected.

(H) The Township Building Inspector or agent may, in event of violation of this section, notify the owner or occupant of the premises described herein of the violation and instruct the owner or occupant to correct the conditions within 7 days. In event of failure to correct the condition within the time limited, the township may correct the condition itself and charge the cost thereof to the owner or occupant or both. In the event of failure to pay the cost the township then may bring such action for the collection of the same against the persons individually as it may deem necessary, or may assess the cost against the land in the same manner as general property taxes, or take both such remedies. In event of assessment against the land, then the same shall become a lien against the land in the same manner as provided for under general tax assessment; provided, however, that notice as provided above shall not be necessary before any of the above named persons may be charged for a violation of this section.

(I) In addition to the above penalties the Township Building Inspector may, whenever such conditions become applicable, attach to the structure a notice of noncompliance with this chapter and no occupancy of any kind, temporary or permanent, shall be permitted until the conditions are corrected.

(Ord. § 3.17, passed 5-22-1997; Am. Ord. 433, passed 3-13-2008) Penalty, see § 152.999

§ 152.033 SIZES OF DWELLINGS.

All dwellings shall conform to the following minimum square foot requirements:

Type of Dwelling Area

Type of Dwelling Area

(A) Single-family dwellings:

One story = 1,250 sq. ft.

1-1/2 or 2- story (ground floor) = 1,000 sq. ft.

(B) Multiple-family dwellings:

Each 1 bedroom apartment = 750 sq. ft.

Each 2 bedroom apartment = 950 sq. ft.

Each 3 bedroom apartment = 1,200 sq. ft.

Each 4 bedroom apartment = 1,300 sq. ft.

(C) For the purpose of this section, the minimum square feet of floor area are as measured by outside wall dimensions designated for and used for living area. Cellars, porches, breezeways, garages, common hallways, and common laundry or storage areas shall not count as living area.

(Ord. § 3.18, passed 5-22-1997)

§ 152.034 ONE-FAMILY DWELLING REGULATIONS.

(A) *Purpose.* Single-family dwellings, as well as any additions or alterations thereto, whether mobile homes, manufactured homes, modular homes or site (“stick”) built homes, which are located outside a mobile park, shall conform to the standards of this section, in addition to the Charter Township of Clayton

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Building Code. The standards herein are designed and intended to prevent the placement of “grossly dissimilar” dwellings which would have the potential to adversely affect the value of dwellings in the surrounding area; adversely affect the desirability of an area, from the perspective of existing or prospective homeowners; impair the stability of the neighborhood environment; prevent the most appropriate use of real estate in the involved area of the township; and lessen the opportunity to realize the development pattern envisioned in the Charter Township of Clayton Community Master Plan.

(B) *Compliance.* Residential buildings shall be constructed in compliance with all applicable state, federal, or local laws or ordinances. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations the more stringent standard shall apply. In the case of a mobile home, all construction, plumbing, electrical apparatus and insulation within and connected to the mobile home shall be either:

(1) New and certified by the manufacturer or an appropriate inspection agency as meeting the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 3280, as amended); or

(2) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in division (B)(1) above, and found on inspection by the Building Department to be in excellent condition and safe and fit for residential occupancy.

(C) *Building permit.* All construction and/or structure placement, allowed under this chapter, shall be

commenced only after a building permit has been obtained in accordance with the Township Building Code and other building regulations. All buildings shall be constructed in compliance with the Building Code adopted by Clayton Township.

(D) *Foundation.* Each dwelling unit shall be firmly attached to a permanent foundation system, constructed on the site, in accordance with the township's Building Code and shall have an outside dimension substantially equivalent to the same perimeter dimensions of the dwelling, allowing for cantilever and/or similar design. The foundation shall be constructed of such materials and type as required in the applicable Building Code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, the dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the foundation by an anchoring system or device complying with the manufacturers standards and details to prevent displacement during windstorms.

(E) *Undercarriage.* In the event that a dwelling is a mobile home as defined herein, the mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis. Foundation or perimeter masonry skirting shall fully enclose the undercarriage and the chassis, with provision being allowed for access panels on the rear and/or side of the dwelling.

(F) *Water and sewer facilities.* Each dwelling unit shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Genesee County Health Department, in accord with the Charter Township of Clayton water and sewer supply policy.

(G) *Dimensional standards.* Each dwelling unit shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot area and width, setbacks, yards, building height and the like, which are applicable to the zoning district in which the dwelling is to be located.

(H) *Architectural compatibility.* Each home shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding neighborhood. The **NEIGHBORHOOD** area shall be defined as being comprised of those single-family residential dwelling units that are located within 2,000 feet in all directions, and which are located within residential districts. Measurements made in this regard shall be calculated from the boundary of the involved lot/parcel in all directions.

(1) In a highly and/or densely populated area, the neighborhood range may be reduced to the closest 20 single-family residential units, for purposes of defining the applicable neighborhood area to be considered.

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(2) The type of material used in the proposed dwelling shall not be grossly dissimilar to the type of materials used in single-family homes in the surrounding area, and the reflection from the exterior surface shall be no greater than from white semi-gloss exterior enamel. The term **GROSSLY DISSIMILAR** means an immediately obvious difference in the exterior design and appearance compared to existing single family homes in the defined neighborhood area, which is apparent to professionals in the building trade, neighbors and potential residents.

(3) The minimum width across the front elevation shall be 34 feet and the minimum dimension along any side or rear elevation shall be 24 feet.

(4) The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located, but in no instance shall the pitch be less than 5/12 except on decorative or cosmetic areas where the roof pitch may be no less than 4/12. Single-family dwelling units constructed prior to the effective date of this amendment are exempt from this requirement.

(5) The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and/or to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is to be located as required in the local Building Code.

(6) The dwelling and roof shall be covered with a material which is, in composition, color, texture, malleability, direction of joints, and method of fastening to the structure, not grossly dissimilar to those found in the neighborhood in which it is to be located.

(7) Each such dwelling unit shall contain a storage area equal to 10% of the square footage of the dwelling or a 16 foot by 20 foot accessory building (320 square feet), whichever is greater. This storage area shall consist of a basement, attic (minimum 2,200 cubic feet), attached garage, or a separate detached accessory structure which conforms to the standards of this zoning chapter regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

(8) The above standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or variation from the common or standard designed home. An applicant may appeal to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of the Zoning Administrator's adverse decision.

(9) 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 this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home subdivision district for those uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. § 3.19, passed 5-22-1997; Am. Ord. 383, passed 11-24-1998; Am. Ord. 383.1, passed 3-9-2000; Am. Ord. 429, passed 3-20-2007)

§ 152.035 ZONING DISTRICTS.

For the purpose of this chapter all of the unincorporated area of Charter Township of Clayton is divided into the following Use Zoning Districts:

Abbreviation District Name

Abbreviation District Name

RA Residential Agricultural District
RSF Residential Suburban Farm District
RE Residential Rural Estate District

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FS Single-Family District

FM Multiple-Family District

MHC Manufactured Housing Community District

O Office District

LC Local Commercial District

GC General Commercial District

M-1 Industrial District

FPZ Floodplain Zone

PUD Planned Unit Development Zoning District

(Ord. § 3.20, passed 5-22-1997)

§ 152.036 ZONING DISTRICT MAP; ADOPTED.

The land areas and sizes of dwellings assigned to these districts, the designation of same, and the boundaries of the districts are shown on the map attached to the ordinance establishing this chapter and hereby adopted and made part of this chapter, the map being designated as the Zoning District Map, showing use districts and building districts in the unincorporated portions of the Charter Township of Clayton, Genesee County, State of Michigan, and the map and the proper notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set

forth by the map were all fully described herein.

(Ord. § 3.21, passed 5-22-1997)

§ 152.037 DISTRICT BOUNDARIES.

District boundaries shall originally be shown on the Zoning District Map attached to this zoning ordinance and, where insofar as is practicable and reasonable, they shall follow property lines of recorded surveys, recorded deeds and other recorded instruments affecting title, centerlines of streets and alleys. Future changes shall follow similar lines to the extent that it is reasonable and practicable.

(Ord. § 3.22, passed 5-22-1997)

§ 152.038 PERMISSIVE ZONING CONCEPT.

Land uses are specifically permitted in the various zoning districts of this chapter. Where not specifically permitted, uses are thereby specifically prohibited. No land contained within any zoning district shall be used for any purpose other than those uses specifically permitted in the district in which the building or land is located, except as otherwise provided herein.

(Ord. § 3.23, passed 5-22-1997)

§ 152.039 WIRELESS COMMUNICATION FACILITIES.

(A) *Intent.* It is the intent of the Charter Township of Clayton to conform to the federal and state of Michigan laws and administrative rules governing the installation and operation of wireless communications facilities and equipment including, but not limited to, the Federal Communications Act of 1996 (47 USC 151) and the Michigan Zoning Enabling Act (MCL 125.3514). It is further the intent of the Charter Township of Clayton to set forth regulations and procedures for the installation and location of wireless communication equipment and facilities in the Charter Township of Clayton in compliance with all applicable federal and state statutes.

(B) *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this division:

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ATTACHED WIRELESS COMMUNICATION FACILITIES. Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, lowers, water tanks, or utility poles.

COLLOCATION. Location by 2 or more wireless communication providers of wireless communication facilities on a common structure, tower or building, to reduce the overall number of structures required to support wireless communication antennas within the township.

WIRELESS COMMUNICATION FACILITIES. All equipment, support structures, and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited, to radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay lowers, telephone transmission equipment building, and commercial mobile radio service facilities. This definition does not include a reception antenna for an individual lot as otherwise defined and regulated in this zoning chapter. Support structures within this definition shall be limited to a monopole.

(C) *Application and approval process for wireless communication facilities.*

(1) *Zoning approval.* Wireless communication facilities may be located within the Charter Township of Clayton pursuant to the guidelines set forth herein and considered an accessory structure.

(2) *Application requirements.* The following information shall be submitted to the township in accordance with § 152.131:

(a) A site plan prepared 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, and as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.

(b) A disclosure of what is proposed, demonstrating the need for the proposed wireless communication facility to be located as proposed based upon the presence of 1 or more of the following factors:

1. Proximity to an interstate highway or major thoroughfare;
2. Areas of population concentration;
3. Concentration of commercial, industrial, and/or other business centers;
4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions;
5. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate; and
6. Other specifically identified reason(s) creating need for the facility.

(c) The reason or purpose for the placement, construction, or modification with specific reference to the providers' coverage, capacity and/or quality needs, goals, and objectives;

(d) The existing form of technology being used and any changes proposed to that technology;

(e) As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned;

(f) The nature and extent of the provider/applicant's ownership or lease interest in the property, building, or structure upon which facilities are proposed for placement, construction, or modification;

(g) The identity and address of all owners and other person with a real property interest in the property, building, or structure upon which facilities are proposed for placement, construction, or modification;

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(h) A map showing existing and known proposed wireless communication facilities with the Charter Township of Clayton, and within areas surrounding the borders of the township. The map shall also show existing buildings and/or other structures of the same approximate height within a 1 mile radius of the proposed site which could accommodate a feasible co-location of the applicant's proposed attached wireless communication facility;

(i) An illustration and description of the fall zone for the structure, including certification by a State of Michigan licensed and registered professional engineer to be utilized, along with other criteria such as applicable regulations for the district in question, to determine appropriate setbacks to be required for the structure and other facilities;

(j) The site plan shall include a landscape plan to demonstrate landscaping will provide screening for the wireless communication support structure base, accessory buildings, and enclosures;

(k) Elevations of the wireless communication facility and all accessory structures;

(l) Evidence of site plan approval from the Federal Aviation Administration, if required due to the site's proximity to an airport, or evidence that such approval is not required;

(m) The name, address, and telephone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises;

(n) A description of the security to be posted at the time of receiving a building permit for the wireless communication facility to ensure removal of the structure when it has been abandoned or is no longer needed. The security shall be in the form of a surety bond. A written statement shall be required from the applicant and owner of the property that the facility will be removed in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Charter Township of Clayton in securing the

removal;

(D) *Wireless communications equipment allowed as a permitted use.* Pursuant to MCL 125.3514 and as set forth herein, the installation all wireless communication equipment shall be a permitted use of properly and does not require a special land use permit if all of the following conditions are met:

(1) The wireless communications equipment will be collocated on an existing wireless communications support structure or in existing facilities.

(2) The existing wireless communications support structure and facilities were previously approved by the Charter Township of Clayton Planning Commission and the Charter Township of Clayton Board of Trustees and is in compliance with all Charter Township of Clayton Zoning Ordinances.

(3) The proposed collocation of wireless communications equipment meets all of the following requirements:

(a) The collocation of the wireless communication equipment will not increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

(b) The collocation of the wireless communications equipment will not increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

(c) The collocation of the wireless communications equipment will not increase the area of the existing equipment compound to greater than 2,500 square feet.

(4) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Charter Township of Clayton Planning Commission and the Charter Township of Clayton Board of Trustees.

(E) *Wireless communications equipment subject to special land use approval.* Pursuant to MCL 125.3514 and as set forth herein, the proposed installation all wireless communication equipment that

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does not meet the requirements of division (D)(l) - (4) as set forth herein, shall be subject to approval of a special land use permit by the Charter Township of Clayton Planning Commission and approved by the Charter Township of Clayton Board of Trustees. The following site and developmental requirements shall apply to the installation of all wireless communication facilities, equipment, or support structures that require a special land use permit:

(1) A special land use permit must be granted by the Charter Township of Clayton Planning Commission.

(2) All support structures and facilities must be located on a minimum of 2 acres.

(3) A security deposit in the form of a surety bond must be submitted by the owner of the wireless communications facility in an amount deemed appropriate by the Charter Township of Clayton Township Board of Trustees to cover the cost of removal of the facility once abandoned.

