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**ZONING**  
**Ord. No. 594**  
**Adopted: March 18, 2002**

An ordinance to regulate and restrict the use of land and buildings by dividing the Township of Fenton into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts; creating a board of appeals, defining and limiting the powers and duties of said board and setting standards to guide actions of said board and providing the means of enforcing said ordinance and providing a penalty for violation of said ordinance.

**PREAMBLE**

In accordance with the authority and intent of Act 110, of the Public Act of 2006, as amended, the Township of Fenton desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence including open space and recreation, to provide for the free movement of vehicles upon the proper streets and highways of the Township; to protect industry, commerce, and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and to ensure that all uses of land and buildings within the Township of Fenton be so related as to provide for economy in government and mutual support. This ordinance, which is based on the goals and policies of the Township's land use plan, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, shoppers, and workers in the Township of Fenton.

(Amended: Ord. No. 668, 7-24-06)

**ENACTING CLAUSE**

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

**ARTICLE I**

**SECTION 1.01 Short title**

This Ordinance shall be known as, and may be cited as, the Zoning Ordinance of the Township of Fenton.

## **ARTICLE 2 DEFINITIONS**

### **SECTION 2.01 Definitions**

**Accessory buildings, attached** – A permanent structure, or portion of a permanent structure having a roof supported by columns, or walls subordinate to a principle building to which it is physically joined, and devoted exclusively to, an accessory use for storage of vehicles and other personal items.

Examples include: garages and storage buildings.  
(Amended: Ord. No. 804, 11-19-18)

**Accessory buildings, detached** – A permanent structure, or portion of a permanent structure having a roof supported by columns, or walls subordinate to a principle building from which it is physically separated, devoted exclusively to an accessory use for storage of vehicles and other personal items.

Examples include: garages, storage buildings, sheds and gazebos.  
(Added: Ord. No. 804, 11-19-18)

**Accessory buildings (private garage)** - A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle and where such vehicles are not commercially repaired.

**Accessory buildings (storage shed)** - Any building except those herein defined as private garage, used exclusively for storage incidental to principle dwelling.

**Accessory structure** – Anything constructed or erected which requires permanent location on the ground or attachment to something having such location which is subordinate to the principle building on the same lot.

Examples include: Above ground swimming pool, fence and freestanding signs. An accessory structure does not include physical improvements that are flush with the ground such as patios, sidewalks and driveways.

**Accessory uses** - A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

**Adult** - A person eighteen (18) years of age or older.

**Adult foster care family homes** - Private homes with the approved capacity to receive six (6) or



fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The number of occupants in a home, other than the licensee and the licensee's spouse, shall not exceed ten (10) persons. The adult foster care family home licensees must provide the care and be a member of the household and an occupant of the home. The ratio of responsible persons to residents shall not be less than one (1) responsible person to six (6) residents and two (2) children under the age of twelve (12) years or ratio thereof. The two (2) previous statements do not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

**Adult foster care large group homes (13-20 persons)** - A group home that has an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity.

**Adult foster care small group homes (1-6 persons)** - A group home that has the capacity to receive six (6) or fewer adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

**Adult foster care small group homes (7-12 persons)** - A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

**Adult uses** - Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas".

1. Adult entertainment use shall include, but not be limited to the following:
  - a. An **adult motion picture** theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons

therein.

b. An **adult mini-motion picture theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

c. An **adult motion picture arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."

d. An **adult book store** is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material.

e. An **adult cabaret** is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

f. An **adult motel** is a motel wherein matter, actions or other displays are presented which contains a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

g. An **adult massage parlor** is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

h. An **adult model studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.

i. An **adult sexual encounter center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."

2. **Significant Portion** — As used in the above definitions, the phrase "significant portion" shall mean and include:
  - a. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
  - b. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
  - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
3. **Display** — As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
4. **Specified Sexual Activities** — As used in the above definitions, the phrase "specified sexual activities" shall mean and include:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
5. **Specified Anatomical Areas** — As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:
  - a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola;
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Aged** - An adult whose chronological age is sixty (60) years of age or older or whose biological age, as determined by a physician, is sixty (60) years of age or older.

**Agriculture, roadside stands** - A temporary or seasonal outdoor sales area accessory to an agricultural operation which sells products grown or produced on the premises.

**Agriculture and horticulture** - The commercial production, harvesting and storage of farm products or animals on a farm and the farm operations typically performed thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended; except that the raising of livestock and other animals in intensive livestock operations are not included in this definition.

*Examples include:* Farms including livestock and poultry raising, dairying, horticulture, farm forestry, including tree and shrub nurseries, sod farming and other similar bona fide agriculture enterprise, truck gardening and other agricultural uses similar to and compatible with the above uses.

**Agricultural tourism facilities** - Commercial facilities are designed to attract visitors through the sale of agricultural byproducts and the sale of gifts, arts and crafts and other similar products. These facilities can also include the provision of agricultural-related activities such as hay rides, sleigh rides, petting zoos, barn weddings and other social events.

Examples include: Corn maze, you-pick farms, cider mills, barns for weddings and other social events, and other similar uses.

(Amended: Ord. No. 753, 1-7-13)

**Airports, commercial** - A transportation facility to accommodate the take-off, landing, shelter, supply, service and repair of aircraft, and the receiving and discharging of passengers and cargo.

**Airports, private landing strips** - A private transportation facility, closed to the public, to accommodate the take-off and landing of aircraft. The runway is made of sod and not paved with any type of material.

**Alley** - A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**Alteration** - Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

**Ambient** – The sound pressure level exceeded 90% of the time or L 90. ANSI means the American National Standards Institute.

(Added: Ord. No. 717, 12-21-09)

**Ambulance station, private** - A facility for the stationing of ambulances and their crew (A place where ambulances are maintained and dispatched when needed).

**Anemometer tower** – A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system.

(Added: Ord. No. 717, 12-21-09)

**Animal production, intensive feedlot operations** - Any tract of land; or structure, pen, or corral, wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market. The intensive nature of these operations is such that vegetative cover cannot be maintained within the enclosure during the months of May, June, July and August. Open lots used for the feeding and rearing of poultry shall be considered an intensive feedlot operation. However, pastures used for the feeding and rearing of animals shall not be considered intensive feedlot operations.

**Animal production, commercial** - The commercial raising of non-farm animals for sale. These animals may be sold for domestic, commercial or laboratory use.

*Examples include:* The commercial raising of fur bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals. The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats or other uses similar and compatible with the above commercial animal production establishments.

**Animal Shelter-** A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.  
(Added: Ord. No. 683, 7-23-07)

**Aquifer** – A geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs. (Added: Ord No. 81, 11-4-2019)

**Arcades** - A building or part of a building that houses a business whose principal purpose is the operation of pinball machines, video games, pool tables or similar player operated amusement device. Also see “Recreation and entertainment establishments, indoor”.

**Architectural features** - Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Art Education Center** – A for profit education center designed for art instruction and the incidental sale of art supplies, crafts and students’ work.

**Assisted living facilities** - A special combination of housing, personalized supportive services, and health care to help individuals to maintain maximum independence and choice outside a skilled setting.

**Automobile dealers, new** - An area of land and structures used to display and sell new automobiles, and may include auto servicing and repair as accessory uses. Also see “Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor”.

**Automobile dealers, used** - An area of land and structures used to display and sell used automobiles, and may include auto servicing and repair as accessory uses. Also see “Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor”.

**Automobile repair facilities** - General repair of automobiles including engine rebuilding, or additional mechanical repair, reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust-proofing.

**Automobile service stations** - A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken.

**Automobile wash establishments** - A building, or portion thereof, the primary purpose of which is that of washing motor vehicles. These establishments may be self-serve stationary cleaning areas or have the characteristic of a conveyor belt that moves the vehicle through the washing cycle.

**Automobile wrecking yards and junk yards** - The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard or junk yard.

**Bakeries, non-retail** - Those bakeries which produce large quantities of baked goods but do not sell the goods on-site. The baked goods produced on-site are delivered to smaller retailers or outlets.

**Bakeries, retail** - Those bakeries which may produce small quantities of baked goods on-site or receive baked goods from a wholesaler and then sell the baked goods onsite. Goods produced on-site are not intended for mass distribution to off-site locations.

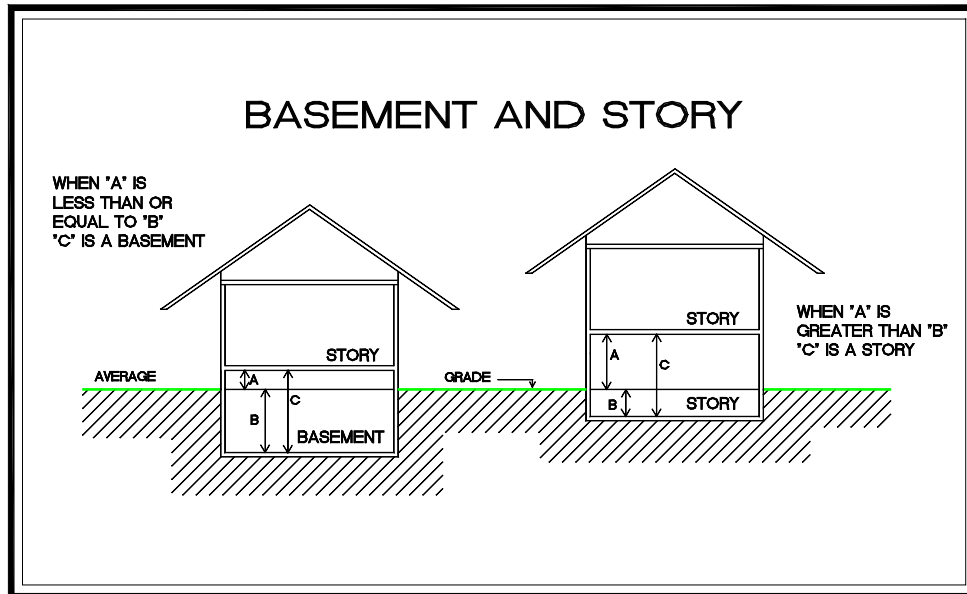
**Barrier** - As used in section 4.14 (fence wall and hedge standards) and section 4.28 (sight line provisions) the term barrier shall mean either a structure or vegetation that serves as an obstacle that hinders physical access.

(Added: Ord. No. 665, 7-10-06)

**Bars, cocktail lounges, taverns and nightclubs** - A business serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches, snacks and other prepared food may also be sold.

**Basement** - A story of a building: having fifty (50) percent or more of its height below average grade (see Figure 2-1).

Figure 2 - 1



**Bed and breakfast establishments** - A house, or portion of a house where short-term lodging rooms and meals are provided. A bed and breakfast is distinguished from a motel or hotel in that it shall have only one (1) set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have a facade consistent with the surrounding homes. Typically these are residential type homes.

**Billboard signs** - An outdoor sign advertising an establishment, products, services, activities, persons or events. If the subject of the sign is made, produced, assembled, stored, distributed, leased, sold or conducted on the premises upon which the billboard is located it is an on-premise sign. If it is not, then the billboard is an off-premise sign.

**Block** - The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**Boarding houses** - A dwelling where meal, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

**Boat Dock** – For the purpose of multi-family residential PUD’s, attached single family residential PUD’s and/or other multi-family residential developments, a boat dock shall mean a space designed for the mooring of a single watercraft. Such spaces may extend from a dock or a shoreline. This definition shall not apply to detached single family residences.

**Boat Slip** – For the purpose of multi-family residential PUD’s, attached single family residential

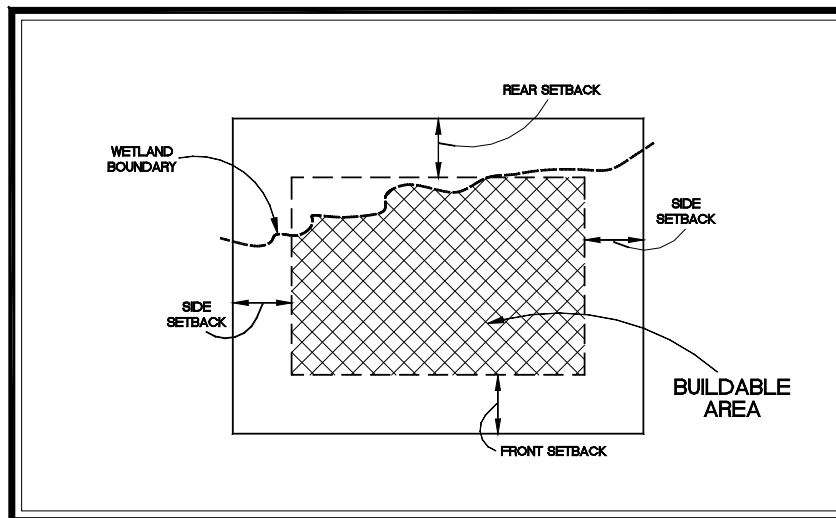
PUD's and/or other multi-family residential developments, a boat slip shall mean a space designed for the mooring of a single watercraft. Such spaces may extend from a dock or a shoreline. This definition shall not apply to detached single family residences.

**Bollard** - A post emplaced vertically in the ground.

**Brewpub** - An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale. (Added: Ord. No. 827, 8-30-2021)

**Buildable area** - The buildable area of a lot is the space remaining after the minimum setback requirements of this Ordinance have been complied with. Wetlands, floodplains or submerged land such as a lake, pond or stream shall be excluded from the calculation of buildable area (see Figure 2-2).

**Figure 2-2**



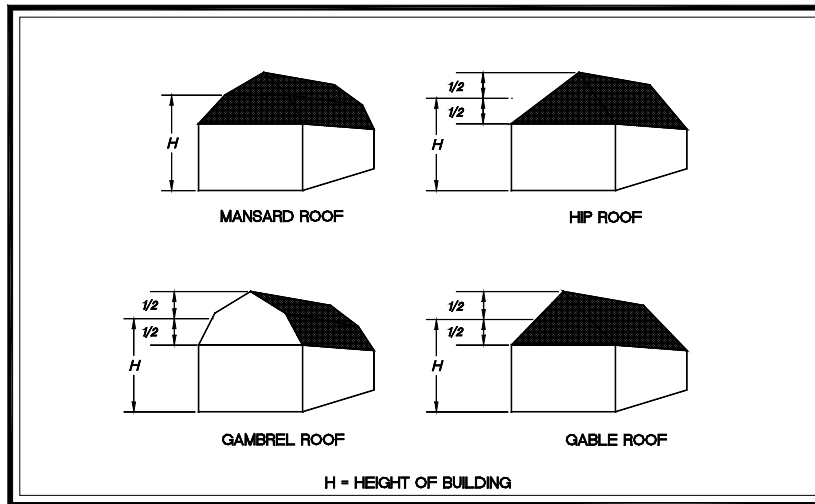
**Building** - A structure, either temporary or permanent, having a roof supported by columns, or walls for the shelter, support or enclosure of persons, animals, or chattels, is a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**Building area** - The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on the lot.

**Building height** - The vertical distance measured from the established grade at the center of the front of the building to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs (see Figure 2-3).



Figure 2-3



**Building, main or principal** - A building in which is conducted the principal use of the lot on which it is situated.

**Building Inspector** - The Building Inspector of the Township or his authorized representative.

**Building permits** - The written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of buildings or other structures in conformity with the provisions of this Ordinance.

**Bus passenger stations** - Facilities that function as a pick-up and drop-off station for bus riding passengers. Minor repair facilities and bus storage areas must be completely enclosed and buffered as determined by the Township Planning Commission.

**Business service establishments** - Establishments which are primarily engaged in rendering services on a contract or fee basis to business establishments.

*Examples include:* Office machine repair, typewriter repair, computer repair, printing and other uses similar to and compatible with the above establishments.

**Campgrounds** - A parcel or tract of land under the control of a person or company on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters in tents or other recreational vehicles. Campgrounds include a children's camp and adult foster care camp.

**Campgrounds, permanent** - A campground where the sites are sold or leased for long term use, including semi-permanent installation of campers, trailers and mobile homes at the campsite.

**Campgrounds, transient** - A campground where the sites are rented out on a nightly or weekly basis and does not involve the long term installation of campers, trailers or mobile homes at the campsite.

**Cemeteries** - Land used or intended to be used for the burial of the deceased, and dedicated for cemetery purposes, including columbariums, crematories, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Chemical manufacturing facilities** - Any operation that creates products used in or produced by a chemical process. Also see "Manufacturing, storage and/or distribution facilities (dangerous chemicals)".

**Child care center** - See Day care center, commercial

**Child care institutions** - A facility organized to receive minor children for care and supervision on a twenty four (24) hour basis operated throughout the year. Child caring institutions include such facility types as detention homes for delinquents, homes for abused, ignored, or the emotionally and mentally disabled, sexual offenders and substance abuse treatment facilities. Except for a maternity home for the care of unwed mothers (where there may be as few as four (4) residents), child caring institutions must be licensed for six (6) or more residents. These facilities can be short term institutions, residential treatment institutions, small facilities, and large facilities.

**Clubs** - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit. A club must be recognized or certified as a non-profit organization.

*Examples include:* Fraternal organizations, Lion Club, Kiwanis, American Legion, Eagle Clubs, Knights of Columbus, Masonic Temple, Moose Lodge, other lodges or clubs that are engaged in not for profit activities and other similar clubs compatible with the above organizations.

**Commercial outdoor display, sales or storage** - A permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreation vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment.

**Commercial vehicles** - Any vehicle bearing or required to bear commercial license plates.

*Examples include:* Truck tractors, semi trailer (including flat beds, stake beds, roll-off containers,

tanker bodies, dump bodies and full or partial box type enclosures), ice cream trucks, milk trucks, bread trucks, fruit trucks, delivery trucks, electrician or electrical business trucks, plumbing business trucks, heating and cooling business trucks, other construction oriented trucks, tow trucks, commercial banking trucks, vehicle repair service trucks, snowplowing trucks, any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty two (22) feet.

**Communications towers** - A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, televisions, microwave, or any other form of telecommunication towers and any tower erected by a public entity for hazard warning or other communication purpose.

1. **Communication antennae** - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals and radio frequencies.
2. **Alternative tower structure** - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
3. **Backhaul network** - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
4. **Pre-existing towers and pre-existing antennae** - Any tower or antenna for which a building permit has been issued or a special use permit has been properly granted prior to the effective date of this Ordinance, including permitted towers or antennae that have not been constructed so long as such approval is current and not expired.

**Condominium, contractible** - A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with the Condominium Act (PA 59 of 1978).

**Condominium, conversion** - A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act (PA 59 of 1978).

**Condominium, expandable** - A condominium project to which additional land may be added in accordance with the Condominium Act (PA 59 of 1978).