(4) The applicant shall provide an existing cell coverage map, a proposed cell coverage map, and a map of existing towers with a 1-mile radius of the proposed site. The maps will assist in identification of void areas of coverage and allow Clayton Township and the applicant to locale the tower on or near the most appropriate site in order to minimize gaps in coverage.

(5) Wireless communication support structures shall be located according to prioritized locations:

(a) Co-location on existing wireless communications structures.

(b) Charter Township of Clayton property.

(c) Industrial zoned districts.

(d) Commercial districts.

(e) Agriculture districts.

(f) Residential farm districts.

(g) Residential suburban districts.

(6) All freestanding wireless communications towers shall be of monopole construction.

(7) All freestanding wireless communications towers shall not exceed 150 feet in height above final grade level.

(8) A minimum of 2,600 feet of separation shall exist between freestanding towers.

(9) There shall be an unobstructed access to the wireless communication facility for operation, maintenance, repair, and inspection purposes which may be provided through an easement.

(10) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.

(11) No occupied building shall be located within the designated fall zone of the wireless communications tower.

(12) Where a wireless communication facility is proposed on the roof of a building, the equipment enclosure, if proposed, shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that it conforms to all district requirements for accessory building, including yard setbacks and building height.

(13) All wireless communication facilities shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soil report from a geotechnical engineer licensed in the State of Michigan.

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(14) All wireless communications facilities and support structures shall comply with all landscaping and screening requirements as set forth in Clayton Township § 152.078.

(15) All wireless communication facilities shall comply with all Bishop International Airport permit requirements.

(16) A maintenance plan and any applicable maintenance agreement shall be presented as part of the site plan for the proposed facility.

(17) The minimum setbacks for all new or modified wireless communications facilities shall be as follows:

(a) Adjacent to any residential district: the height of the structure plus 25 feet. This setback may be reduced upon determination that no residential use exists or is expected on the adjacent site.

(b) Adjacent to any existing or proposed rights-of-way or other publicly traveled roads or non motorized improved pathways: half of the height of the structure, plus 25 feet.

(c) Adjacent to any existing or proposed county road rights-of-way: 500 feet.

(d) Adjacent to any nonresidential district: half of the height of the structure, plus 10 feet.

(18) Setbacks may be reduced as determined by the Charter Township of Clayton Planning Commission upon demonstration and certification by a registered professional engineer, to the satisfaction of the Clayton Township Engineer, that the wireless communication facility or support structure has a shorter fall zone distance due to self-collapsing. Documentation must be provided that the setback area can accommodate the structure should it fall or break. A reasonable buffer area shall be provided in the event the structure fails.

(19) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to front or side property lines than 30 feet.

(20) The base of the wireless communication support structure and wire cable supports shall be

fenced with a minimum 6 foot high fence which is also equipped with barbed or razor wire at the top of the fence.

(21) Accessory buildings shall be a maximum of 14 feet high and shall be set back in accordance with the requirements for principal buildings in the zoning district.

(22) All wireless communication support structures shall be equipped with an anti-climbing device to prevent unauthorized access.

(23) The plans of the wireless communication support structure construction shall be certified by a registered structural engineer.

(24) The applicant shall provide verification that the antennas, mounts, and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

(25) All wireless communication support structures and facilities must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

(26) No part of any wireless communication support structure or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a wireless communication support structure or antenna be located within 30 feet of a front or side property line.

(27) Metal wireless communication support structures shall be constructed of, or treated with, corrosive resistant material.

(28) Antenna and metal wireless communication support structures shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all

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applicable local statutes, regulations, and standards.

(29) Wireless communication support structures with antennas shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.

(30) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a wireless communication support structure or antenna and a structure, or between towers, shall be at least 8 feet above the ground at all points, unless buried underground.

(31) Wireless communication support structures shall be located so that they do not interfere with television or radio reception in nearby residential areas.

(32) Wireless communication support structures shall be located so there is appropriate clearance for vehicles conducting maintenance to maneuver on the property owned and/or leased by the applicant.

(33) Wireless communication support structures shall not be artificially lighted unless required by the Federal Aviation Administration.

(34) Existing on-site vegetation shall be preserved to the maximum extent possible.

(35) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

(36) Wireless communication support structures shall be subject to any state and federal regulation concerning non-ionizing electromagnetic radiation. Should additional state or federal regulations be adopted in the future, the wireless communications facility shall be made to conform to the extent required by the standard of the special use. Approval will be subject to revocation by the Clayton Township Planning Commission. Costs for testing and verification of compliance shall be paid by the operator and/or owner of the wireless communications facility.

(37) There shall be no employees located on the site on a permanent basis to service or maintain the wireless communication support structure or antenna. Occasional or temporary repair and service activities are excluded from this restriction.

(38) Collocation shall be required where deemed feasible by the Charter Township of Clayton:

(a) Collocation shall be deemed feasible when the following conditions are met:

1. The wireless communications provider or properly owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay the rates;

2. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support; and

3. The collocation being considered is technically reasonable.

(b) Newly constructed wireless communications towers shall have a minimum of 3 times the capacity of intended use in order that secondary users may lease remaining capacity of the wireless communications tower.

(c) The applicant must include a statement in the application and an affidavit stating space on a proposed tower will be made available to future users when technically possible; and

(d) The applicant shall send a written notice via certified mail to all potential users of the new wireless communications tower offering an opportunity for co-location.

1. The list of potential users shall be provided by the township based on those entities who have requested approval of wireless communication towers in the past, current FCC license holders, and any other entities requesting to be included on the list.

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2. The applicant shall accommodate the request for co-location by potential users, unless co location is not reasonably possible based on the criteria of this section.

(e) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, the facility shall be deemed to be a non-conforming structure and use, and shall not be altered, expanded, or extended in any respect.

(39) *Annual license.* An annual license from the Charter Township of Clayton is required. The license fee will be determined by a fee schedule set forth by resolution of the Charter Township of Clayton Board of Trustees. The operator is responsible for filing an annual application for license renewal. The township shall find that the standards set forth by this section have continued to be met, and may require an inspection by a licensed engineer or other qualified inspector.

(40) *Removal.* The wireless communication facility shall be removed within 6 months by the property owner or lessee under any of the following conditions:

(a) The wireless communications facility is abandoned. The wireless communication facility shall be deemed abandoned when the facility has not been used for 180 days or longer.

(b) New technology is available at reasonable cost, as determined by the Charter Township of Clayton which permits the operation of the communication system without the requirement of the support structure or facility. Clayton Township shall give the wireless communication provider the opportunity to submit information that the facility remains necessary and shall give such information due consideration in rendering a decision.

(c) If removal is required pursuant to the provisions of this section, the property owner(s) shall immediately apply for and secure all necessary permits from the Charter Township of Clayton for the demolition or removal of the wireless communications facility and shall restore the property to an acceptable condition as reasonably determined by the Clayton Township Building and Zoning Administrators.

(d) If the removal of the wireless communication facility, as determined necessary by Clayton Township officials, is not completed within 180 days after a written notice is provided by Clayton Township to the owner of the facility, Clayton Township may remove or secure the removal of the wireless

communications facility with actual costs and reasonable administrative costs to be collected from the security deposit provided by the owner at the time of application for construction of the facility.

(F) *Processing of application for special land use permit.* Pursuant to MCL 125.3514 and as set forth herein, an application submitted to the Charter Township of Clayton for a special land use permit for the installation of wireless communications equipment shall be subject to the following process and conditions:

(1) The Clayton Township Zoning Administrator shall determine whether the application is administratively complete.

(2) The application shall be considered administratively complete if the Clayton Township Zoning Administrator does not notify the applicant within 14 business days of submission of the application of any necessary information or fees required to complete the application.

(3) The Clayton Township Zoning Administrator shall notify the applicant within 14 business days of the submission of the application if the application is not administratively complete and shall specify the information necessary to make the application administratively complete.

(4) The Clayton Township Zoning Administrator shall notify the applicant within 14 business day of the submission of the application if a fee that is required to accompany the application has not been paid and shall notify the applicant of the amount of the fee to be paid.

(5) If the applicant is notified by the Clayton Township Zoning Administrator that further information or fees are necessary to complete the application the 14 business day period shall be tolled until the

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applicant submits to the Clayton Township Zoning Administrator the specified information or fee amount due.

(6) Any notice provided by the Clayton Township Zoning Administrator to the applicant requesting further information or fees shall be given in writing or by electronic notification.

(7) Any fee required with the application for the installation of the wireless communications equipment subject to the approval of a special land use permit shall not exceed the Charter Township of Clayton's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

(8) The Charter Township of Clayton Planning Commission and the Charter of Clayton Township Board of Trustees shall approve or deny the application for the installation of wireless communications equipment not more than 60 days after the application is considered to be administratively complete.

(9) If the application is for the installation of wireless communications equipment that will not be collocated or for the installation of a new wireless communications support structure or tower, the Charter Township of Clayton Planning Commission and the Charter Township of Clayton Board of Trustees shall approve or deny the application within 90 days after the application is considered to be administratively complete.

(Ord. § 3.24, passed 5-22-1997; Am. Ord. 380, passed 9-9-1999; Am. Ord. 380.1, passed 8-17-2000; Am. Ord. 469, passed 5-14-2015)

§ 152.040 ESSENTIAL SERVICES.

Site plan review shall be required for all structures vital to essential services, as defined in § 152.007, excluding structures measuring 6 feet or less in height and/or 100 square feet or less in area. (Example of maximum size excluded: 10 feet by 10 feet by 6 feet).

(Ord. 417, passed 2-9-2006)

§ 152.041 MEDICAL MARIJUANA DISPENSARIES, MEDICAL MARIJUANA CLUBS, COMPASSION CLUBS, AND MEDICAL MARIJUANA GROWING FACILITIES.

It is the intent of this section to regulate any medical marijuana dispensary, medical marijuana club, compassion club, and medical marijuana growing facility by the following requirements.

(A) *Operation limitation.*

(1) A medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 p.m. and 6:00 p.m. Sunday.

(2) Medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility shall comply at all times with each and every provision of the Michigan Marijuana Act of 2008 (M.C.L.A. §§ 333.26421 *et seq.*).

(3) Marijuana or cannabis shall only be grown, manufactured, harvested, or used inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.

(4) Persons under the age of 18 years of age are not permitted to be on the premises of any medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility unless they possess a valid medical marijuana registry card issued by the State of Michigan or other state.

(5) All employees of a medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility shall have a valid primary caregiver's card or valid qualifying patient card issued by the State of Michigan.

(6) A facility that is limited to selling or dispensing medical marijuana shall maintain detailed records regarding the growing facility from which it receives its stock of medical marijuana and illustrating lawful connection between the source product grower and the dispensary's primary caregivers.

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(7) The owner of a medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility who violates these sections shall be liable for all costs associated with the investigation, prosecution, and enforcement of the violation.

(B) *Site plan requirements.* Any medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility shall submit a site plan for review to the Charter Township of Clayton as set forth in and showing §§ 152.131 through 152.134 and showing compliance with required location limitations as set forth in §§ 152.131(C)(18) and (C)(19), and 152.114(C)(17), (C)(18), and (C)(19) as they apply, and which shall include the following:

(1) Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras;

(2) Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building;

(3) Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site;

(4) Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard off the site; and

(5) A description of the operation of the dispensary, growing facility, or club in sufficient detail to permit the Charter Township of Clayton to determine if the operation, as described would be lawful and fully compliant with the Michigan Medical Marijuana Act of 2008 (M.C.L.A. §§ 333.26421 *et seq.*).

(C) *Periodic inspections and fees.*

(1) An application and review fee, as established and from time to time amended by resolution of the Charter Township of Clayton Board of Trustees, shall accompany each application for approval of a medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility.

(2) Any approved medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility shall submit annual permit renewal in amounts set by the Charter Township of Clayton Board of Trustees and from time to time amended by resolution.

(3) Any approved medical marijuana dispensary, medical marijuana club, compassion club, or medical

marijuana growing facility shall submit an annual permit authorizing the Charter Township of Clayton zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of the Michigan Medical Marijuana Act of 2008 (M.C.L.A. §§ 333.26421 *et seq.*), this section, and any reasonable conditions placed upon the special land use permit by the Charter Township of Clayton Board of Trustees.

(Ord. 439, passed 11-10-2011)

§ 152.042 PROHIBITION OF MARIHUANA ESTABLISHMENTS.

(A) The Michigan Regulation and Taxation of Marihuana Act, being M.C.L.A. §§ 333.27951 *et seq.* (the "Act") was passed by Michigan voters on November 6, 2018. Pursuant to M.C.L.A § 333.27956.1, the establishment or operation of any and all marihuana establishments are prohibited within the Charter Township of Clayton in all zoning districts.

(B) A marihuana establishment shall not be permitted as a home occupation within any zoning district in the township.

(C) A marihuana establishment shall be defined as any establishment as set forth in M.C.L.A. § 333.27953.

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(D) Any marihuana establishment authorized and defined by the Act created or operating prior to the enactment of this section shall be prohibited and shall not be entitled to claim a legal nonconforming status under any provision of the this Code of Ordinances.

(E) The prohibition against the establishment or operation of marihuana establishments in the township shall not interfere with the rights of a person to lawfully possess, transport, or consume marihuana as set forth in the provisions of the Act or any Michigan statute providing for or regulating marihuana for medical use.

(F) A person who violates this section shall be responsible for a municipal civil infraction and subject to penalties as set forth in § 150.70 of this Code of Ordinances.

(Ord. 2019-479, passed 5-9-2019)

§ 152.043 SOLAR ENERGY SYSTEMS REGULATIONS.

(A) *Purpose.* The Charter Township of Clayton promotes the use of solar energy as a clean alternative energy source. Commercial and personal use of ground-mounted or structure-mounted solar energy systems will be permitted subject to the regulations set forth herein to protect the public health, safety, and welfare of the residents of the township.

(B) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. Solar energy collector(s) attached to a structure on the roof, wall, or window of a structure. Building-mounted solar energy collectors shall include solar roofing shingles.

COMMERCIAL SOLAR ENERGY SYSTEM. Commonly referred to as a **SOLAR FARM.** A utility scale or commercial operation facility of solar energy systems for the primary purpose of wholesale or retail sales of generated electricity.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. Solar energy collector(s) not attached to a structure and separate from any building on the parcel of land where the solar collector is located.

SOLAR COLLECTOR. A panel or panels or combination of devices or equipment, structure, that collect, store, distribute, or transforms solar, radiant energy into thermal, chemical, or electrical energy.

SOLAR COLLECTOR RACKING SYSTEM. Any structure or building material used to mount a solar collector or solar energy system.

SOLAR ENERGY. Direct, diffuse, and reflected radiant energy received from the sun.

SOLAR ENERGY SYSTEM. A structure comprised of a solar collector and all other equipment that is designed to collect, distribute, or store solar energy for the purpose of generating electrical power for principal use on the land on which the solar energy system is located or for the sale and distribution of excess available electricity to an authorized public utility.

SOLAR SHINGLES. Any roofing product or roofing material manufactured and installed to collect solar energy and convert the solar energy into thermal, chemical, or electrical energy.

(C) *Regulations.*

(1) *All solar energy systems.*

(a) A building permit issued by the township Building Department to the parcel owner and/or the owner of a solar energy system shall be obtained as a requisite to the installation of any solar energy system in any township zoning district.

(b) A solar energy system site plan and applicable fee pursuant to the township fee schedule shall be submitted by the owner of any parcel upon which a proposed solar energy system will be installed.

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(c) A solar energy system shall comply with all industry standards, including, but not limited to, the standards set forth by the American National Standards Institute (ANSI).

(d) A solar energy system shall comply with all township ordinances.

(e) A solar energy system shall comply with all applicable local, state, and federal building codes and shall require the approval of the township Building Official.

(f) The installation and inspection of all solar energy systems shall only be performed by properly licensed and certified personnel that are in compliance with all local, state, and federal statutes and regulations.

(g) A solar collector racking system shall be constructed from material that is dull or dark in color, non-glossy, and non-reflective and shall not create a nuisance to adjacent properties.

(h) The installation of a solar energy system shall not alter the existing parcel topography.

(i) A solar energy system shall be installed, maintained, and operated according to the strict directions of the manufacturer. A copy of the manufacturer's instructions on the installation and operation of the solar energy system shall be submitted to the township Building Official with a building permit application.

(j) The building permit application for a solar energy system shall be reviewed by all applicable township inspectors.

(k) A solar energy system site plan shall provide that all solar panels are properly secured to the solar collector racking system and that the racking system will properly support the solar energy system.

(l) A solar energy system shall be comprised of tempered, non-reflective materials and surfaces.

(m) The installation of any solar energy system shall not negatively impact adjacent properties, including, but not limited to, additional or excessive storm water runoff or drainage.

(n) The noise level for any solar energy system shall not exceed 40 dBA as measured at any property line for the solar energy system.

(o) A solar energy system that is damaged and in disrepair shall be repaired to operational condition within 90 days of being damaged or it shall be deemed by township to be abandoned.

(p) A solar energy system shall be considered abandoned if it has not operated for a continuous period of 90 days or longer.

(q) A solar energy system that is abandoned shall be removed and the structure or parcel shall be restored to its previous condition prior to the installation of the solar energy system within 90 days of the

solar energy system deemed abandoned.

(2) *Building-mounted solar energy systems.*

(a) A building-mounted solar energy system shall be allowed in all township zoning districts subject to a special conditional use permit and all provisions set in §§ 150.150 through 150.152 of this Code of Ordinances.

(b) All building-mounted solar energy systems shall only be installed on the roof, wall, or window of an existing structure.

(c) All building-mounted solar energy systems shall be permanently attached to the structure.

(d) All building-mounted solar energy systems shall not be located within 3 feet of a peak, eave, or valley of the structure.

(e) All building-mounted solar energy systems shall be constructed of material and of such a weight that the system is safely supported by the structure and approved by the township Building Official.

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(f) All building-mounted solar energy systems shall comply with all township building height regulations and shall not project more above the highest point of a roof on the structure that the building mounted solar energy system will be installed.

(g) All building-mounted solar energy systems shall not project higher than the existing building roof line if installed on the wall of a structure.

(h) A building-mounted solar energy system shall not exceed a maximum of 40% of the total square feet of the surface of the structure.

(i) A building-mounted solar energy system may be attached to a sign and shall not exceed a maximum of 40% of the total square feet of one side of the sign.

(3) *Ground-mounted solar energy systems.*

(a) A ground-mounted solar energy system shall be allowed in all township zoning districts subject to a special conditional use permit and all provisions set forth in §§ 150.150 through 150.152 of this Code of Ordinances.

(b) Ground-mounted solar energy systems shall only be installed in rear or side yards and shall not be installed in any parcel setback. The installation of all ground-mounted solar energy systems shall be subject to all township setback ordinances.

(c) Ground-mounted solar energy systems shall not exceed 9 feet in height as measured from the ground at the base of the system to the highest point of the system.

(d) Ground-mounted solar energy systems shall be subject to and regulated by the township accessory building ordinances.

(e) Ground-mounted solar energy systems shall not exceed a maximum of 40% of the total square feet allowed in the township accessory building ordinances.

(4) *Commercial solar energy systems.*

(a) Commercial solar energy systems shall only be constructed in the township Residential Agricultural District (RA) subject to a special conditional use permit and all provisions set forth in §§ 150.150 through 150.152 of this Code of Ordinances.

(b) Commercial solar energy systems shall only be constructed on Residential Agricultural District (RA) parcels with a minimum of 20 acres.

(c) Commercial solar energy systems shall be subject to all township zoning ordinances, including, but not limited to, setback requirements, screening and landscaping requirements, and all site plan requirements.

(d) Commercial solar energy system site plans shall be subject to all requirements set forth in §§ 152.130 through 152.138, site development, in addition to all requirements set forth herein.

(e) The site plan for a commercial solar energy system shall include verification that adequate infrastructure exists to transport the electricity generated into the grid system.

(f) Commercial solar energy systems shall be installed a minimum of 100 feet from the property line or right-of-way line.

(g) Commercial solar energy systems shall be screened from residential dwelling units and/or residential zoning districts as determined by the township Building Official and the township Planning Commission.

(h) All screening and landscaping shall be properly maintained.

(i) Power and communication lines in the commercial solar energy system between solar panels may be placed above ground provided that the lines are installed no higher than the top of the system

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structure.

(j) Power and communication lines in the commercial solar energy system to electric substations or interconnections with buildings shall be buried underground unless otherwise approved by the township Planning Commission.

(k) If the commercial solar energy system is located within 2 miles of an airport, the applicant must provide approval from the FAA and/or local airport authority for the project.

(l) The applicant for a commercial solar energy system and all subsequent owners of the solar energy system or the property on which the solar energy system is installed shall notify the township Building Official in writing within 30 days of any change in the ownership of the property or the solar energy system.

(m) The applicant for a commercial solar energy system shall submit a decommission plan for the removal of the commercial solar energy system once deemed abandoned. The decommission plan shall include, but is not limited to, provisions for the removal of all structures, foundations, electrical equipment, internal or perimeter access roads, restoration of soil and vegetation, and evidence that financial resources are available to fully decommission the site.

(n) The applicant for a commercial solar energy system shall submit a construction bond to guarantee removal of the commercial solar energy system equal to 125% of the cost to decommission and restore the site if the system is deemed abandoned. The township Planning Commission shall determine the appropriate amount of the construction bond through the site plan approval process.

(D) *Penalties.*

(1) Failure to repair or remove a solar energy system within 90 days of the damage or the system being deemed abandoned shall subject the parcel owner and/or the owner of a solar energy system to a township civil municipal civil infraction and all applicable remedies, including fines and costs, as set forth in §§ 150.65 through 150.72 of this Code of Ordinances.

(2) A violation of any provision of this ordinance shall subject the parcel owner and/or the owner of a solar energy system to a township civil municipal civil infraction and all applicable remedies, including fines and costs, as set forth in §§ 150.65 through 150.72 of this Code of Ordinances.

(Ord. 2019-483, passed 12-12-2019)

GENERAL EXCEPTIONS AND MISCELLANEOUS PROVISIONS

§ 152.050 VOTING PLACE.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with municipal or other public elections.

(Ord. § 4.01, passed 5-22-1997)

§ 152.051 HEIGHT LIMIT.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers.

(Ord. § 4.02, passed 5-22-1997)

§ 152.052 YARD REGULATIONS.

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the Multiple-Family District, or where their application cannot be determined on lots existing and of record at the time of the effective date of this chapter, and on lots of peculiar shape, topography, or due to architectural or site arrangement, the regulations may be modified or determined by the Zoning Board of Appeals.

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(Ord. § 4.03, passed 5-22-1997)

§ 152.053 MULTIPLE-DWELLING SIDE YARDS.

For the purpose of side yard regulations, a 2-family, a terrace, a row house or a multiple dwelling shall be considered as 1 building occupying 1 lot.

(Ord. § 4.04, passed 5-22-1997)

§ 152.054 TERRACES.

An open, unenclosed paved terrace may project into a required front yard for a distance not exceeding 10 feet, but this shall be interpreted to include or permit fixed canopies.

(Ord. § 4.05, passed 5-22-1997)

§ 152.055 PROJECTIONS INTO YARDS.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than 4 inches for each 1 foot front yard or rear yard, but not more than 3 feet. Architectural features shall not include those details which are nominally demountable.

(Ord. § 4.06, passed 5-22-1997)

OFF-STREET PARKING AND LOADING AREA

§ 152.065 OFF-STREET PARKING REQUIREMENTS.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

(A) Off-street parking spaces may be located within a nonrequired side or rear yard and within the rear yard setback unless otherwise provided in this chapter. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this chapter, including the exceptions permitted in commercial zones by footnote (o) of § 152.100.

(B) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(C) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of this chapter.

(D) Any area once designated as required off-street parking shall never be changed to any other use

unless and until equal facilities are provided elsewhere.

(E) Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(F) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(G) In the instance of 2 or more uses sharing off-street parking spaces where operating hours of buildings do not overlap, the Zoning Board of Appeals may grant an exception.

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(H) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited in commercial or industrial areas.

(I) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

(J) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require 1 parking space.

(K) For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

(L) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Number of Minimum
Parking Spaces per Unit of	Measure

Use	Number of Minimum Parking
Spaces per Unit of Measure	Spaces per Unit of Measure

(1) Residential

(a) Residential, 1-family and 2-family 2 for each dwelling unit (b) Residential, multiple-family 2 for each dwelling unit 1 for each dwelling unit. Should

(c) Multiple housing for senior citizens units revert to general occupancy, then 2 spaces per unit shall be provided

(d) Mobile home park 2 for each mobile home site and 1 for each employee of the mobile home park

(2) Institutional

(a) Churches or temples 1 for each 3 seats or 6 feet of pews in the main unit of worship

(b) Hospitals 1 for each 1 bed (c) Homes for the aged and convalescent homes 1 for each 2 beds 1 for each 1 teacher, employee

(d) Elementary and junior high schools

- (e) Senior high schools requirements of the auditorium
1 for each 1 teacher, employee or administrator, and 1 for each 5 students, in addition to the requirements of the auditorium or gymnasium, whichever is greater
- (f) Commercial, vocational and adult instructional institutions or administrator, in addition to the
1 for each student and 1 for each employee, administrator or instructor

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- (g) Private clubs or lodge halls (k) Stadium, sports arena or similar place of outdoor assembly
1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
- (h) Private golf clubs, swimming pool clubs, tennis clubs or other similar uses
1 for each 2 member families or individuals plus spaces required for each accessory use, such as a restaurant or bar
- (i) Golf courses open to the general public, except miniature or "par-3" course
6 for each 1 golf hole and 1 for each 1 employee, plus spaces required for each accessory use, such as a restaurant or bar
1 for each 5 permitted active members or 1 for each 1 bed, whichever is greater
- (j) Fraternity or sorority
1 for each 3 seats or 6 feet of benches

(l) Theaters and auditoriums 1 for each 3 seats plus 1 for each 2 employees

- (m) Nursery school, day nurseries or childcare centers (3) **Business and Commercial**
1 for each 150 square feet of usable floor space

- (a) Planned commercial or shopping center 1 for each 100 square feet of usable floor area
1 for each 1 employee. In addition, reservoir parking spaces equal in number to 5 times the maximum capacity of the auto wash. Maximum some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20
- (b) Auto wash (automatic)
capacity of the auto wash shall mean the greatest number of automobiles possible undergoing
- (c) Auto wash (self-service or coin-operated) 5 for each washing stall in addition to the stall itself
3 spaces for each of the first 2 beauty or barber chairs, and 1-
- (d) Beauty parlor or barber shop

1/2 spaces for each additional chair

(e) Bowling alleys 5 for each 1 bowling lane plus accessory uses

1 for each 2 persons allowed

Dance halls, pool or billiard parlors, roller or within the maximum occupancy load as established by local, county or state fire, skating rinks, exhibition halls and assembly building or health codes halls without fixed seats

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(g) refreshments each 2 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
(h) Furniture and appliance, household equipment and repair shops; showroom of a plumber, decorator, electrician or similar trade; shoe repair, and other similar uses 1 for each 800 square feet of usable floor area. (For that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein)
Establishment for sale and consumption on the premises of beverages, food or 1 for each 75 square feet of usable floor space or 1 for 2 for each lubrication stall, rack, or pit; and 1 for each gasoline pump

(i) Gasoline service stations for each gasoline pump

(j) Laundromats and coin-operated dry cleaners 1 for each 2 washing and/or dry cleaning machines

(k) Miniature or "par-3" golf courses 3 for each 1 hole plus 1 for each 1 employee

(l) Mortuary establishments 1 for each 50 square feet of usable floor space

(m) Motel, hotel or other commercial lodging establishments herein
(4) **Offices**
1 for each 1 occupancy unit plus 1 for each 1 employee

(n) Motor vehicle sales and service establishments 1 for each 200 square feet of usable floor space of sales room and 1 for each 1 auto service stall in the service room

(o) Retail stores, except as otherwise specified 1 for each 150 square feet of floor space

(a) Banks 1 for each 100 square feet of usable floor space

(b) Business offices or professional offices, except as indicated in the following item (c) (5) **Industrial**

(c) Professional offices of doctors, dentists or similar professions (a) Industrial or research establishments, and related accessory offices
1 for each 200 square feet of usable floor space

1 for each 100 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair or similar use area

5 plus 1 for every 1-1/2 employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction

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(b) Warehouses and wholesale establishments and related accessory

offices
5 plus 1 for every 1 employee in the largest working shift, or 1 for every 1,700 square feet of usable floor space, whichever is greater

(M) (1) Each parking lot that services a building entrance, except single- or 2-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above-grade signs as reserved for physically handicapped persons.