**Condominium, general common elements** - Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978).

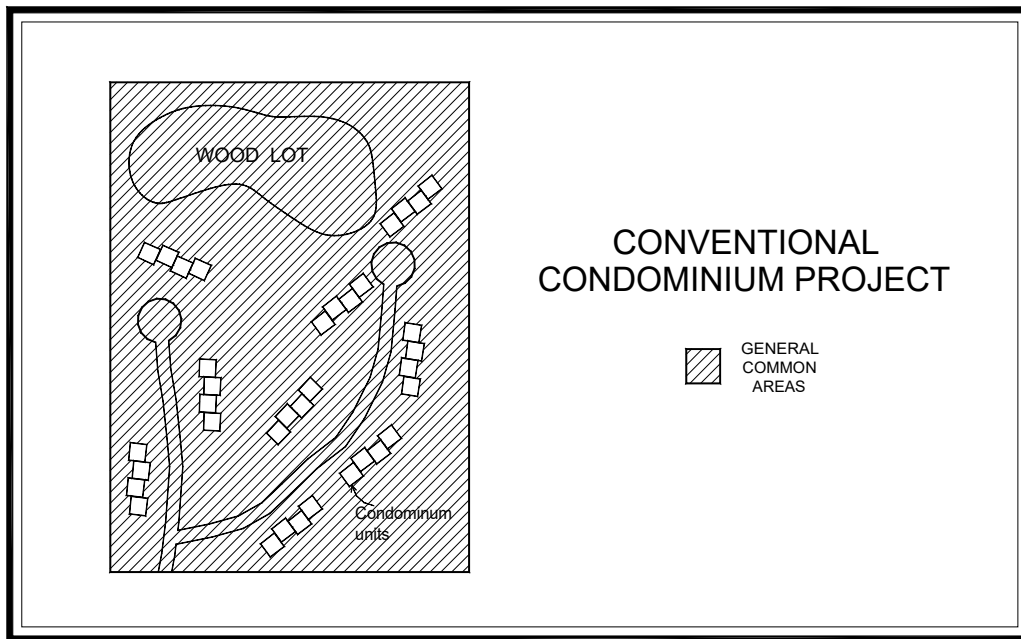
**Condominium, limited common elements** - Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978).

**Condominium, master deed** - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978).

**Condominium project, conventional** - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area (see Figure 2-4).

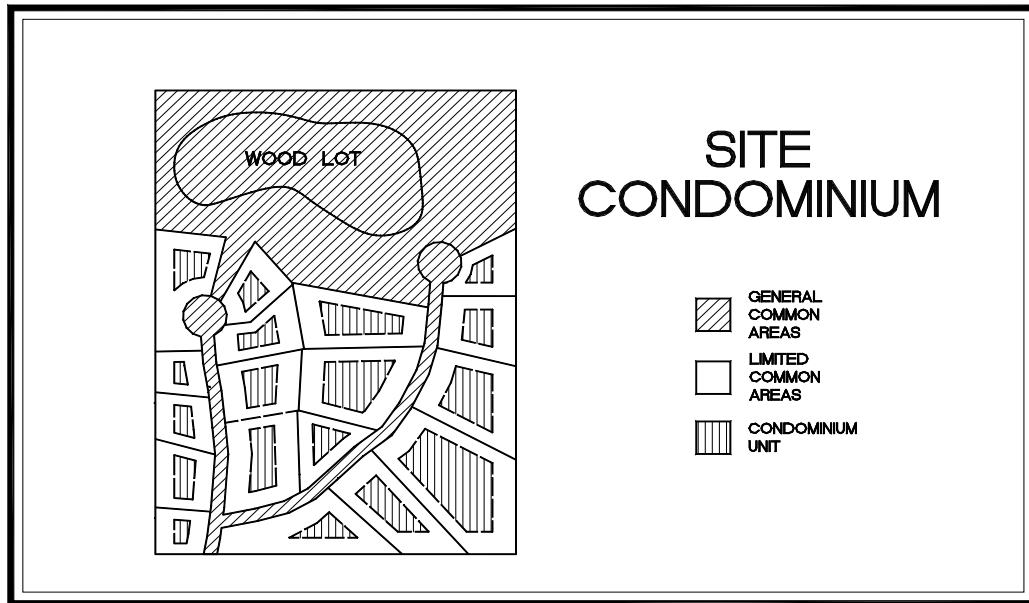
**Condominium project, site** - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of

Figure 2 - 4



a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot (see Figure 2-5).

Figure 2 - 5



**Condominium, subdivision plan** - Drawings and information prepared pursuant to section 66 of the Condominium Act, (PA 59 of 1978).

**Condominium unit** - A condominium unit is that portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act (PA 59 of 1978).

**Contractor establishment (with indoor storage)** – A facility for the operation of a building contractor or similar business, including office facilities, the storage of equipment and supplies indoors only.

**Contractor establishment (with outdoor storage)** - A facility for the operation of a building contractor or similar business, including office facilities, including outdoor storage of equipment and supplies.

Examples include: Heating and cooling contractors, remodeling contractors and pest control contractors.

(Amended: Ord. No. 723, 6-7-10)

**Convalescent or nursing home** - See long term care.

**Country clubs** - A club established to provide its members with access to outdoor activities such as golf, tennis and other related activities. Country clubs may be an accessory use to a golf course but cannot be the primary use with a golf course the accessory use. A country club may be for profit and should not be confused with the definition of “clubs”.

**Crematory** - A location containing properly installed, certified apparatus intended for use in the act of cremation.

**Cul-de-sac length-** The length of a cul-de-sac is measured from the middle of the last intersection with a two-lane roadway meeting the design criteria established in the Ordinance for such intersections and roadways, and ending at the middle of the cul-de-sac circle.

(Added: Ord. No. 683, 7-23-07)

**dB(A)** – The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

(Added: Ord. No. 717, 12-21-09)

**Day care, adult (1-6 persons)** - These facilities provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no more than six (6) clients cared for on the property at any given time.

**Day care, adult (7-12 persons)** - These facilities provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no less than seven (7) and no more than twelve (12) clients cared for on the property at any given time.

**Day care, adult (13 or more persons)** - These facilities provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no less than thirteen (13) clients cared for on the property at any given time.

**Day care centers, commercial** - Day care centers are facilities (publicly or privately operated), other than a private home, having as their principal function the receiving of one (1) or more preschool or school age children (under the age of eighteen (18)) for care, maintenance, and supervision. Day care centers include facilities that provide care for not less than two (2) consecutive weeks, despite the number of hours per day of care. Day care centers receive minor children for care for periods of less than twenty four (24) hours a day, where the parents, relatives, or legal guardians are not immediately available. Day care centers are also commonly known as child care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, or drop-in centers. These may also include intergenerational day care facilities for both children and the elderly.

**Day care homes, family (1-6 persons)** - A child care facility that provides licensed day care in private homes for six (6) or fewer unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year.

**Day care homes, group (7-12 persons)** - A child care facility that provides licensed day care in private homes for not less than seven (7) or no more than twelve (12) unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide licensed day care to thirteen (13) or more minor children constitute a commercial day care center.

**Decibel** – The unit of measure used to express the magnitude of sound pressure and sound intensity.

(Added: Ord. No. 717, 12-21-09)

**Deck** - A platform other than a porch, either freestanding or attached to a building that is supported by pillars or posts.

**Detention** - The process of restricting the rate of stormwater flowing off a parcel as a result of rain or snowmelt.

**Development** – The carrying out of any construction, reconstruction, alteration of surface of structure or change of land use or intensity of use. (Added: Ord No. 811, 11-4-2019)

**District** - A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**Doggie day care** - A commercial establishment that provides care for dogs for a period of less than 12 consecutive hours and may include both indoor and outdoor facilities. It is an accessory use to dog grooming, veterinary clinics and kennels, provided that such use is clearly incidental to the principal use and the number of dogs care for are consistent with the number of dogs cared for under the principal use, and outdoor use is only permitted if outdoor activity is permitted for the principal use.

(Added: Ord. No. 733, 4-4-11)

**Drive-thru establishments** - An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided or brought to the customers. These establishments do not include drive-through fast food restaurants.

*Examples include:* Banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-

through aspect is a principal feature of the use and other retail and business service establishments similar to and compatible with the above uses.

**Drive-in establishments** - A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle. These establishments do not include drive-in fast food restaurants.

*Examples include:* Cleaners, banks and other uses similar and compatible with the previously mentioned establishment.

**Dry cleaning facilities** - A building, portion of a building or premises used for the cleaning of fabric, textiles, wearing apparel or other articles with volatile solvents. A dry cleaning facility may provide for drop off and pick-up by individuals or may serve satellite drop off and pick-up sites only.

**Dwelling unit** - A dwelling unit is any house or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building: be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

**Educational institutions** - Any building or part thereof which is designed, constructed, or used for education or instruction including vocational, K-12 or other educational purposes.

*Examples include:* Elementary, junior high and high schools, colleges, universities and vocational schools.

**Non-profit:** Public (including charter schools), parochial or other private elementary, intermediate, and/or high schools offering courses in general education.

**For-profit:** Schools including public trade or similar private schools and colleges, offering courses of instruction.

Other educational institutions similar and compatible with the above uses.

**Entrance Feature** - A building or other structure including but not limited to: walls, columns, gates, gazebos and gatehouses designed to mark the entrance to subdivisions, housing projects, office complexes, shopping centers industrial parks and similar developments.

**Erected** - The word “erected” includes built, constructed, reconstructed, moved on to, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the



like, shall be considered a part of erection.

**Essential services** - The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including hydrants, towers, poles, and other similar equipment, and accessories. In connection therewith reasonably for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Not including buildings other than structures that serve primarily as enclosures or shelters.

**Excavating** - The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever is the highest.

**FAA** - The Federal Aviation Administration

**Facility** – Any building, structure, or installation from which there may be a discharge of pollutants. (Added: Ord. No. 811, 11-4-2019)

**FCC** - The Federal Communication Commission

**Fabrication** - Manufacturing establishments that are involved in the production of goods requiring limited processing of material as well as packaging and assembly. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Operations do not exceed the performance standards established in Section 4.20 of this zoning ordinance. (Added: Ord. No. 750, 9-4-12)

**Family** - One (1) or more persons related by blood, marriage, adoption or guardianship, living as a single housekeeping unit.