Total Spaces in Parking Lot Required Number of Accessible Spaces Total

Spaces in Parking Lot Required Number of Accessible Spaces

Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

(2) Parking spaces for the physically handicapped shall be a minimum of 12 feet wide and must meet all other applicable requirements as to size as set forth in this section.

(Ord. § 5.00, passed 5-22-1997)

§ 152.066 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.

Wherever the off-street parking requirements in this chapter require the building of an off-street parking facility, the off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(A) No parking lot shall be constructed unless and until a permit is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with 2 sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

(B) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (see also parking layout in the following table):

Parking Pattern	Width	Parking Space	Total Width of 1 Tier	Total Width of 2 Tiers
Maneuvering Lane	Parking Space	Width Length	of Spaces plus	of Spaces plus

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Maneuvering Lane

0° (parallel
Maneuvering Lane

parking) 12 ft. 8 ft. 28 ft. 20 ft. 28 ft. 30° to 53° 15 ft. 9 ft. 20 ft. 35 ft. 55 ft. 54° to 74° 18 ft. 9 ft. 20 ft. 38 ft. 58 ft.

75° to 90° 22 ft. 10 ft. 20 ft. 42 ft. 62 ft.

(C) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(D) (1) Adequate ingress and egress to the parking lot by means of clearly limited and defined 25- foot wide drives shall be provided for all vehicles.

(2) Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(E) All maneuvering lane widths shall permit 1-way traffic movement, except that the 90° pattern may permit 2-way movement.

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

(G) (1) Except for those serving single- and 2-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. The screening shall consist of earth berms, permanent walls, or evergreen landscaping subject to approval of the Planning Commission and in accordance with the provisions set forth in § 152.076.

(2) When a front yard setback is required, all land between the screening and the front property line or street right-of-way line shall be kept free from refuse and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All the landscaping and planting shall be maintained in a healthy, livable condition, neat and orderly in appearance.

(H) (1) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Zoning Administrator, except for off-street parking required for single-family and duplex residences.

(2) Off-street parking areas and maneuvering lanes shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

(I) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed only onto the parking area.

(J) Except for those serving single- and 2-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.

(K) Plans for the layout of the parking lot shall show the dimensions across tiers of spaces and maneuvering lanes.

(Ord. § 5.01, passed 5-22-1997)

§ 152.067 OFF-STREET LOADING AND UNLOADING.

(A) There shall be provided on the same land with every building, structure or part thereof erected or occupied for manufacture, storage, display of goods for retail sales, or for a hotel, hospital, school, funeral home, laundry, dry cleaning establishments or other use involving the receipt or distribution by vehicles of materials or merchandise incidental to that activity, sufficient space for standing, loading and unloading vehicles to avoid undue interference with public streets. The space shall be no less than 10 by 25 feet for each 10,000 square feet of floor area or part thereof with a minimum height clearance of 14 feet. The space is not to be a part of any area provided for off-street parking area, and further there shall be a door no less than 3 feet 6 inches by 6 feet 8 inches adjoining the loading area.

(B) All loading spaces shall be located and designed to avoid creating traffic hazard to public use of all public rights-of-way. Also, the site plan showing the loading area layout and dimensional requirements shall display the area.

(Ord. § 5.02, passed 5-22-1997)

WALLS, FENCES, SCREENING AND LANDSCAPING

§ 152.075 FENCES AND WALLS.

Fences and walls are permitted, or required subject to the following:

(A) Fences or walls on all lots of record in all platted residential districts which enclose property shall not exceed 6 feet in height, measured from the surface of the ground.

(B) Fences located in the front yard of a parcel closer than 200 feet as measured from the center of the roadway shall be constructed from approved transparent material.

(C) Fences located in the front yard of a parcel more than 200 feet as measured from the center of the roadway may be constructed from approved obscuring material.

(D) Fences on platted residential lots of record shall not contain electric current or charge of electricity.

(E) Fences or walls which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed 8 feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than 25% of their total area.

(F) On a corner lot, in all residential districts, no fence or other obstruction to vision above a height of 6 feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular yard space formed by the intersecting street lines and a line joining points on the street lines 30 feet from the point of the street lines.

(G) All fences and walls shall comply with the requirements of the Building Code as it applies to fence and wall installation and materials.

(Ord. § 6.00, passed 5-22-1997; Am. Ord. 2017-471, passed 9-14-2017)

§ 152.076 OBSCURING WALLS AND FENCES.

Fences and wall are permitted or required subject to the following:

(A) Obscuring walls and fences shall be provided and maintained at a height of between 5-1/2 feet and 8 feet above the ground where commercial and industrial uses, including the screening of required parking areas, are adjacent to and abut side and rear yards of residential uses and districts, unless this chapter requires a taller wall or fence.

(B) Required walls and fences shall be located on the lot line except where underground utilities interfere. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or fence or may modify the wall or fence requirement by approving either an earth berm or

evergreen screen in its place. The Planning Commission may also waive the wall or fence requirement if in specific cases where cause can be shown that no good purpose would be served by the screening requirement.

(Ord. § 6.01, passed 5-22-1997; Am. Ord. 2017-472, passed 9-14-2017)

§ 152.077 SCREENING OF TRASH STORAGE AREAS.

(A) In all O, C, GC and M-1 Districts, there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the Planning Commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.

(B) In no instance shall any such refuse be visible above the required screening.

(C) A screen wall 6 feet in height shall enclose 3 sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.

(D) Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of the storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

(E) All trash storage areas and/or enclosures shall be located a minimum of 10 feet from any building or structure.

(Ord. § 6.02, passed 5-22-1997)

§ 152.078 LANDSCAPING.

(A) *Intent.* Landscaping, greenbelts and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic and visual disruption related to intensive uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of the intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts and screening.

(B) *General provisions.*

(1) *Scope of application.*

(a) The requirements set forth in this section shall apply to all developments which are initiated or expanded following the effective date of this chapter and which require site plan review or plat approval. No site plan/plat shall be approved unless the 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 approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in § 152.182.

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

(2) *Plant materials.* All plant materials shall be hardy to the township, be free of disease and insects, conform to the American Standard for Nursery Stock of the American Nurserymen and sized in

accordance with ANSI 260-1(1996), which may include, but are not limited to, the following plant materials:

(a) *Trees permitted.* The following includes, but may not be limited to, trees that are generally permitted as they are considered to be suited to the township/Michigan environment:

Deciduous/Canopy Trees

Deciduous/Canopy Trees

Ash
Beech
Birch
Bradford Pear
Hard Maple
Honey Locust (without thorns)
Linden
Oak
Plane Tree (Sycamore)
Sweet Gum
Zelcova

Evergreen Trees

Douglas Fir
Fir
Hemlock
Juniper
Pine
Spruce

Narrow Evergreen Trees

Narrow Evergreen Trees

Blue Columnar Chinese Juniper
Columnar Giant Arborvitae
Columnar Honoki Cypress
Douglas Arborvitae
Irish Yew
Pyramidal Red Cedar
Pyramidal White Pine
Swiss Stone Pine

Ornamental Trees (2 = 1 Canopy Tree)

Ornamental Trees (2 = 1 Canopy Tree)

Dogwood
Flowering Crab
Hawthorn
Hornbeam
Japanese Cherry
Magnolia
Mountain Ash
Red Bud
Serviceberry

(b) *Trees not permitted.* The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers and they are unusually susceptible to disease or insects:

Black Locust
Box Elder
Catalpa
Cottonwood
Elm
Ginkgo (female)
Honey Locust (with thorns)
Horse Chestnut (nut bearing)
Mulberry
Poplar
Soft Maple (Red, Silver)
Tree of Heaven
Willow

(c) *Minimum sizes and spacing.* The minimum plant sizes and spacing shall be provided in accordance with the following:

Minimum Plant Sizes Spacing Requirements

Deciduous canopy trees 2" caliper 25' on-center Ornamental trees 2" caliper

6' height (clump form) 15' on-center

Evergreen trees 8' height 8' on-center Narrow evergreen trees 5' height 6' on-center

Wherever screening is required, screening shall consist of closely spaced evergreen tree plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen tree plantings.

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(d) *Mixing of species.* The overall landscape plan shall not contain more than 33% of any 1 plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.

(3) *Incentives to preserve existing trees.* The standards listed below are intended to encourage the preservation of quality and mature trees by providing credits toward landscape components.

(a) All trees over 6 caliper inches must be identified on the site plan. Trees intended to be preserved shall be indicated on the site plan with a distinctive symbol and protected during construction. Identified trees shall not include those trees not permitted as listed in (B)(2)(b) of this section.

(b) To obtain credit, the preserved trees shall be in good health, as confirmed by the township, and at least 2-1/2 inches caliper in size. Any quality tree between 2-1/2 inches and 8 inches caliper (evergreens between 5 feet and 8 feet) shall be calculated as 1 required tree, trees greater than 8 inches caliper (evergreens greater than 8 feet) shall be credited as 2 required trees.

(c) The landscape plan shall include a matrix that lists required trees and credits for preserved trees.

(d) Prior to any site work, tree protection fence or other appropriate method shall be placed at the drip-line of the tree (drip line is measured vertically from the edge of the furthest branches, i.e., the tree canopy). The ground area within the fence line shall be maintained with mulch or pervious surface cover. Storage of soils or other materials during or after construction within the dripline is prohibited.

(e) If trees are found to be unhealthy, damaged or removed within 2 years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.

(f) Tree credits may account for up to 50% of the trees required by this section.

(4) *Minimum standards for installation, irrigation and maintenance.*

(a) *Timing of planting.* All required plant materials shall be planted prior to issuing a final certificate of occupancy. In the event that the project is completed during a time of year where planting is impractical, a financial guarantee in the amount of the remaining improvements shall be provided per § 152.182.

(b) *Completion of improvements.* Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.

(c) *Irrigation.* The Planning Commission shall require the source of a readily available water source for irrigation of plant material. An underground irrigation system may be required in instances where the location or design of the landscape plan requires such system in order to properly maintain plant materials.

(d) *Maintenance.* Landscaped areas and plant materials required by this section shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within 30 days written notice from the township or within an extended time period as specified in said notice.

(5) *Buffer/transition zone requirements.*

(a) A buffer/transition zone shall be provided within the setback between the subject site and all adjacent parcels, except where a greenbelt along a right-of-way is required, according to the table below. The Planning Commission shall determine whether landscaping, a wall, a berm or a combination is needed to attain the screening intended by this section.

(b) A buffer/transition zone may include preservation of existing woodlands or slopes, plus the addition of landscaping to provide an effective screen.

Zoning of Adjacent Site

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Zoning or Use of Subject Site	Single Family*	Housing Development	Industrial
		Multiple Family	Office Commercial
	Manufactured		

Zoning or Use of Subject Site	Zoning of Adjacent Site		
	Single-Family	Single Family* Multiple Family	Manufactured Housing Development

Residential none none none B A A

Multiple-Family

Residential B none B B A A

Manufactured

Housing development B B none A A A Offices B B B none none none Commercial A A A B none none Industrial

A A A B B none

Public utility buildings

in any district B B B B B

Parking lots in any zoning district and/or landscaped berms sufficient to canopy trees, evergreens used within
 Minimum setback of 25 feet, wall screen headlights (min. 4 feet high) the setback
 Minimum setback of 10 feet with

Buffer Zone Minimum Width Wall/Berm^a Minimum Plant Materials

1 canopy tree, 2 evergreen trees per each 20 linear feet along the property line, rounded upward each 30 linear feet along the property line, rounded upward 6-foot high continuous wall or 4-foot high berm

1 canopy tree, 1 evergreen trees per Note: A 30 feet B 20 feet 6-foot high continuous wall or 3-foot high berm

^a Berms shall have a maximum slope of 1 foot of vertical rise to 3 feet of horizontal distance (1:3) with a crest area at least 4 feet wide.

(6) *Detention/retention pond landscaping.* Ponds shall be located outside required setbacks. Detention and retention ponds shall be provided in accordance with the following standards:

(a) Side slopes shall not exceed requirements that require the perimeter of the pond to be fenced.

(b) One canopy or evergreen tree is required per 50 feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.

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(7) *Standards for compliance for pre-existing sites.* In any case where the building and/or parking area is being increased by at least 25% over the originally approved site plan or is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than 25% over the original site plan, the extent of new landscaping shall be equal to 4% of compliance for every 1% of increase in building or parking footprint. For example, a building or parking area increase of 10% requires 40% compliance with the landscape standards.

(8) *Surety bonds.* Where the installation of landscaping is deferred until after occupancy of the project, the township shall require a performance guarantee for tree planting.

(C) *Residential developments.* The selection, size, spacing and planting of all landscaping within a residential development shall comply with the landscaping standards of this chapter and the following standards:

(1) *General standards.*

(a) Tree species should be selected, per division (B)(2) of this section, for tolerance of the harsh roadside conditions in southeast Michigan, for compliance with sight distance requirements, to ensure maintenance of accessibility to fire hydrants, to provide a minimum overhead clearance of 15 feet over any roadway and 8 feet over a sidewalk or bike path, and to avoid interference with overhead or underground utility lines.

(b) Plantings within 15 feet of a fire hydrant shall be no taller than 6 inches.

(c) The development and planting of required landscaping shall be the responsibility of the proprietor, not the individual lot owner.

(d) The Planning Commission, may approve fewer trees if the proprietor provides evidence that existing healthy trees over 2.5 inch caliper per division (B)(2)(c) of this section.

(e) All landscaping within the county road rights-of-way/easements shall require an approval from the county agencies.

(2) *Greenbelt.*

(a) When a residential development borders a major thoroughfare, and wherever a rear yard abuts a public street or private road, an easement for construction of a 35-foot wide landscape greenbelt shall be provided, in addition to the required rear yard setback, measured from the interior setback line.

(b) Greenbelts shall include living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

(c) The greenbelt shall contain a minimum of 1 canopy tree or evergreen tree per 30 linear feet, or fraction thereof, of road frontage including any openings for driveways, pathways or easements. The Planning Commission may require the substitution of evergreen trees due to site conditions.

(d) Ornamental trees may be used to diversify greenbelt planting requirements, provided 2 ornamental trees shall be provided for each 1 required canopy tree or evergreen tree.

(e) Existing natural features shall be retained wherever possible to promote a natural appearance and to protect the existing ecosystem within the greenbelt.

(f) Where a freeform berm is used as part of the landscape greenbelt, the minimum height shall be 2 feet, 6 inches.

(g) The maximum slope of the berm facing the primary road shall be 6:1 and the maximum slope of the berm facing the inside of the lot shall be 3:1.

(h) The construction of the greenbelt and its plantings shall be the responsibility of the developer and not the individual lot owner(s).

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(3) *Transitional or buffer zone.* The Planning Commission may require landscaping along the periphery of the residential development to serve as a buffer zone from adjacent uses. A buffer zone may include trees, berms or a combination. A transition zone may include preservation of existing woodlands, slopes, or the addition of landscaping to provide an effective screen.

(4) *Street trees.*

(a) The minimum size of all street trees shall be 2-inch caliper.

(b) One canopy tree shall be planted for every 40 linear feet within a median boulevard and other open areas abutting street frontages.

(c) Street trees shall be planted so that each lot has at least 2 canopy trees and each corner lot has

at least 3 canopy trees. Street trees shall be placed to avoid any future driveway locations.

(d) Street trees shall be at least 50 feet from the intersection of 2 street right-of-way lines or access easements.

(e) Street trees shall be planted between the curb and sidewalk; where curbs or sidewalks do not exist, trees shall be located between the front property line and the edge of the pavement but outside of areas needed for open ditches or potential future sidewalks. Where tree location in the public right-of-way is not possible due to conflicts with overhead or underground utility lines or restrictions of the County Road Commission, street trees may be located on private property within 5 feet of the road right-of-way or utility easements. Trees shall be within 5 feet of the road right-of-way or easement and shall not interfere with sight distance required by the County Road Commission.

(f) The lowest branch of any canopy tree shall provide a minimum 15-foot clearance over a public street or private road, and a minimum 8 feet above grade from a sidewalk or bike path. Greater clearances shall be provided if required by the County Road Commission.

(g) The Planning Commission may allow existing trees 2-1/2 inch caliper or greater, preserved in good condition, to be counted towards meeting the above requirements per division (B)(2)(c) of this section.

(5) *Landscaping in cul-de-sacs.* Where a cul-de-sac contains an island, the island must be mounded to a height of between 1 foot, 6 inches and 2 feet, 6 inches and planted with grass or ground cover.

(6) *Subdivision/site condominium entrances.*

(a) Subdivision entrances may include landscaping, lighting, identification signs, wrought iron fences or other architectural features. All features shall comply with the Zoning Code. A detail of the entranceway shall be submitted with the site plan/plat.

(b) The lighting for entryway signs must be ground-mounted with no more than two 125 watt bulbs directed toward each face of a sign. In no case shall high pressure sodium or other non-standard bulbs be utilized.

(c) Any features proposed to be placed within the county road right-of-way must meet County Road Commission design and sight distance standards.

(d) Any features proposed to be placed outside of the county road right-of-way must be located within an easement recorded for the maintenance of such features by the subdivision/ condominium association.

(D) *Commercial/industrial developments.*

(1) *Design standards; roadside greenbelts.* A greenbelt shall be planted or preserved along public right-of-ways and designated frontage roads. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:

(a) The width of the greenbelt shall be a minimum of 35 feet.

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(b) Greenbelts shall include living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

(c) The greenbelt shall contain a minimum of 1 canopy tree or evergreen tree per 30 linear feet, or fraction thereof, of road frontage including any openings for driveways, pathways or easements. The Planning Commission may require the substitution of evergreen trees due to site conditions.

(d) Ornamental trees may be used to diversify greenbelt planting requirements, provided 2 ornamental trees shall be provided for each 1 required canopy tree or evergreen tree.

(e) Greenbelt plantings may be arranged to simulate a natural setting such as massing or staggered rows.

(f) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground

utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials so as long as the design intent is met.

(2) *Buffer zones.* All buffer zones shall comply with the general provisions of this section.

(3) *Parking lot landscaping (see also § 152.066).* Parking lot landscaping shall require at least 1 canopy tree or evergreen tree to be provided per 8 parking spaces.

(E) *Waiver or modification of landscaping and screening requirements.* During site plan or subdivision plat review, the Planning Commission may determine that existing plant material would provide adequate landscaping, screening, or conditions unique to the subject parcel would prevent development of required landscape components. If such a determination is made, the Planning Commission may waive or modify the landscape provisions of this section in consideration of, but not limited to, the following:

(1) Existing vegetation;

(2) Topography and grade changes;

(3) Conflicts with utilities;

(4) Presences of existing wetlands;

(5) Type of and distance to adjacent land uses;

(6) Tree sizes proposed are larger than the minimum requirements;

(7) Required landscaping would impose greater drainage impacts on adjacent lands than an alternative design;

(8) Existing zero lot line development pattern in the central business district; and

(9) Future land use designation proposed in the Township Master Plan.

(Ord. § 6.03, passed 5-22-1997; Am. Ord. 394, passed 1-11-2001; Am. Ord. 424, passed 12-14-2006)

SIGNS

§ 152.085 PURPOSE AND INTENT.

The purpose of this subchapter is to establish a set of standards for the fabrication, creation, and use of signs, symbols, marking or adverting devices within the township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the township master plan, and this chapter; and enhance the aesthetic appearance within the township. The standards contained in this subchapter are intended to be content neutral. These objectives are

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accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the township to:

(A) Recognize that the proliferation of signs is distracting to motorists and non-motorized travelers, reduces the effectiveness of signs that provide safety directions and warnings to the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.

(B) Reduce visual pollution caused by a proliferation of signs that negatively influence the township's appearance, quality of life and, ultimately, property values.

(C) Prevent signs that are potentially dangerous to the public due to structural deficiencies, disrepair, and distraction for motorists, limitations on sight distance or close proximity to roads.

(D) Eliminate potential conflicts between business signs and traffic control signs that could create confusion and hazardous consequences.

(E) Recognize that the principal intent of commercial signs, to meet the purpose of these standards

and serve the public interest, should be to identify an establishment on the premises, and not for advertising special events, brand names or off-premises activities, as these can be advertised more appropriately by other methods.

(F) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

(G) Prevent placement of signs that will conceal or obscure signs of adjacent uses.

(H) Protect the public right to receive messages, such as religious, political, economic, social, philosophical and other types of information protects by the First Amendment of the U.S. Constitution.

(I) Prevent off-premises signs from conflicting with land uses.

(J) Maintain and improve the image of the township by encouraging signs of consistent size that are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

(K) Restrict the use of portable commercial signs for use only to announce a grand opening or a specific event in recognition of the significant negative impact on traffic safety and aesthetics caused by a proliferation or more frequent use of use signs.

(L) Where other more general provisions of this subchapter may conflict with the specific requirements of this subchapter, the requirements of this subchapter shall supersede the general requirements.

(Ord. 434, passed 7-10-2008)

§ 152.086 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign that advertises a product that is no longer made, a business that is closed, or a past event.

AGRIBUSINESS. A sign that identifies a permitted agribusiness such as, but not limited to, a greenhouse, dog kennel, orchard, nursery, or other specialized use or recreational use such as, but not limited to, a golf course, ski club, riding stable.

AWNING/CANOPY SIGN. A non-rigid or rigid fabric marquee or awning-type structure that is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo attached directly to, or painted or otherwise inscribed upon an awning or canopy.

BANNER SIGN. A fabric, plastic, or other sign made of non-rigid material without an enclosed structural framework.

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BILLBOARD. See also **OFF-PREMISE SIGN.** A structure for the permanent display of off-premises advertising. Off-premise advertising is any commercial message referring or relating to an enterprise or business that is not conducted on the premises where the sign is located.

BUSINESS CENTER. A grouping of 2 or more business establishments on 1 or more parcels of land that may share parking and access and be linked architecturally or otherwise present the appearance of a unified grouping of businesses. A **BUSINESS CENTER** shall be considered on use for the purposes of determination of the maximum number of freestanding signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or different manufacturer's vehicles available. However, used vehicle sale lots shall be considered a separate use in determining the maximum number of freestanding signs, provide that the used sales section of the lot includes at least 25% of the available sales area.

CANOPY SIGN. See **AWNING SIGN.**

BUSINESS FRONTAGE. See **FRONT OF BUILDING.**

CHANGEABLE MESSAGE/READER BOARD/MESSAGE BOARD SIGN. That portion of a sign on

which copy is changed manually or electronically. Electronic reader boards (ERB) are defined as a changeable message sign and further include dynamic message signs (DMS), electronic billboards (EBB) light emitting diode (LED) displays, and other similar signs.

COMMERCIAL VEHICLE SIGN. A commercial vehicle that displays a sign and is parked on a non residential lot in a manner and duration intended to have it serve as a sign.

COMMUNITY IDENTIFICATION SIGN. A sign placed at or near the entrance to a unified residential development consisting of at least 5 dwellings and displaying the name of the residential community or other unified development such as an apartment complex, condominium community, senior housing complex, mobile home park or similar residential use.

COMMUNITY SPECIAL EVENT SIGN. Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.

CONSTRUCTION SIGN. A sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects and financiers of a project being constructed or improved but not including advertising of any product or announcement of space availability.

CURB LINE. The back line of a curb.

DAY. A calendar day rather than a business day.

DIRECTIONAL SIGN. A sign that assists motorists in determining or confirming a correct route; specifically, "enter" or "exit" and parking signs.

DIRECTLY ILLUMINATED SIGN. A sign illuminated with a light source that is not shielded.

FLASHING SIGN. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a **FLASHING SIGN**.

FREESTANDING/POLE/PYLON SIGN. A sign which is erected upon or supported by the ground on 1 or more poles, uprights or braces which do not have the appearance of a solid base.

FRONT OF BUILDING/BUSINESS FRONTAGE. The wall of the building fronting on the road which is the address of the premises.

GROUND/MONUMENT SIGN. A 3-dimensional, self-supporting, base-mounted freestanding sign, consisting of 2 or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

INCIDENTAL/NON-COMMERCIAL SIGN. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card

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signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations, political or religious philosophy or opinion.

INDIRECTLY ILLUMINATED SIGN. A sign illuminated with a light source so shielded as to illuminate only the surface of the sign.

INSTITUTIONAL SIGN. A sign, which by symbol or name identifies an institutional use permitted within a residential zoning district.

MARQUEE SIGN. A permanent structure constructed of rigid materials that project from the exterior wall of a building upon which a sign is attached directly or is painted or otherwise inscribed upon a marquee.

MESSAGE BOARD. See **CHANGEABLE MESSAGE SIGN**.

MURAL. A design or representation painted or drawn on a wall, which does not advertise an establishment, product, service, or activity.

NAMEPLATE. A non-electronic on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

NON-COMMERCIAL SIGN. See **INCIDENTAL SIGN.**

OBSOLETE SIGN. See **ABANDONED SIGN.**

OFF-PREMISE SIGN. A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located (such as, billboards, garage sale signs, residential open house signs, business or institutional signs that are not located on the premises of the identified function). Also, signs that direct travelers or provides a message unrelated to the site where the sign is located.

ON-PREMISE SIGN. A sign advertising a business, service, or product sold or produced on the same site or parcel.

POLE SIGN. See **FREESTANDING SIGN.**

POLITICAL SIGN. A temporary sign used in connection with an expression of a political opinion or message or an official township, school district, county, state, or federal election or referendum sign.

PORTABLE SIGN. A sign designed to be moved easily and not permanently attached to the ground, structure, or a building, including signs with wheels, A-frame signs, signs mounted on vehicles for advertising purposes, hot-air and gas filled balloons, pennants, streamers, ribbons, pinwheels, non governmental flags and searchlights.