**Family, functional** - A group of no more than four (4) people, plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

**Farm** - The land, plants, animals, buildings, structures, including ponds used for agricultural or aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

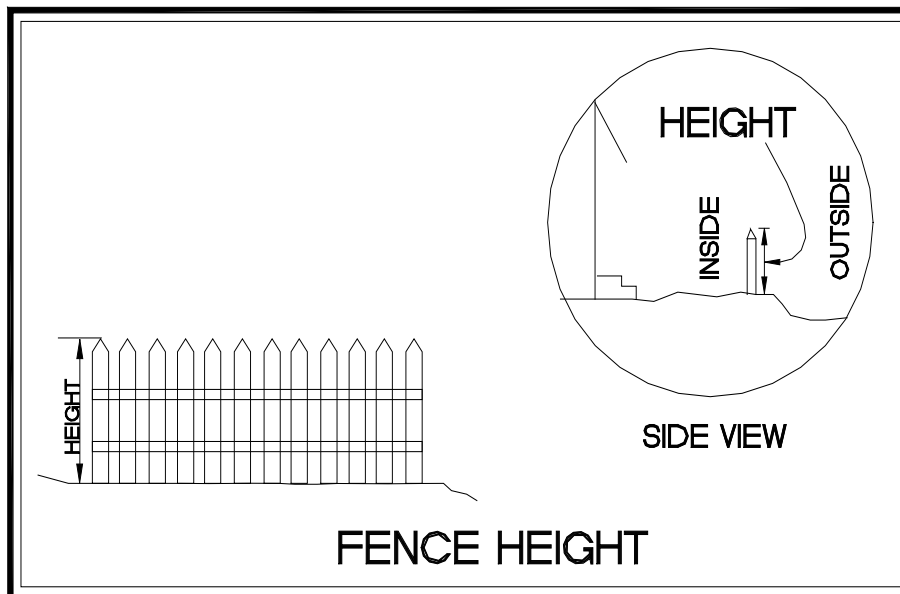
**Farmers markets, permanent** - A commercial establishment selling produce and other farm products, whether or not produced on the property, at retail to customers, not unlike a grocery

store.

**Farmers markets, temporary** - A farmers market established for a temporary period in an area normally set aside for other uses such as a parking lot, park, etc.

**Fence height** - The vertical distance between the ground on the exterior side of fence and the highest point of the fence excluding gates, posts and other decorative features (see Figure 2-6).

Figure 2 - 6



**Fence, temporary** - An enclosure or barrier used in conjunction with a temporary outdoor use such as to define a temporary parking area, or in conjunction with a seasonal use such as a snow fence or protective barrier around a garden.

**Filling** - Placing material to alter land contours or displace water with soil, paving or similar material.

(Amended: Ord. No. 729, 11-1-10)

**Fire stations** - A structure used for the keeping and maintenance of fire engines and other fire fighting equipment and safety vehicles, and may also include office and sleeping quarters for the structure. Also see "Public buildings".

**Floor area, gross** - The sum of horizontal areas of all of the floors of a building, measured from the interior faces of the exterior walls, not including breezeways, unenclosed porches and attached garages.

**Floor area, usable** - Usable floor area, for the purposes of computing parking needs for off-street

parking spaces, is net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area." Measurement of floor area shall be the sum of horizontal areas of all of the floors of the building, measured from the interior faces of the exterior walls.

**Foster care** - The provision of supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive three (3) weeks for compensation.

**Foster family group homes** - A private home in which either five (5) or six (6) minor children who are not related to an adult member of the household by blood, marriage or adoption, are provided care. This care is provided for twenty four (24) hours a day, for more than four (4) days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian. Often, these children are awaiting adoption.

**Foster family homes** - A private home in which one (1), but not more than four (4), minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Foundation** - The substructure of a building, (as defined in this article), consisting of walls, slab or underpinnings constructed of wood, concrete, brick or other masonry material.

**Fraternal organizations** - See "clubs"

**Fuel distribution facilities** - A facility that stores fuel for transport to retailers. Fuel is not sold to the general public on-site.

**Funeral homes or mortuaries** - A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used for preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Gasoline service station** - A facility used for the retail sale of gasoline, oil and similar fuels for motor vehicles.

**Golf courses** - A tract of land for playing golf, with tees, greens, fairways and hazards such as sand traps and surface water. A miniature golf course is not included in the general term "golf courses" as defined in this Ordinance.

**Golf courses, miniature** - A facility or course that has only a short distance from the start of a hole to the end. A putting golf club is exclusively used at these facilities.

**Golf driving ranges** - A facility including golf tees and fairways designed to permit participants to practice driving golf balls or hitting the balls a considerable distance. Practice putting greens may also be present as an accessory use.

**Grade, street or sidewalk** - The established grade of the street or sidewalk shall be the elevation of the centerline of the street at the mid point of the front of the lot. The elevation is established by the Township Engineer or Building Inspector.

**Greenbelt** - A strip of land intended to serve as a buffer or screen and meeting the requirements of Article 10 of this Ordinance.

**Greenhouses, non-retail** - A non-retail commercial operation which sells agricultural products grown or produced on the site to buyers located off-site.

**Greenhouses, retail** - A commercial retail operation which sells plants and planting material including material not grown or produced on site.

**Halls** - A building or structure used for the purpose of public assembly that may be rented to individuals for use. Halls may also be used by and/or located on the premises of “clubs” as defined in this Ordinance. The term hall includes assembly, rental, dance, country clubs, banquet halls or other places of public assembly when conducted within an enclosed building.

**Hazardous Substances** – A chemical or other material that is or may become injurious to the public health, safety, or welfare, or to the environment. The term “hazardous substance” includes, but is not limited to, hazardous substances as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767; “hazardous waste” as defined in the Hazardous Waste Management Act, Act No. 64 of the Public Acts of 1979, being sections 299.501 to 199.551 of the Michigan Compiled Laws; “petroleum” as defined in the Leaking Underground Storage Tank Act, Act No. 478 of the Public Acts of 1988, being sections 299.831 to 299.850 of the Michigan Compiled Laws. (Added: Ord. No. 811, 11-4-2019)

**Height** - When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. For buildings see “Building height”.

**Home occupations** - A business or commercial pursuit conducted by a person or business entity in a residential dwelling.

**Horses, keeping of** - Maintaining horses for recreational purposes as an accessory use .

**Hospitals** - An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to sick or injured human patients and including accessory facilities such as laboratories, out-patient departments, training facilities and staff offices. Also see “Medical service establishments, large”.

**Hotels** - A building used as a temporary abiding place of individuals or groups of individuals in which there are more than five (5) sleeping rooms sharing a common entrance to the structure.

**Household pets, keeping of** - Household pets shall be limited to no more than two (2) domestic dogs, and/or three (3) domesticated cats. Domesticated cat being defined as a felis catus or felis silbestris catus. Domestic dog shall be defined as canis lupus familiaris or canis familiaris. This shall not include any other animal of any type, unless totally contained and restrained at all time within the residence of the owner.

(Amended: Ord. No. 699, 5-5-08; Ord. No. 803, 11-14-18)

**IEC** – The International Electrotechnical Commission.

(Added: Ord. No. 717, 12-21-09)

**ISO** – The International Organization for Standardization.

(Added: Ord. No. 717, 12-21-09)

**Industrial parks** - An area of land with or without buildings, planned and developed to provide appropriate sites for industrial operations, offices and other similar types of uses.

**Industrial service establishments** -Industrial service establishments are engaged in the repair or servicing of industrial, business or consumer machinery, equipment products or by-products. Establishments that service consumer goods do so by mainly providing a centralized service for separate retail outlets. Building maintenance services and similar uses and services that are performed off-site. In most cases, few customers, especially the general public, come to the site but the number of customers is ultimately based on the type of service rendered on-site.

*Examples include (low intensity (M1):* Product testing, repair of scientific or professional instruments, janitorial and building maintenance services and other uses similar to and compatible with the above establishments.

*Examples include (light (M2)):* Electric motor repair, repair of auto and small truck engine, radiator, transmission, building, heating, air conditioning, mirror and glass shops, recycling operations, fuel oil distributors, solid fuel yards and other uses similar to and compatible with the above establishments.

*Examples include (heavy (M3)):* bump shops, machine shops, metal buffing, plastering and

polishing shops, painting and sheet metal shops, undercoating and rust-proofing shops, welding shops, sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials, towing and vehicle storage, auto and truck salvage and wrecking, freight yards, heavy truck servicing and repair, freighting and trucking terminals, tire retreading or recapping, truck stops, heavy construction contractors with large equipment stored on-site, and heavy equipment trade schools and other uses similar to and compatible with the above establishments.

**Internet Sales** - A transaction involving products or services that are sold or provided primarily through the use of the World Wide Web.

(Added: Ord. No. 744, 1-9-12)

**Junk** - Any motor vehicle, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**Kennels, commercial (7 or more dogs)** - The housing or keeping of seven (7) or more dogs over four (4) months of age, for any purposes or the keeping of any number of dogs for training, breeding or boarding.

**Kennels, private (4-6 dogs)** - The housing or keeping of more than three (3) but less than six (6) dogs over six (6) months of age for non-commercial purposes on a lot or in a structure.

(Amended: Ord. No. 699, 5-5-08)

**Laboratories** - A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of a product or products, except prototypes, is not performed.

**Land Use Plan** - A plan developed and adopted by the Township Planning Commission.

**Landscape contractor**- A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

(Added: Ord. No. 683, 7-23-07)

**Lease unit boundary** – A boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road right-of-ways.

(Added: Ord. No. 717, 12-21-09)

**Libraries** - A public or private non-profit institution responsible for the care and circulation of a

collection of books and other accessory reference material including audio and video tapes, records and other recordable material.

**Light fabrication** - Fully enclosed industrial operation involving the manufacturing, processing, assembling or packaging of finished or semi-finished products from previously prepared material. Manufacturing processes do not include those that generate excessive noise, vibration, smoke, or odor or which use or store excessive amounts of hazardous materials or chemical treatments such as etching with acid. Plastic extrusion is permitted but extrusion or casting of metals is prohibited. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(Added: Ord. No. 650, 9-19-05; amended Ord. No. 750, 9-4-12)

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

**Lodges** - see "Clubs"

**Long term care facilities** - Establishments primarily engaged in providing in-patient nursing and health related personal care, other than a private home, in which one (1) or more adults who are aged or physically impaired by accident, disease, or otherwise disabled are received for care and supervision for extended periods. Establishments of this type include: nursing homes, subacute care facilities, homes for the aged, intermediate care facilities, hospice, convalescent homes and rest homes.