POSTER PANEL SIGNS. A portable advertising or business ground sign constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

PREMISES. A unit of contiguous property under common ownership.

PROJECTED SIGN. A sign, other than a wall sign, that is affixed to any building wall surface and the leading edge of the sign extends more than 12 inches beyond the building wall surface.

PYLON SIGN. See **FREESTANDING SIGN.**

READER BOARD. See **CHANGEABLE MESSAGE SIGN.**

REAL ESTATE SIGN. An on-premise temporary sign advertising the availability of property or structures for sale, lease or rent.

REGULATORY SIGN. A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information that conforms with the Michigan Manual of Uniform Traffic Control Devices.

RESIDENTIAL DEVELOPMENT SIGN. See **COMMUNITY IDENTIFICATION SIGN.**

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RESIDENTIAL IDENTIFICATION SIGN. A sign identifying the name of the occupant, excluding the street address.

ROOF SIGN. A sign mounted on the roof of a building, lying either flat against the roof or upright at an angle to the roof pitch.

SIGN. Any object, structure, fixture, figure, banner, pennant, flag, balloon or placard that consists of written copy, symbols, logos and/or graphics; used to identify, advertise, display, direct or attract attention to an object, establishment, institution organization, product, goods, services or other message to the general public by means which may include words, letters, figures, symbols, colors, illuminated or projected images.

SPECIAL EVENT SIGN. Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies, nonprofit organizations, or by businesses for events such as, but not limited to, grand openings, sidewalk sales, seasonal displays and/or special programs.

SUBDIVISION ENTRANCE/RESIDENTIAL DEVELOPMENT SIGN. See **COMMUNITY IDENTIFICATION SIGN.**

TEMPORARY SIGN. A sign, banner or other advertising device with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative display for holidays, or public demonstration.

WALL SIGN. A sign placed or painted flat on the wall surface of a building. This definition does not include roof signs as separately defined herein.

WINDOW SIGN. A sign installed on or inside a window and intended to be viewed from the outside.
(Ord. 434, passed 7-10-2008)

§ 152.087 ADMINISTRATION.

(A) *Review and approval.* No sign, permanent or temporary, shall be erected, structurally altered, or relocated, except as otherwise provided in this subchapter, without review and approval of the Building Department.

(B) *Application.* The application for building permit shall be provided by the Building Department and shall contain the proposed location of the sign, the name and address of the sign owner and the sign erector, the name and address of the owner of the business and of the property if different from that of the sign owner, drawings and/or sketches showing the design and location of the sign, and any other information as required by the Building Department to ensure compliance with this subchapter and other ordinances of the township.

(C) *Fees.* All permit fees for signs shall be established by resolution of the Board of Trustees.

(D) *Nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within 6 months after the date of the permit.

(E) *Cost of enforcement.* Any costs or expenses incurred by the township in enforcing this subchapter shall be paid by the owner of the sign found to be in violation of this subchapter; or upon default thereof, by the owner of the sign or the owner of the property to reimburse the township for costs and expenses incurred in such enforcement, the owner of the property shall be billed for such costs and expenses in the same manner as other taxes.

(F) *Exceptions.* The following shall not require a sign permit:

(1) *Replacing copy.* The changing of the advertising copy or message on an approved painted or printed sign, on a theater marquee and on similar approved signs which are specifically designed for the use of replaceable copy; and

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(2) *Maintenance.* Painting, repainting, cleaning or other normal maintenance or repair of a sign or a sign structure, unless a structural change is made.

(G) *Certificate of compliance/occupancy.* All signs shall require a final inspection and the issuance of a certificate of compliance/occupancy from the Building Department. The property owner shall notify the Building Department immediately upon erecting the sign to request the final inspection.

(Ord. 434, passed 7-10-2008)

§ 152.088 REGULATIONS.

The Michigan Basic Building Code, as adopted by the Board of Trustees, is the code of the township for the engineering, design, construction and installation specifications for signs regulated by the terms of this subchapter.

(A) *Measurement of allowable sign area.*

(1) The allowable area for signs shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a triangle, circle, parallelogram or rectangle including any frame.

(2) Where a sign has 2 or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, the same size, contain the same message and are separated by no more than 2 feet.

(3) For the purposes of calculating sign area allowed as wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) that includes the portion of the canopy that contains a message symbol and/or logo.

(B) *Height.*

(1) The permitted height of all signs supported by the ground shall be measured from the level of the ground adjacent to the sign if the finished grade is level.

(2) If the ground adjacent to the sign is not level, the height of the sign shall be measured from the average elevation of the ground in the general area surrounding the sign.

(3) The permitted height of signs shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by this subchapter (such as, the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

(C) *Location.* No sign, except those established by the township, county, or state or federal governments shall be located in, project or overhang into any public right-of-way or dedicated easement.

(D) *Sign setbacks.*

(1) All permanent signs, shall be set back a minimum of 10 feet from any public street right-of-way line, except residential identification signs allowed by this subchapter that are not required to set back from the public or private street right-of-way. The required setback distance for all other signs shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the street right-of-way.

(2) Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all non-residential signs shall be setback at least 100 feet from any residential district.

(E) *Design and construction.*

(1) Signs shall not have light reflecting backgrounds but may use light reflecting lettering.

(2) All ground signs must be planted with a combination of low shrubbery and perennial/annual plantings.

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(3) The maximum distance between parallel sign faces on a double-faced sign shall be 20 inches.

(4) The background of a multiple tenant commercial or shopping center signs, including individual sign panels within the sign, shall be 1 color. However, individual businesses may have different colored lettering or advertising.

(5) All portable signs shall be constructed and maintained by the owner in such a manner and of such materials so that they withstand environmental conditions.

(F) *Materials.* As permitted in the various zoning districts, signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Natural materials, such as wood and natural stone are encouraged.

(G) *Illumination.*

(1) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign or internal to it.

(2) Use of glaring undiffused lights or bulbs shall be prohibited.

(3) Lights shall be shaded so as not to project onto adjoining properties or thoroughfares. (4)

Underground wiring shall be required for all illuminated signs not attached to a building.

(H) *Safety.* Every sign shall be constructed and maintained in a manner consistent with the applicable

building code provisions; maintained in good structural condition at all times; and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot, and able to withstand other environmental concerns. All signs, including any cables, guy wires or supports shall have a minimum clearance of 4 feet from any electric fixture, street light or other public utility pole or standard. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood, plastic, and other parts and supports.

(I) *Clear vision zone.* In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 2 feet and 6 feet within a triangular area measured 25 feet back from the point of intersection of public or private road right-of-way lines or at a commercial driveway or private road. Greater clear vision areas may be required by the Michigan Department of Transportation or the County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices of street signs.

(J) *Change of sign message or business.* The Zoning Administrator may authorize a change in the lettering or business advertised on a sign if no additional surface area or change in location is proposed for an existing sign.

(K) *Bonus.* The Planning Commission may permit up to a 10% increase in the maximum permitted free-standing sign area, at the sole discretion of the Commission, if extensive landscaping and a decorative base, consistent with the materials of the principal building or overall site plan, are provided.

(Ord. 434, passed 7-10-2008)

§ 152.089 SPECIFIC SIGN TYPE REQUIREMENTS.

The following signs are permitted provided that all standards are met in addition to obtaining applicable permits from the Building Department:

(A) *Agribusiness or recreational use signs.*

(1) Shall be allowed 1 permanent sign identifying a permitted agribusiness, such as but not limited to: greenhouses, dog kennels, orchards, nurseries, golf courses, riding stables, or other specialized use or

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recreational use; and

(2) Shall not exceed an area of 50 square feet with a maximum height of 6 feet.

(B) *Billboards/off-premise signs.*

(1) Shall only be allowed in commercial or industrial zones;

(2) Shall be permitted only within 300 feet of I-69, M-21 (Corunna Road), or M-13 (Sheridan Avenue) rights-of-way;

(3) Shall be located a maximum of 1,000 feet from residentially zoned land.

(4) Shall be separated by at least 2,000 linear feet from any other billboard/off-premise sign;

(5) Shall not exceed an area of 1,200 square feet with a maximum height of 35 feet as measured from the elevation of I-69, or M-21, or M-13 directly opposite the lot on which the sign is located; and

(6) Shall also be regulated by the Highway Advertising Act, P.A. 106 of 1972, as amended.

(C) *Changeable message/reader board signs (all).*

(1) Shall be allowed only on ground signs in non-residential zones;

(2) Shall not exceed more than 40% of total sign area;

(3) Shall be allowed with a single background color and a single text color;

(4) Gasoline price signs may be permitted as part of a ground sign, but the price signs shall not to

exceed 20 square feet in area;

(5) Theater marquee signs are not to exceed 100 square feet in area; and

(6) Electronic boards shall:

(a) Not be less than 1 minute in duration;

(b) Not be programmed with any animated, scrolling or flashing messages, symbols, logos, or other graphics. Only text and static logos are permissible;

(c) Have a minimum separation distance of 200 feet from any other reader board;

(d) Shall comply within the following thresholds for luminance:

Day 60 – 1,000 cd/m²

Night 100 – 350/m²

The day/night transition shall occur within 1/2-half hour of the official sunrise/sunset

(e) Be maintained in good repair at all times. If any part of the message display is not functioning properly, the use of the reader board sign will be discontinued until sufficient repairs are made.

(D) *Church signs.*

(1) Shall be allowed in all districts for the purpose of identifying the church or church affiliated school, parsonage, or other facility (for signs including a message or bulletin-type face also see institutional bulletin board signs);

(2) Shall be allowed 1 sign per parcel, except on a corner parcel, where 2 signs shall be permitted facing respective streets. One additional sign shall be permitted for each school, parsonage, or other related facility;

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(3) Shall not exceed 32 square feet with a maximum height of 6 feet (an area of 50 square feet allowed when used in conjunction with institutional bulletin board); and

(4) Shall comply with all setback requirements for the district in which they are located.

(E) *Community identification signs.*

(1) Shall be allowed 1 permanent sign per entrance to a residential development;

(2) Shall not exceed an area of 64 square feet with a maximum height of 6 feet;

(3) Shall be allowed 2 signs in a wing-wall arrangement facing opposite directions on opposite sides of an entrance drive may be permitted by the Planning Commission in cases where it is demonstrated that a single 2-sided sign could not be seen by approaching traffic from both directions on a single road or where the 2-sided sign will create a traffic hazard.

(F) *Freestanding/pole/pylon signs.*

(1) Shall be allowed 1 sign per business or shopping/business center advertising name of establishment or center;

(2) Shall not exceed a total display area of 200 square feet with a maximum height of 30 feet. Wall or canopy signs shall be permitted for individual businesses in a shopping/business center. Individual business shall not be permitted to establish free-standing signs; and

(3) Shall be set back a minimum of 10 feet from all road rights-of-way or easement lines. (G)

Institutional bulletin board signs for churches, schools, municipal buildings, museums, or libraries. (1)

Shall be permanent signs;

(2) Shall not exceed an area of 50 square feet with a maximum height of 6 feet; and

(3) Shall be setback a minimum of 10 feet from the road right-of-way.

(H) *Menu board signs.*

(1) Shall be allowed only in commercial zones where conforming use includes a drive-through facility;

(2) Shall be allowed 2 signs per location. The menu board may contain a communication system for placing orders for food or other merchandise;

(3) Shall not exceed an area of 24 square feet;

(4) Shall not be located between the front wall of the principal structure on the site and the street.

(I) *Real estate development sales/construction signs.*

(1) Shall be allowed in all zoning districts;

(2) Shall be allowed 1 sign per site, erected during the construction period and shall be removed 14 days after final occupancy permit is issued;

(3) Shall not exceed an area of 32 square feet with a maximum height of 6 feet; (4)

Shall be set back a minimum of 10 feet from any property line or right-of-way. (J)

Wall signs.

(1) Shall be flat signs attached and parallel to the face of the building wall;

(2) Shall be allowed 1 sign per street on each parcel;

(a) Buildings adjacent to I-69 shall be permitted 1 additional wall sign facing I-69;

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(b) Shopping centers or multi-tenant buildings shall be permitted 1 wall sign per tenant. Tenants occupying a corner space shall be permitted to have 1 sign per side of building. Where several tenants share a common entrance only 1 wall sign shall be permitted, with the total sign area allocated among the tenants;

(4) Shall not exceed 90% of width of wall to which sign is attached with a maximum height of 10 feet;

(5) Shall extend no greater than 15 inches from the exterior face of the wall to which it is attached; (6)

Shall be a minimum of 8 feet above the ground level or sidewalk, whichever is greater; and (7) Shall not extend or project above the highest elevation of the wall to which it is attached. (K) *Window signs.*

(1) Shall be allowed 1 sign per window;

(2) Shall not cover more than 25% of the window;

(3) Shall count towards permitted wall sign area; and

(4) Shall not be illuminated by a direct light source.

(L) *Political signs.* Other than official government signs or warning signs required by law, no campaign sign shall be permitted without complying with the following requirements.

(1) *Posting.* A campaign sign posted on private property must have permission of the property owner before placing a sign in the yard; even if the person is a known supporter.

(2) *Time frame.* Campaign signs may be posted 30 days prior to the election date and must be removed within 10 days after the election.

(3) *Location.*

(a) Campaign signs cannot be posted in a place that blocks the public right-of-way. For example, signs cannot be set in a place which obstructs the view of cars and/or pedestrians.

(b) Campaign signs cannot be posted on any municipal or governmental properties.

(4) *Size.* Campaign sign dimensions may range between 2 feet by 2 feet [2' x 2'] and 4 feet by 8 feet [4' x 8'].

(5) *Style.* Style is subject to the sponsor but must not violate the provisions outlined in § 152.091, Prohibited Signs.