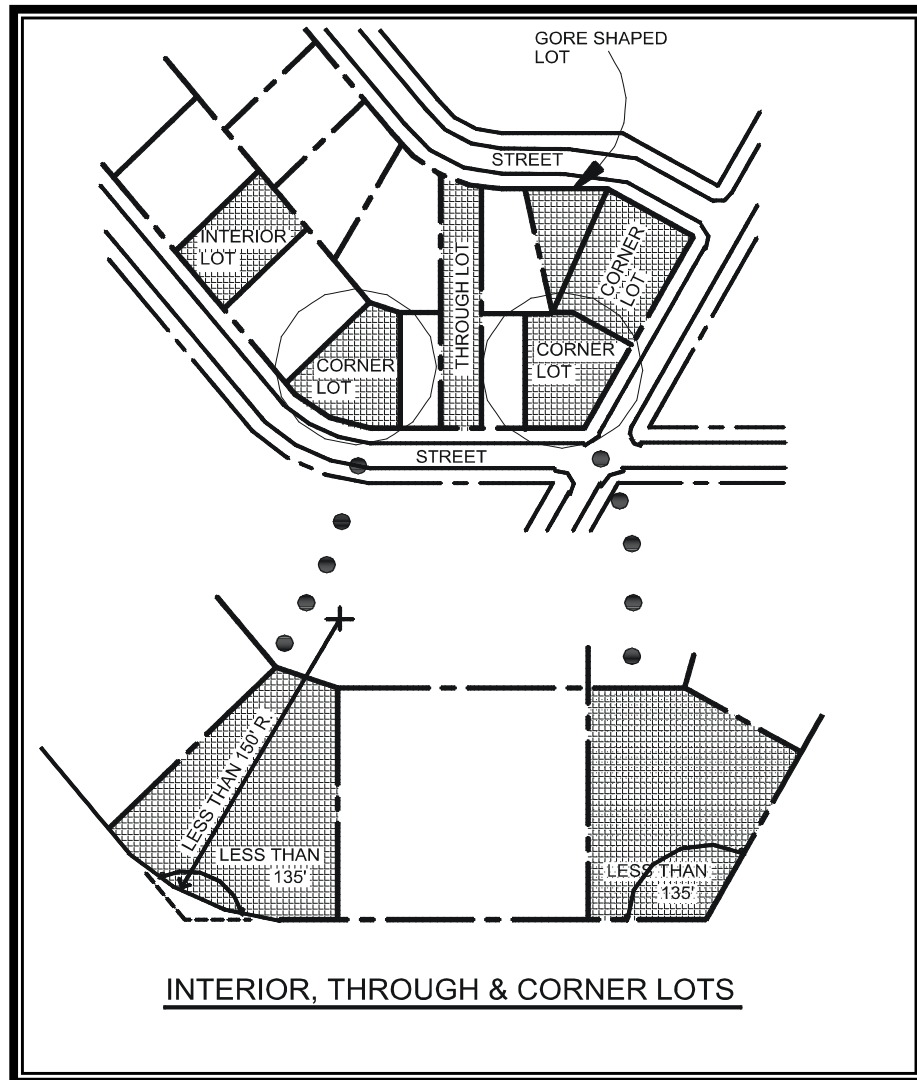
**Lot** - A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. In the case of a site condominium, each condominium unit and its contiguous associated limited common area shall constitute a lot.

**Lot area** - The total horizontal area within the lot lines of a lot, excluding any road rights of way. (see lot line, front)

(Amended: Ord. No. 683, 7-23-07)

**Lot, corner** - A lot located at the intersection of two (2) streets or a lot bounded on two sides by a curving street, any two (2) chords of which form an angle of one hundred thirty five (135) degrees or less. The point of intersection of the tangents described above (see Figure 2-7).

Figure 2-7



**Lot coverage** - That part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**Lot depth** - The mean horizontal distance from the front street line to the rear lot line.

**Lot, gore shaped** - A triangular shaped lot. (See figure 2-7).

**Lot, interior** - A lot other than a corner lot with only one (1) lot line fronting on a street (see figure 2-7).

**Lot, lake** - A lot having frontage on a natural or man-made lake excluding rivers, streams, channels and ponds.



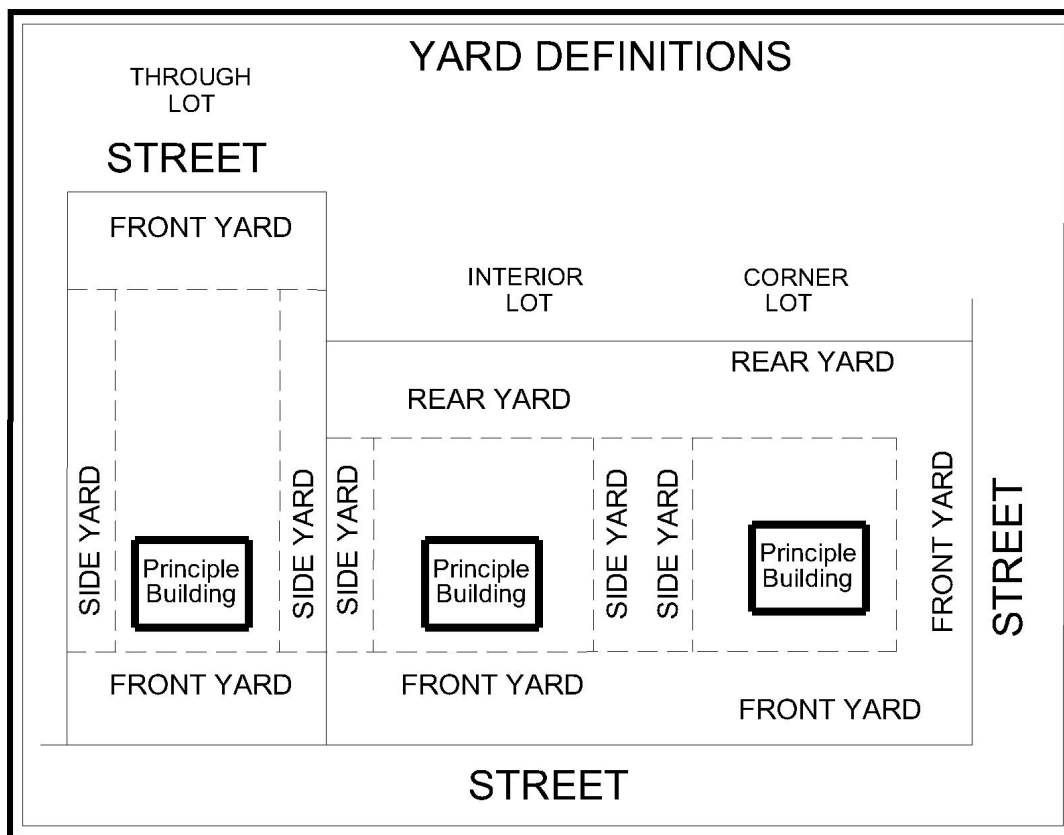
**Lot, Zoning** - A parcel of land that is designated by its owner at the time of applying for a zoning permit as one lot, which is intended to be used, developed or built upon as a unit under single ownership. Such lot may consist of a single lot of record, or a combination of multiple lots of record or portions of lots of record that comply with the requirements of this Ordinance.

(Added: Ord. No. 679, 6-4-07)

**Lot line, front** - In the case of an interior lot, abutting upon a public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a through lot, the front lot line shall be that line separating said lot from both street rights-of-way. In the case of a corner lot, both street lot lines are front lot lines. (see Figure 2-13)

(Amended: Ord. No. 683, 7-23-07; Ord. No. 734, 4-4-11)

**Figure 2-13**



**Lot line, rear** - Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to, or approximately parallel, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth or rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

**Lot line, side** - Any lot line not a front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot line, street or alley** - A lot line separating the lot from the right-of-way of a street or an alley.

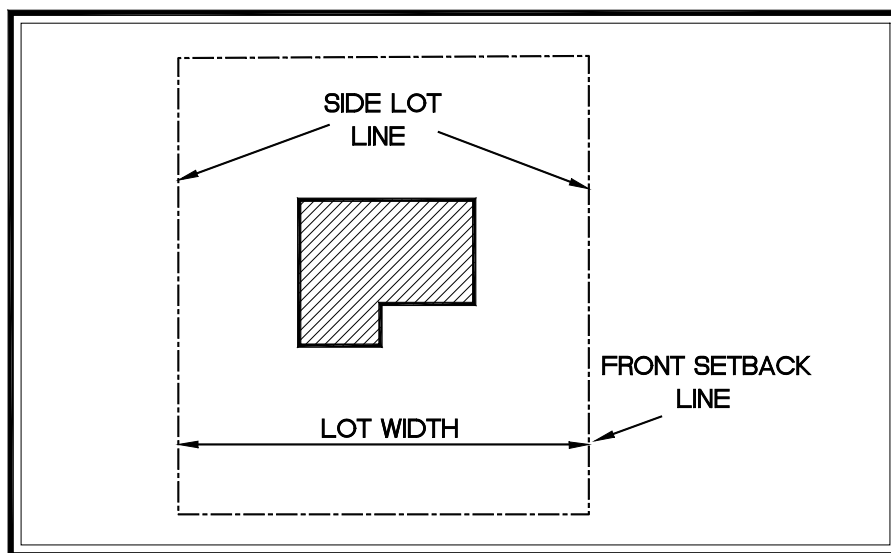
**Lot lines** - The property lines bounding the lot.

**Lot of record** - A lot which actually exists in a subdivision plat or condominium plan 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.

**Lot, through** - A lot having its front and rear yards each abutting a street or road. Expressways do not constitute a road for the purpose of this definition (see Figure 2-7).

**Lot width** - The continuous horizontal distance between the side lot lines, measured at the required front yard setback or the actual front yard setback, whichever is less (see figure 2-8).

Figure 2-8



(Amended: Ord. No. 665, 7-10-06)

**Manufactured home** - A factory built single family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974.

**Manufacturing establishments** - Manufacturing establishments that are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially complete materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

*Examples include (Low intensity (M-1)):* Manufacture of industrial controls, electronic components and accessories, measuring, analyzing and controlling instruments, photographic equipment and repair (except chemicals and sensitized materials), medical and optical goods, and other similar items. Production of prototype products. Research, development, and testing facilities for industrial scientific, and business or commercial establishments. Lumberyards with

outdoor storage. Other establishments similar to and compatible with the above establishments.

*Examples include (Light (M-2)):* Production, assembly or fabrication of candy, drugs, cosmetics and toiletries, musical instruments, toys, novelties, electrical instruments and appliances; radio and stereo equipment; pottery and figurines or other similar ceramic products using only previously pulverized clay. Processing of brick, tile or terra cotta, cement lime, gypsum, or plaster of paris, cement products. Manufacturing and maintenance of electric neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment. Manufacturing of musical instruments, toys, novelties, rubber or metal stamps. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell textiles, tobacco, wood (excluding planing mill), yarns and paint not requiring a boiling process, provided these activities take place entirely within an enclosed building except for on-site delivery vehicles. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; such as manufacturing tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products and fine blanking. Other establishments similar to and compatible with the above establishments.

*Examples include (Heavy (M-3)):* The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, breweries (large commercial producers), distilleries, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware. Food processing including fat rendering, smoking, curing, canning or other processing of edible goods. Production of chemicals or refining of petroleum products. Production of aggregate such as a redi-mix plant. Other establishments similar to and compatible with the above establishments.

**Manufacturing storage and/or distribution establishments (dangerous chemicals)** - Establishments that manufacture flammable, explosive, corrosive or noxious substances subject to state or federal regulation or in any way hazardous to humans or animals.

*Examples include:* Manufacture of fireworks, petroleum products or hydrocarbons, industrial acids, acetylene gas, paint oil (including linseed), turpentine, gas or oil drilling and production or refineries, acetylene gas, shellac, turpentine, lacquer, varnish or similar substances and other establishments similar to and compatible with the above establishments.

**Marine sales and services** - A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests, in accordance with Department of Natural Resources regulations.

**Medical care facilities, neighborhood** - A facility offering medical care to primarily people residing in the immediate area of the facility.

*Examples include:* Doctors office, dental office, chiropractor, podiatrist and other uses similar and

compatible with the above.

**Medical care establishments** - Healthcare facilities that provide medical, dental, surgical, preventive health services and other related services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and other service establishments involved with medical services.

*Examples include (Small)* : Medical or dental clinics, doctor or dentist offices, medical or dental labs, blood collection facilities, x-ray and related scanning facilities, emergency medical care facilities, sales of medical supplies and prosthetics, drug stores, pharmacies, chiropractors, physical therapists, rehabilitation therapists, nurses, or physicians and other medical service establishments similar to and compatible with the above use. Such facilities are five thousand (5,000) square feet in size or less.

*Examples include (Large)*: Sanitariums, hospitals, medical clinics and other medical service establishments similar to and compatible with the above use.

**Mezzanine** - An intermediate floor in any story occupying one third (a) or less of the floor area of such story.

**Monument sales** - An area of land and buildings used in the forming, engraving and sculpting on monuments and stone art. Also see "Retail sales or rental establishments with outdoor display".

**Motels** - A series of attached, semi-detached, detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building.

**Municipal offices or buildings** - A building or office used and dedicated for the official functions of the Township. Listed in the schedule of uses as "Public buildings".

**Museums** - A place for preserving and exhibiting artistic, historical or scientific objects.

**Non-conforming building** - A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of this Ordinance in the zoning district in which it is located.

**Non-conforming use** - A use of land or structure for purposes which conflict with the provisions of this Ordinance.

**Nursery schools** - See "Child care center"

**Nursing homes** - see "Long term care facilities"

**Occupied** - The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**Off-street parking lot** - An off-street parking lot shall consist of space for parking motor vehicles with properly related access to a public street or alley and maneuvering room, and located in an area with the land use to which it is related.

**Office establishments** - Office establishments are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial or other related services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.

*Examples include (large):* Office buildings, industrial parks, corporate headquarters

*Examples include (small):* Professional offices such as banks, credit unions, savings and loan associations and other financial and business services institutions, insurance offices, non-inventory sales, stock brokerage firms administrative, corporate headquarters, dentist, doctors, chiropractors, lawyers, engineers, radio studio without broadcasting towers and photographic studios. Such facilities are five thousand (5,000) square feet in size or less.

**On site wind energy system** – A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

(Added: Ord. No. 717, 12-21-09)

**Open storage** - All outdoor storage of building materials, equipment and other supplies.

**Outdoor display** - An area of designated size and location used for the display of merchandise.

**Parking space** - An area for parking of individual automobiles or motor vehicles, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the parking of permitted vehicles. For the purpose of determining parking requirements a site used for the parking of a vehicle and boat trailer combination is considered one (1) parking space.

(Amended: Ord. No. 727, 9-7-10)

**Parks, private** - An area or parcel that may be open to the general public or may be restricted to members or employees and reserved for recreational, educational or scenic purposes. These parks are owned by private individuals, organizations, businesses or corporations.

**Parks, public** - An area or parcel open to the general public and reserved for the recreational, educational or scenic purposes.

*Examples include:* Play fields, play grounds and other recreational facilities.

**Pawnshops** - An establishment where merchandise is left as security for a loan of money and abandoned or resold if repayment of the loan has not been made within a specified period of time. Also see “Retail establishments, neighborhood”.

**Personal service establishments** - Personal service establishments are primarily engaged in providing services involving the care of a person or his or her personal goods, apparel or other belongings.

*Examples include:* Barber, beauty and nail shops or salons, nails, watch and shoe repair, tailor shops, locksmith, coin operated laundromats, laundry or dry cleaning customer outlets (pick-up stations only), laundry pick-up stations, self-serve dry cleaning center and the like, tanning, fitness or health clubs, physical culture or health establishments, reducing salons, gymnasiums, printing, tuxedo rental, tattoo parlors, masseurs, steam baths, upholstering, photographic studios and animal grooming and other uses similar to and compatible with the above establishments.

**Pets** - See Household pets, keep of.  
(Amended: Ord. No 803, 11-14-18)

**Photography studios** - A facility for the staging and production of photographic pictures, including indoor and outdoor areas with limited facilities for the processing of film.

**Planned unit developments** - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**Planning Commission** - The Township Planning Commission established under the authority of Public Act #168 of 1959.

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

**Porch, open** - A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, or similar architectural feature and projects out from the main wall of said building or structures and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Premises** - A lot, together with all of the buildings, structures on it and other improvements.

**Primary Containment Facility** – A tank, pit, container, pipe, or vessel of first containment of a hazardous substance. (Added: Ord. No. 811, 11-4-2019)

**Primary thoroughfare** - A county primary road or a State or Federal Highway.

**Public buildings** - Buildings that house public services and uses usually in offices; but not including “utility and public service installations” or “educational and social institutions”.

*Examples include:* Ambulance stations, fire, police, post office and other municipal offices.

**Public utility buildings and uses** - A building or structure within which a public utility or transportation service deemed necessary for the public health, safety or general welfare (or some other essential service) is provided to the public by an entity under public franchise or ownership, including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation for the general public use. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance and other related facilities.

*Examples include:* Electric transformer stations and substations; electric transmission towers; municipal sewage treatment plants and municipal buildings; gas regulator and pumping stations; municipal utility pumping stations and other uses similar and compatible with the above. These installations may or may not include outdoor storage yards.

(Amended: Ord. No. 739, 9-19-11)

**Race tracks** - A course prepared for the racing of horses, dogs or vehicles, including accessory structures such as seating, parking, ticket booths, stables, garages, staging areas and other related facilities. Also see “Recreation and entertainment establishments, outdoor”.

**Radio and television station** - A building used for the production and transmission of radio or television broadcasts. Wireless communication towers, although often accessory to radio stations, are considered a separate use, requiring separate approval.

**Radio TV broadcast towers** - See “Wireless telecommunication towers”

**Railroad switching yard** - An area of land, a portion of which is covered by a system of tracks that permits the switching, storing and assembly of railcars into railroad trains.

**Recreation: Commercial outdoor recreation establishments (excluding golf related uses)**  
Outdoor recreation and entertainment establishments provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and restrooms, caretaker’s quarters, maintenance facilities and other facilities in addition to structures for the principal uses. Additional regulations apply to outdoor

entertainment establishments that serve alcohol.

*Examples include:* Tennis courts, archery courts, shuffleboard, horseshoe courts, children's amusement park or other type of amusement and water parks, theme parks, fairground, zoos, animal racing facilities, go-carts, automobile or motorcycle tracks, race tracks, amphitheaters, airgun or survival games, batting cages, ski slopes, and skate board parks and other uses similar to and compatible with the above establishments.

**Recreation: golf courses, country clubs, par three golf courses** - See "Golf courses" and "Country clubs".

**Recreation: golf driving ranges, miniature golf courses** - See "Golf driving ranges" and "Golf courses, miniature".

**Recreation: indoor commercial recreation** - Indoor entertainment establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality that may include food service or accommodations, but does not include drive-through establishments. Additional regulations apply to indoor establishments that serve alcohol.

*Examples include:* Bowling alleys, billiard halls, arcade or video game rooms, archery range (indoor) and other indoor entertainment establishments similar to and compatible with the above establishments.

**Recreation: private or public recreation clubs** - Clubs and/or organizations which focus on outdoor activities and are not for profit.