(6) *Compliance.* Campaign signs not meeting the aforementioned criteria must be removed. Any person, partnership, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply or who resists the enforcement of any of the provisions of Title XV, Chapter 152, § 152.089(L), political sign ordinance, shall be deemed responsible for a civil municipal infraction subject to the terms and penalties set forth in §§ 150.65 through 150.72.

(Ord. 434, passed 7-10-2008; Am. Ord. 444, passed 9-12-2013)

§ 152.090 EXEMPT SIGNS.

(A) *Construction signs.* Construction signs are subject to height and clearance limitation applicable to the premises for a permanent sign, and subject to the following:

(1) Signs in residential districts provided that they do not exceed 16 square feet in surface area per face and are set back at least 15 feet from the road right-of-way.

(2) Signs in all other districts provided they do not exceed 192 square feet in surface area and are set back at least 5 feet from the nearest property line, and shall be erected in such a manner as not to

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create a traffic vision hazard.

(3) Construction signs shall not be permitted in any district for more than 10 days after issuance of the occupancy permit.

(B) *Flags.* Flags which are decorative or bear the official design of a nation, state, municipality, educational institution, or non-profit organization.

(C) *Garage sale/estate sale signs.* Garage sale/estate sale signs provided that they are not attached to public utility poles and/or and do not exceed 6 square feet in area; and that they are erected no more than 10 days before the sale day and are removed within 1 day after the announced sale.

(D) *Gas station pump island signs.* Gas station pump island signs located on the structural supports identifying "self-serve" and "full-serve" operations, provided that there is no business identification or advertising copy on the signs, that there are no more than 2 signs per pump island and that the signs do not exceed 4 square feet in area.

(E) *Help wanted signs.* Help wanted signs soliciting employees for a place of business provided that the maximum area for all such signs shall be 6 square feet in area and posted at the place of business.

(F) *Historical designation signs.* Historical designation signs designating a building as a historic structure and/or a designation as a centennial farm, such signs shall not exceed 16 square feet in area.

(G) *Integral signs.* Integral signs are memorial signs or tablets names of buildings and date of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the structure and not exceeding 25 square feet in area.

(H) *Menu and order boards.* Menu and order boards for drive-through facilities provided the signs shall be located on the interior of the lot and not legible from adjacent properties. The placement, size, content, manner of illumination and sound level of the signs shall not constitute a traffic or pedestrian hazard and shall not be located in a front yard.

(I) *Miscellaneous signs.*

(1) *Gas station pumps, vending machines, and ice containers.* Gas station pumps, vending machines, and ice containers placards, not to exceed 2 square feet in area, located on top of gas station pumps, vending machines, and ice containers which indicate the contents and/or announcing on-premises sales.

(2) *Non-commercial sign.* Non-commercial sign provided the signs do not exceed 2 square feet in area.

(3) *Sign in enclosed building.* Any sign which is located completely within an enclosed building and not visible from outside the building.

(J) *Nameplates.* Nameplates identifying the occupants of the building shall not exceed 2 square feet. A limit of 1 nameplate sign per lot shall be permitted per residence or business. In the case of a corner lot, a maximum of 2 nameplate signs may be permitted per residence or business.

(K) *Real estate related signs.*

(1) *Real estate signs.* Real estate signs advertising a single lot or residence not exceeding an area of 8 square feet.

(2) *Portable real estate "open house" signs.* Portable real estate "open house" signs with an area no greater than 4 square feet.

(3) *Model signs.* Model signs which are temporary signs directing the public to a model home or unit, such signs shall not exceed 6 square feet in area.

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(4) *Rental office directional sign.* Rental office directional sign, up to 2 signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of 4 feet in height, are set back a minimum of 10 feet from any property line or public right-of way, and do not exceed 3 square feet in area.

(L) *Residential identification signs.* Residential identification signs identifying the address and occupant of a residence of a total height no greater than 6 inches for residences and 18 inches for businesses. A limit of 1 sign per lot shall be permitted per residence or business. In the case of a corner lot, a maximum of 2 address signs may be permitted per residence or business. Address numbers on mailboxes are excluded from these requirements.

(M) *Seasonal decorations and community event signs.* Seasonal decorations and community event signs which advertise public entertainment or events of public interest, providing the sign be erected not more than 21 days before and 7 days after the event and may not exceed 32 square feet in area.

(N) *Traffic related signs.*

(1) *Regulatory, directional and street signs.* Regulatory, directional and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual, and the Uniform Federal Accessibility Standards and Michigan Barrier-Free Manual and other signs erected to comply with other governmental regulations.

(2) *Private traffic control signs.* Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

(3) *Parking lot signs.* Parking lot signs indicating restriction on parking, when placed within a permitted parking lot, shall be a maximum of 6 feet in height, and shall not exceed 6 square feet in area.

(4) *Driveway directional signs.* Driveway directional signs no more than 1 directional sign shall be permitted per approved driveway, with a maximum sign area of 4 square feet per sign, and a maximum height of 3 feet. Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable business sign square footage, as specified.

(O) *Vehicle signs.* Vehicle signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business.

(P) *Warning signs.* Warning signs not exceeding 6 square feet in area where only 1 sign is used or 2 square feet where 2 or more signs are used which include, but are not limited to, warning of electrical currents, "No Trespassing", "No Hunting", "Beware of Dog" and "No Dumping" signs, such signs shall be spaced no closer than necessary to alert the public of the restriction.

(Ord. 434, passed 7-10-2008; Am. Ord. 443, passed 9-12-2013)

§ 152.091 PROHIBITED SIGNS.

(A) Any sign not expressly permitted.

(B) Any sign or sign structure which:

(1) Is structurally unsafe;

(2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

(3) Constitutes a hazard to safety or health by reason of blocking views;

(4) Is capable of causing electric shock to a person who comes in contact with it;

(5) Is unlawfully installed, erected, or maintained;

(6) Is located in a public street or utility right-of-way, except where expressly permitted herein; or

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(7) Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.

(C) Abandoned/obsolete signs.

(D) Real estate signs no longer valid due to the sale, rental, or lease of the property.

(E) Signs with flashing or moving lights.

(F) Moving signs, including any sign which has visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current, excludes barber poles and electronic time/temperature signs that do not contain business messages.

(G) Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals.

(H) Any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

(I) Any signs which contains obscene, indecent, or immoral matter.

(J) Any sign erected within 10 feet of a fire hydrant.

(K) Any sign which obstructs vision or free access to or egress from a required door, window, fire escape, or other required exit from a building or structure.

(L) Balloons, pennants, festoons, inflatable figures, spinners, and streamers, unless specifically permitted by this subchapter.

(M) String lights used for commercial purposes, other than holiday decorations. Holiday decorations are admissible only 45 days per calendar year per holiday.

(N) Any sign erected on a tree or utility pole, except government or utility signs of a government or utility.

(O) Portable signs, except where expressly permitted by this subchapter.

(P) Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes, and parked close to a street in a large commercial

parking lot.

(Q) Business logos on directional signs.

(R) Billboards/off-premises signs, unless provided for in this subchapter or covered under the State Highway Act.

(Ord. 434, passed 7-10-2008)

§ 152.092 TEMPORARY SIGNS.

Temporary signs are permitted in any commercial or industrial district, provided all other standards of this subchapter are met and permits for the sign have been obtained from the Building Department. The temporary signs may be double-faced and shall not exceed 32 square feet in surface display area per face and shall not exceed 6 feet in height. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business during a grand opening or business special event. All temporary signs and wind-blown devices shall be located on the site where the business is located and shall be set back not less than 10 feet from all road rights-of way.

(A) *Temporary grand opening signs.* One temporary grand opening sign shall be permitted on a site for a period not to exceed 21 days for those businesses that are new to a particular location. In the event new owners acquire the business and the business name changes when the new owners begin operation, the business shall be considered to be “new” for the purposes of enforcement of this division.

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(B) *Business or institutional special event signs.* Each business, school, church or other institution may advertise special events such as sidewalk sales, seasonal displays and special programs for a period not to exceed 30 days in any calendar year. Signs for special events shall be subject to the review and approval of the Planning Commission.

(Ord. 434, passed 7-10-2008)

§ 152.093 INSPECTIONS, MAINTENANCE AND REMOVAL.

(A) *Inspections.* Signs for which a permit is required may be inspected periodically by the Building Official, or his/her designee, for compliance with this subchapter and with other ordinances of the township.

(B) *Maintenance.* All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.

(C) *Removal.*

(1) The Building Official may order the removal of any permanent sign and its supporting structure erected or maintained in violation of this subchapter. The Building Official shall give 30 days notice in writing, to the owner of such sign and its supporting structure to bring it into compliance. Any sign erected of a temporary nature shall require written notice of only 3 days.

(2) Upon failure to comply with this notice, the Building Department representative may remove the sign and its supporting structure. The Building Department representative may remove a sign and its supporting structure immediately and without notice if, in his or her opinion, the condition of the sign and its supporting structure presents an immediate threat to the safety of the public. The cost of removal by the township shall be assessed against the owner of such sign or the owner of the building, structure or premises and the cost of this work will be placed on the tax roll.

(D) *Obsolete signs.*

(1) An obsolete sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the property owner or lessee fails to remove it within 60 days of the date that the business becomes inactive, the Building Official may remove the sign and its supporting structure and the cost of this work will be placed on the tax roll.

(2) Where a successor to an inactive business agrees, within 30 days of the date of written notice by

the Building Official, to maintain the sign as provided for in this subchapter, this removal requirement shall not apply, provided that the existing sign and structure conforms to all current sign requirements.

(Ord. 434, passed 7-10-2008)

§ 152.094 VARIANCES.

The Zoning Board of Appeals may hear requests for variances from the regulations set forth in this subchapter. Requests for variance shall be reviewed for compliance with the following:

(A) Variances may be granted for any 1 of the following conditions:

(1) The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limit visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district;

(2) A variance is warranted due to the relatively large size of the site, frontage or building in comparison to other establishments in the same zoning district; or

(3) A variance would significantly improve the conformity of an existing sign.

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(B) To grant a variance for 1 of the conditions specified above, all of the following standards must be met:

(1) The inability to conform with the requirements of this subchapter is due to a hardship or practical difficulty; and

(2) That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person who requested the variance, and result from conditions which do not exist generally throughout the township.

(Ord. 434, passed 7-10-2008)

HEIGHT, BULK, DENSITY, AREA AND PLACEMENT BY ZONING DISTRICT § 152.100 SCHEDULE OF REGULATIONS.

HEIGHT, BULK, DENSITY, AREA AND PLACEMENT, BY ZONING DISTRICT

(A) The following regulations regarding lot sizes, yards, setbacks, building heights and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes in division (B) below. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which the building is located. No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area occupancy, in connection with any existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

District	Minimum Lot	Maximum Height of Structure	Minimum Yard Setback per Lot (Feet)	Front	Maximum
Size/Unit	Width	Area (x)	Length) (Feet) (f)(g) (h) Stories Feet	(f)(g) (h) Sides** Rear** Structure	Floor Area i) % of Lot Coverage
District	Minimum Lot	Width	Maximum Height of	Minimum Yard Setback per Lot (Feet)	Front
Size/Unit	Width	Maximum Height of	Minimum Yard Setback per Lot (Feet)	Front	*Minimum Livable Maximum

Area	2 acres; (x Length) (Feet)	Stories Feet (f)(g) (h) Sides** Rear**	Floor Area i) (Square Feet) % of Lot	Coverage
				200 2.5 35 (j)(a)
RA – Residential Agriculture		RSF – Density of 1 unit per 10 acres (u)		(w)220 feet per side25 feet 1,250 20 (d)
	2 acres; Density of 1 unit per 5 acres (v)		per side25 feet 1,250 15	
Residential Suburban Farms	200 2.5 35(a) (w)2 20 feet			
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RE – Residential Rural Estate	2 acres 1 acre sewer & water	150		per side25 feet 1,250 15
	30,000 (e) 17,500 sewer	150 x 200 100	2.5 35(a)	20 feet per side
FS – Single Family	200 13,500 sewer & water x 175 100 x 135 (w)2 per side	2.5 35(a) (w)2 750	20 feet	15 feet
FM – Multi-Family	15 feet per side 25 feet 1250 15 (d)	1 BDR. – 21,000 (k) (e)	30 ft., 50 ft., from single– family dist. (l) 50 ft. (25	2 BDR. – 950 3 BDR. – 1,200 30 (d) 4 BDR. – 1,300
RMH – Home	1752.5 2550 120 x	(t) (w)2 15 ft., 50 ft., from single– family dist. (l)		
Residential Mobile	Commercial – 120 3	30 (o) (p) (q) (w)2		front yard, adjacent to res. district 25 ft.
O – Office	120 3 35		40 min. (a) (o) 15 ft., 50 ft. from single family dist.	Sides adjacent to streets same as 30 ft., 50 ft. from single family dist.
	35 GC –	(a) (o) (p) (q) (s), (w)2		
C – Local			Side adjacent to streets same as	

30 ft., 50 ft. from residential dist. 30 ft., 50 — — — —

	— 120 3 35		to residential dist. 50 ft.	
	(p) (q) (s)		(b)	
General	(w)2	50		
Commercial M-1	—	(q) (r)	20 ft., 150 ft. from ft. from residential dist.	50 ft., 150 ft. from — —
		front yard, adjacent		

(s)
(w)2
residential district
residential dist.
— —

Industrial — (c) — 50

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NOTE:

- ** For accessory buildings=10 feet for all setbacks and from principal building (see § 152.027)
- * Also see § 152.033

(Ord. § 8.00, passed 5-22-1997; Am. Ord. 404, passed 10-10-2002; Am. Ord. 2019-481, passed 5-9-2019)

(B) Notes to schedule:

a. Front yard setback determined by following schedule:

- State highways 50 feet
- Section line roads 40 feet (including the entire length of Seymour Road)
- Quarter line roads 30 feet
- Local streets 25 feet

b. No yards are required along the interior side lot lines of the district, except as specified in the Building Code.

c. Determined by setbacks and required parking and loading area.

d. Maximum area of all structures.

e. A lot depth to lot width ratio of 4:1 shall be the maximum permitted for the FS, FM, RE and RSF Districts on lots 150 feet or less in width. In the case of irregularly shaped lots, the minimum frontage may be measured on the front building line rather than the front lot line, but minimum lot areas must be

maintained.

f. Minimum front yard setback is measured from the edge of the right-of-way, based upon information and standards set forth by the Genesee County Road Commission.

g. In all residential and industrial districts, the required front yard setback shall not be used for off street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.

h. All yards abutting upon a public street shall be considered as front yard for setback purposes.

i. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.

j. The maximum height permitted for general and specialized farm buildings and structures shall not exceed 100 feet.

k. Development within the FM District requires availability of both municipal water and sewer service. The minimum land area required for each dwelling unit in the FM District shall be in accordance with the following schedule:

Every lot or parcel of land upon which a multiple-family dwelling (3 or more dwelling units) is to be erected, altered or used shall contain not less than 21,000 square feet of area, nor less than 120 feet of frontage. In the case of irregularly shaped lots, the minimum frontage may be measured on the front building line rather than the front lot line, but the minimum lot areas must be maintained, for the first 2 dwelling units plus not less than additional land area for each additional dwelling unit in excess of 2 dwelling units in accordance with the following schedule:

One bedroom dwelling unit: 1,800 square feet - and not more than 12 units/acre

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Two bedroom dwelling unit: 2,700 square feet - and not more than 10 units/acre Three

bedroom dwelling unit: 3,700 square feet - and not more than 8 units/acre Four or more

bedroom dwelling unit: 4,700 square feet - and not more than 7 units/acre

The land area used for computing densities shall exclude the rights-of-way for all roads, whether public or private.

l. Each side yard shall be a minimum of 15 feet, and this space shall be increased beyond 15 feet by 2 feet for each 10 feet or part thereof by which the dwelling structure exceeds 40 feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed 200 feet. In no instance shall a multiple-family structure be located closer than 50 feet to an abutting single-family residential district.

Where 2, 3 or 4 townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any 2 structures shall be 30 feet, with a maximum building coverage not to exceed 30% of the land area.

m. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Public Act 419 of 1976, being M.C.L.A. §§ 125.2301 *et seq.*, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.

n. Sites for the placement and occupancy of mobile home units within a mobile home park developed under Public Act 419 of 1976, being M.C.L.A. §§ 125.2301 *et seq.*, shall average 6,050 square feet. The 6,050 square foot requirement may be reduced by up to 20%, provided that the individual site shall include a minimum of 5,000 square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below 6,050 square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; R125.1944, Rule 944; and R125.1946, Rule 946 of the Michigan Administration Code.

o. Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the

nearest point of the off-street parking area, exclusive of access driveway, and the nearest edge of the proposed right-of-way line. The plantings in the setback shall meet those of a greenbelt buffer described in § 152.078.

p. Loading space shall be provided in the rear yard in the ratio of at least 10 square feet per front foot of building and shall be computed separately from the off-street parking requirements.

q. Off-street parking shall be permitted in a required side yard setback provided that there shall be maintained a screening wall between the nearest point of the off-street parking area and the side lot line, when the property line abuts any residential district.

r. No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when the property line abuts any residential district.

s. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than 6 feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, business district or from a public street.

t. Multiple-family dwellings that provide individual driveways and attached garages such as townhouses shall meet the front yard setback requirements outlined in footnote (a) above.

u. The total number of single-family residences that may be permitted in the RA District is determined by the configuration of parcels as they existed on the effective date of this chapter. Each parcel in existence on that date will be permitted 1 additional single-family residence per 10 acres or fraction thereof of parcel area. For example, a 20-acre parcel with an existing residence could have 2 lots split off it for additional single-family residential building sites. A 21-acre parcel could have 3. A 20-acre site that was vacant as of the effective date of this chapter would permitted 2 building sites, which could involve

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splitting off 2 buildable lots off the original 20 acres or splitting of 1 buildable lot and using the remaining acreage for the second building site.

When lots are split in the RA District, the deed or land contract must identify the number of buildable sites that are being transferred with it. For example, if an individual owned a parcel that was 80 acres at the effective date of this chapter, 8 single-family residences could be built on those 80 acres. If the property owner sold 20 acres, he or she could transfer the right to 1 or all 8 building sites to the buyer of that 20 acres.

v. The density control provisions for the RSF District are the same as for the RA District outlined in footnote (u) above, with the exception that the density permitted in this district will be 1 unit per 5 acres.

w. Front yard setbacks for all zoning districts along the M-13/Sheridan Road Corridor and M 21/Corunna Road Corridor shall be a minimum of 150 feet.

(Ord. § 8.01, passed 5-22-1997; Am. Ord. 404, passed 10-10-2002; Am. Ord. 2019-481, passed 5-9-2019)

DISTRICT REGULATIONS

§ 152.105 RESIDENTIAL AGRICULTURAL DISTRICT (RA).

(A) *Purpose.* This district is composed of those areas of the township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which requires streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

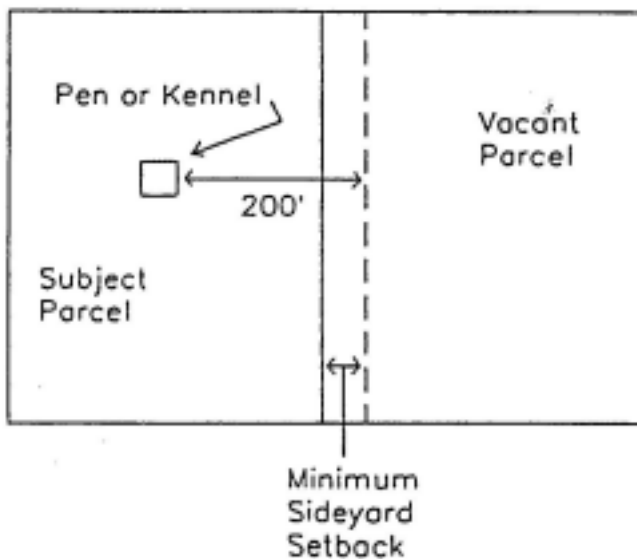
(B) *Uses permitted.* No building or structure or part thereof shall be erected, altered or used and no land shall be used except for 1 or more of the following:

(1) General or specialized farming, truck gardening, greenhouses, and nurseries, provided that no

commercial butchering shall be done on the farm other than of animals raised on the farm. Further, farms devoted to the housing or breeding of horses, including horse training facilities and other farm animals including cattle, swine, sheep or goats, shall have a minimum of ten 10 acres. For parcels having an area of less than 20 acres, the kennels or pens shall not be closer than 200 feet from all other residences. In cases where there is no residence on the adjacent parcel, the kennels or pens location shall be based on the assumption that the residence would be located at the minimum side yard setback line (see illustration). Farmers are permitted to pasteurize milk from their own farms and from not more than 3 other farms;

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- (2) Detached single family dwelling;
- (3) Adult foster care family home;
- (4) Adult foster care small group home;
- (5) Family day care home;
- (6) Foster family home;
- (7) Foster family group home;
- (8) A roadside stand may be built to the front property line, provided:

(a) That the structure shall be used solely by the owner, manager or tenant of the land on which it is located for the sale of produce grown on said land. No produce shall be sold on the state or county road right-of-way.

(b) That adequate off-street parking shall be provided and the owner or operator of the stand will not permit the customers to stand or park on the public right-of-way.

(9) Home occupations; and

(10) Accessory buildings when located in accordance with the requirements of this chapter.

(C) *Principal uses permitted subject to special conditions.* The following special condition uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with §§ 152.130 through 152.136 and §§ 152.150 through 152.152.

(1) Migrant farm camps;

(2) Retail establishments designed to cater to the touring public and including such uses as cider mills, antique dealers, woodworking and quilt shops, and collectibles and craft stores;

(3) Campgrounds;

(4) Small aircraft airports;

(5) Private landing fields;

(6) Adult foster care large group homes and congregate care facilities;

(7) Two-unit dwellings;

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(8) Veterinary clinics with outdoor runs;

(9) Kennels;

(10) Child care facilities;

(11) Group daycare home;

(12) Golf driving ranges;

(13) Golf courses;

(14) Excavation of gravel and sand;

(15) Temporary residence/structure;

(16) Raising farm animals on lots less than 10 acres in area;

(17) Temporary outdoor sales;

(18) Churches;

(19) Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education;

(20) Public libraries, cemeteries, governmental museums, fire stations, municipal buildings and essential services;

(21) Bed and breakfast operations; and

(22) 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.

(D) *Additional standards and regulations.* The following list preferences includes additional standards and regulations applicable to any proposed use in this district:

(1) § 152.100 Schedule of Regulations;

(2) § 152.031 Performance Standards;

- (3) §§ 152.065 and 152.067 Off-Street Parking and Loading;
- (4) §§ 152.075 and 152.076 Fences and Walls;
- (5) § 152.077 Screening of Trash Storage Areas;
- (6) § 152.078 Landscaping; and
- (7) § 152.085 Signs.

(Ord. Art. IX, passed 5-22-1997; Am. Ord. 446, passed 9-12-2013; Am. Ord. 464, passed 8-14-2014)

Local legislation reference:

Farm animals as permitted use, see also Resolution 98-0312-01A, passed 3-12-1998

§ 152.106 RESIDENTIAL SUBURBAN FARMS DISTRICT (RSF).

(A) *Purpose.* The residential suburban farms district is intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time. Such areas have significant natural features and unique natural resources that should be preserved and enforced in the interest of property values and the tax base of the township. This district is also established to provide transition between areas developed as farms and farm residences and more urban land use patterns.

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(B) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used except for 1 or more of the following:

(1) Single-family detached dwelling;

(2) General or specialized farming, truck gardening, greenhouses, and nurseries, provided that no commercial butchering shall be done on the farm other than of animals raised on the farm. Further, farms devoted to the housing or breeding of horses, including horse training facilities and other farm animals including cattle, swine, sheep or goats, shall have a minimum of 10 acres. For parcels having an area of less than 20 acres, the kennels or pens shall not be closer than 200 feet from all other residences. In cases where there is no residence on the adjacent parcel, the kennels or pens location shall be based on the assumption that the residence would be located at the minimum side yard setback line (see illustration in § 152.105). Farmers are permitted to pasteurize milk from their own farms and that from not more than 3 other farms;

(3) A roadside stand may be built to the front property line, provided:

(a) That the structure shall be used solely by the owner, manager or tenant of the land on which it is located for the sale of produce grown on the land. No produce shall be sold on the state or county road right-of-way; and

(b) That adequate off-street parking shall be provided and the owner or operator of the stand will not permit the customers to stand or park on the public right-of-way.

(4) Adult foster care family home;

(5) Adult foster care small group home;

(6) Family day care home;

(7) Foster family home;

(8) Foster family group home;

(9) Home occupations; and

(10) Accessory buildings when located in accordance with the requirements of this chapter.

(C) Principal uses permitted subject to special conditions. The following special condition uses shall be

permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with §§ 152.130 through 152.136 and §§ 152.150 through 152.152.

- (1) Greenhouses;
- (2) Tree and shrub nurseries;
- (3) Adult foster care, large group homes and congregate care facilities;
- (4) Group day care home;
- (5) Small aircraft airports and landing fields;
- (6) Two-unit dwellings;
- (7) Child care facilities;
- (8) Golf courses;
- (9) Temporary residence/structure;
- (10) Public libraries, cemeteries, governmental museums, fire stations, municipal buildings;

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(11) Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education;

- (12) Churches;
- (13) Bed and breakfast operations;

(14) 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.

(D) *Additional standards and regulations.* The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- (1) § 152.100 Schedule of Regulations;
- (2) § 152.031 Performance Standards;
- (3) §§ 152.065 and 152.067 Off-Street Parking and Loading;
- (4) §§ 152.075 and 152.076 Fences and Walls;
- (5) § 152.077 Screening of Trash Storage Areas;
- (6) § 152.078 Landscaping; and
- (7) § 152.085 Signs.

(Ord. Art. X, passed 5-22-1997; Am. Ord. 454, passed 10-10-2013; Am. Ord. 462, passed 8-14-2014)

Local legislation reference:

Farm animals as permitted use, see also Resolution 98-0312-01A, passed 3-12-1998

§ 152.107 RESIDENTIAL RURAL ESTATE DISTRICT (RE).

(A) *Purpose.* The rural estates district is intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a semi-rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time. It is further intended that the district protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density,

family life, and to maintain and to preserve the semi-rural character of the township.

(B) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used, except for 1 or more of the following:

(1) Single-family detached dwelling;

(2) General or specialized farming, truck gardening, greenhouses, and nurseries, provided that no commercial butchering shall be done on the farm other than of animals raised on the farm. Further, farms devoted to the housing or breeding of horses, including horse training facilities and other farm animals including cattle, swine, sheep or goats, shall have a minimum of 10 acres. For parcels having an area of less than 20 acres, the kennels or pens shall not be closer than 200 feet from all other residences. In cases where there is no residence on the adjacent parcel, the kennels or pens location shall be based on the assumption that the residence would be located at the minimum side yard setback line (see illustration in § 152.105). Farmers are permitted to pasteurize milk from their own farm or farms and that from not more than three other farms;

(3) A roadside stand may be built to the front property line, provided:

(a) That the structure shall be used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on said land. No produce shall be sold on the state or county road right-of-way;