*Examples include:* Gun clubs, archery or bowmen clubs and other clubs and organizations that are similar and compatible with the above uses.

**Religious institutions** - Institutions that primarily provide meeting areas for religious activities for the general public. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on-site as an accessory use.

*Examples include:* Churches, synagogues, temples and mosques and other institutions similar to and compatible with the above establishments. Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.

**Rental and sales of automobiles and recreational vehicles, outdoor** - Establishments involved in the sale or rental of automobiles and recreational vehicles. These establishments may have outdoor storage.

*Examples include:* Automobile and truck (used and new) sales, automobile rental, automobile



wash establishments, recreational vehicle sales, and other business establishments that typically have large outdoor displays and other uses similar and compatible with the above establishments. (Amended: Ord. No. 767, 7-21-14)

**Rental and sales of mobile homes and commercial equipment, outdoor** - Establishments involved in the sale or rental of mobile homes and commercial equipment. These establishments may have outdoor storage. (Added: Ord. No. 767, 7-21-14)

**Rental businesses establishments, indoor** - Businesses involved in the rental of equipment and goods which are fully enclosed within a building. Outdoor storage is not permitted.

**Research and development establishments** - An establishment or other facility that carries out the investigation in the natural, physical or social sciences which may include engineering and product development. Also see “Manufacturing (low intensity)”.

*Examples include:* Pilot plants for testing of manufacturing processes related to, or resulting from, other uses permitted in district, research, development and testing facilities for industrial scientific and business or commercial establishments and other uses similar and compatible with the above establishments.

**Residential, apartments** - A group of rooms or suites which include bath(s) and kitchen facilities in a two-family or multiple dwelling arranged and intended for use as a residence by a single family or a group of individuals living together as a single housekeeping unit.

**Residential, duplex** - Two (2) residences attached by a common wall or ceiling/floor.

**Residential, efficiency unit** - A dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred fifty (350) square feet of floor area.

**Residential, mobile home** - A structure, transportable in one (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.

**Residential, mobile home park** - A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless of whether a change is made, therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

**Residential, mobile home subdivision** - The development of property under the subdivision provisions of the Land Division Act (PA 288 of 1967) for the purpose of creating lots for siting mobile homes that may not meet the standards for a single family residence under this ordinance.

**Residential, multiple family** - A building used or designed as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three (3) or more family houses and apartment houses which share common entrances.

**Residential, single family attached** - An attached building designed for, or occupied exclusively by, one (1) family.

**Residential, single family detached** - A detached building designed for, or occupied exclusively by, one (1) family.

**Residential, townhouses, patio or row houses** - See "Residential, single family attached".

**Restaurants, conventional** - An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory "take-out" services.

**Restaurants, drive-in** - An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory "take-out" services. These establishments differ from conventional sit-down and drive-through restaurants because the food served to the patron is brought by foot to his/her automobile and consumed therein or may have facilities to handle walk-up customers.

**Restaurants, drive-thru** - An establishment serving prepared food or beverages for consumption off the premises or in some cases on premises and so developed that its principle form of service delivery is to patrons driving up in a automobile and then receiving their meal from a window.

**Retail establishments, convenience** - A retail establishment offering for sale prepackaged food products and other items for off-premises consumption or use. Typically, these are usually short trip, high volume uses not more than three thousand five hundred (3,500) square feet in size. It is possible that a convenience retail establishment will share a building with another use, such as a gasoline service station.

*Examples include:* Party stores, newspaper stands, liquor outlets, drugstores, shops selling baked goods, shops selling beverages and books and other convenience retail establishments similar

to and compatible with the above establishments.

**Retail establishments, large** - A retail establishment that generally services a regional market and is primarily involved in purchase and resale of goods. Services may be rendered incidental to the sale of such goods at the retail establishment. There may be processing or manufacturing of products incidental or subordinate to the selling activities but not on the scale of an establishment solely involved in manufacturing (see manufacturing definitions in this Article).

*Examples include (large):* Furniture stores, building supply establishments with outdoor storage and other large retail establishments over twenty five thousand (25,000) square feet.

**Retail establishments, neighborhood** - A retail establishment that is primarily engaged in the purchase and resale of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be some processing of products incidental or subordinate to the selling activities. These retail businesses contain up to a total maximum of twenty five thousand (25,000) square feet, but an individual unit shall not exceed five thousand five hundred (5,500) square feet, including one (1) restaurant (drive-in types are prohibited) outside restaurant seating of up to thirty three (33) percent of the total capacity is allowed.

*Examples include (neighborhood):* Shops for the sale of baked goods, beverages, including liquor outlets, antique shops, books, bicycle shops, clothing and accessory stores, carpeting and rug sales, shoes, confection, grocery stores, food markets, supermarkets, wallpaper, butcher shops, drugs, flowers, food stuffs including meats, gifts, novelty shops, small household accessories, hardware, hobby equipment, jewelry, notions, optical goods, pawnshops, paint, photographic supplies, periodicals, sports cards and other like collectibles, sundry small household articles, sporting goods, musical instruments (sales and services), tobacco and meat markets and other retail and business service establishments similar to and compatible with the above use whose principal activity is the sale of merchandise.

**Retention** - The process of preventing stormwater from flowing off a parcel as a result of rain or snowmelt.

**Retirement communities, mixed use** - These facilities include a range of housing options and medical and household services to serve the elderly and retirees with a range of medical and social needs.

**Riparian** - To have rights to water, including access to a body of water.

**Riparian Lot** - A Lot that is contiguous to a body of water so as to provide the owner of the Lot riparian rights with respect to the body of water.

**Road, arterial** – Principal arterials are designed to carry a higher volume of traffic for long distances. Minor arterials are designed similarly as a principal arterial but carry traffic for shorter distances. (Road types are shown as classified in the Township’s Master Plan).

(Added: Ord. No. 804, 11-19-18)

**Road, collector** – Thoroughfares designed typically to provide access to properties other than the arterials. They are the primary connection between residential or rural areas and arterials. (Road types are shown as classified in the Township’s Master Plan).

(Added: Ord. No. 804, 11-19-18)

**Road, local** – Thoroughfares designed primarily to provide access to property. (Road types are shown as classified in the Township’s Master Plan).

(Added: Ord. No. 804, 11-19-18)

**Rotor** – An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

(Added: Ord. No. 717, 12-21-09)

**Sales & storage, low intensity**-An establishment or place of business that is primarily engaged in the selling of merchandise, either retail or wholesale, and the storing of merchandise. There is little on-site sales activity with the customer present.

(Added: Ord. No. 683, 7-23-07)

**Sawmills** - A facility where logs are sawed into boards.

**Secondary Containment Facility** – A second tank, catchment pit, pipe or vessel that contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, ground waters, or surface waters, of any pollutant that may emanate from said storage container or containers. (Added: Ord. No. 811, 11-4-2019)

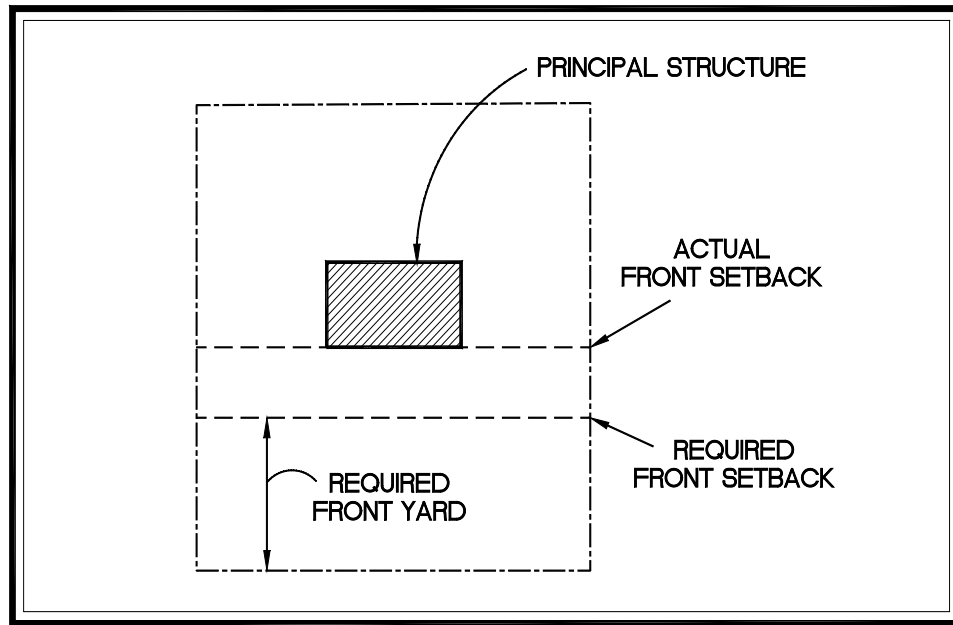
**Senior housing** - Housing type that provides individual dwelling units to allow seniors to live independently with regard to cooking, housekeeping, laundry and general activities of daily living.

**Service or repair establishments** - Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods and preparation of certain goods. Includes customer drop-off and pickup as well as off-site service calls.

*Examples include:* Any service establishment of an office, showroom, or workshop nature of an electrician, plumber, decorator, baker or upholsterer and other uses similar to and compatible with the above establishments.

**Setback, actual** - The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a lot adjacent to a lake, the setback

is measured from the nearest point on the shore. In the case of a lot on a cul-de-sac or curvilinear



street, the setback is measured from the midpoint of the lot width on the front lot line (see Figures 2-9, 2-10 and 2-11).

**Setback, required** - The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot adjacent to a lake, the setback is measured from the nearest point on the shore or the actual lot line, whichever is closest. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the midpoint of the lot width on the front lot line (see Figures 2-9, 2-10, 2-11).

**Figure 2-9**

**Shadow flicker** – Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

(Added: Ord. No. 717, 12-21-09)

**Shopping malls** - A number of stores under one (1) roof which are all accessed by a common walkway.

Figure 2 -10

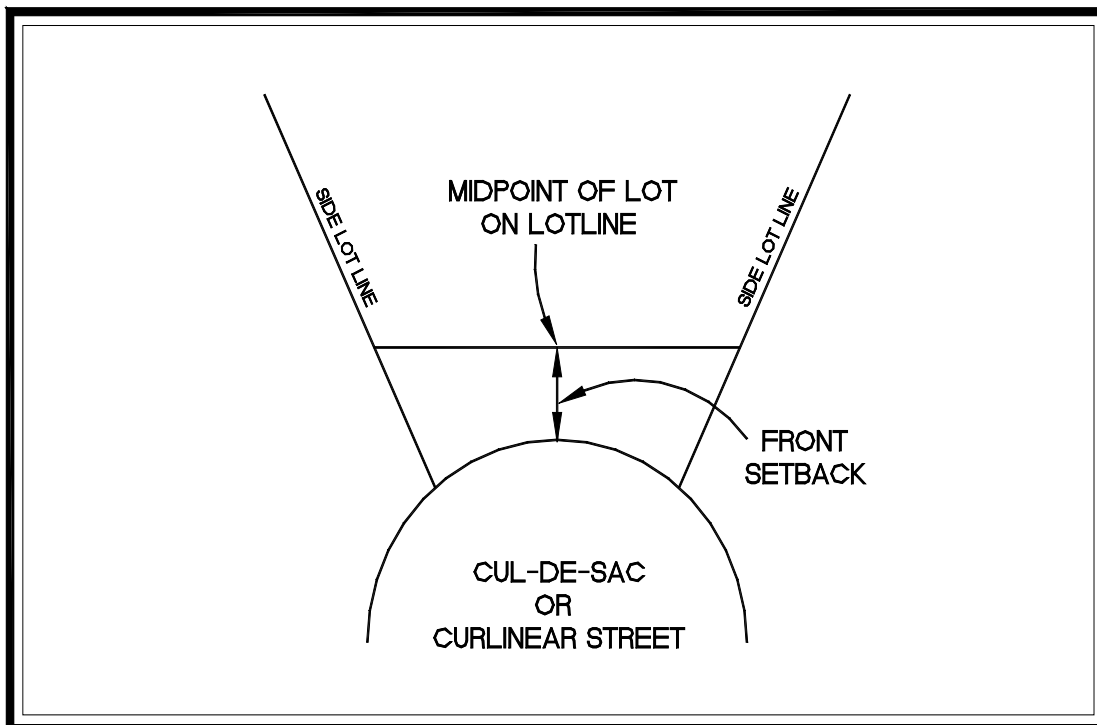
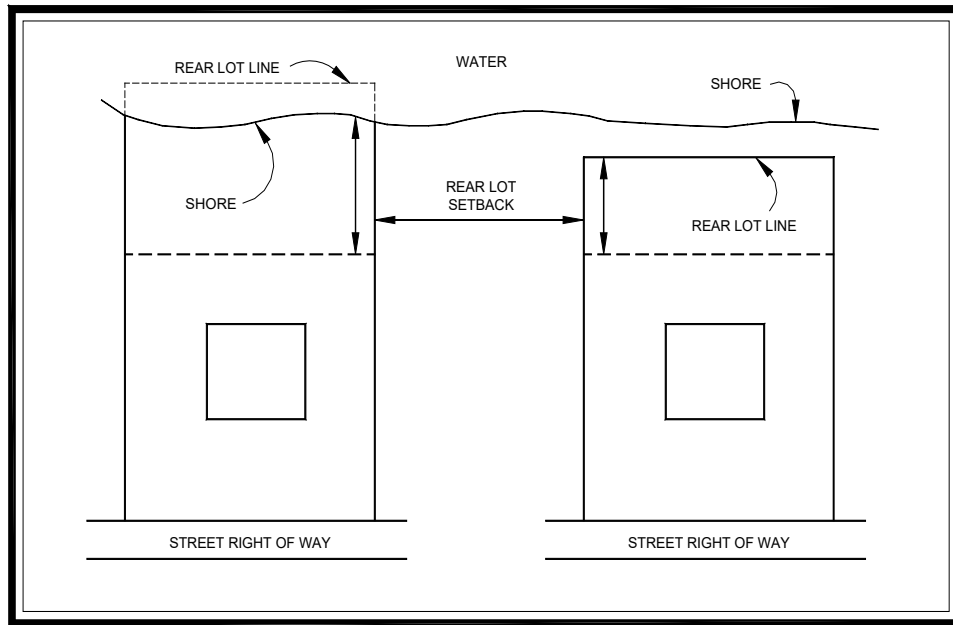


Figure 2 - 11



**Sight Line** - A line across the width of a lake lot which connects the point closest to the lake on the foundation of the principle structure on either side of the lot or parcel of land upon which proposed structure is to be constructed (see Figure 2-12).

If there is no principle structures located on contiguous properties to the lot or parcel upon which the proposed structure is to be constructed the sight line will be established from the point closest to the lake on the foundation of the next principle structure within 300 feet on either side (see Figure 2-12A).

If there is not a principle structure within three hundred (300) feet on either side of the lot on which the proposed structure is to be built, the Zoning Administrator will establish a sight line intended to provide adequate protection of the view of the lake for future development in the area.

Figure 2-12

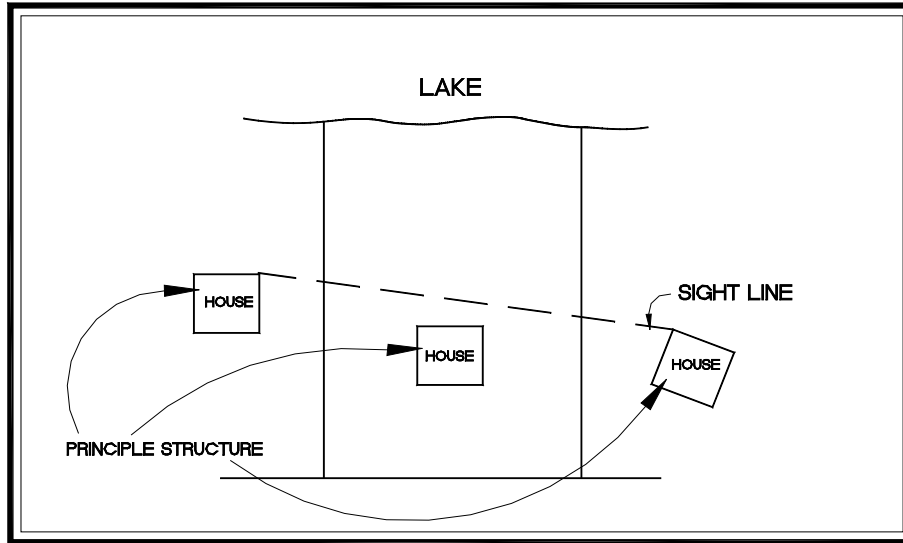
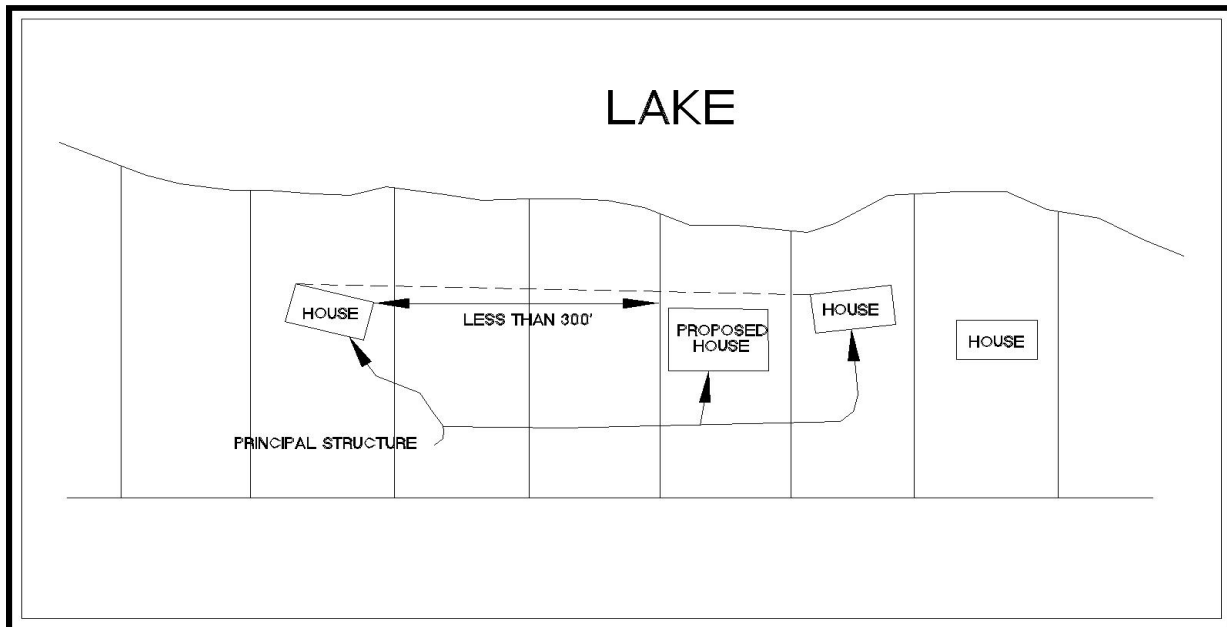


Figure 2-12A



(Amended: Ord. No. 679, 6-4-07)

**Sign** -A structure defined as a sign in the Township Sign Regulation Ordinance.

**Slaughter houses** - Any building used for the slaughter or the preparation of live animals for food consumption or other uses and for processing animals and the parts thereof to make them saleable for food or other uses. Retail sales shall be limited to items slaughtered on the premises of the establishment.

**Small Distiller** - An establishment that manufactures not more than 60,000 gallons of spirits annually. A small distiller may include ancillary facilities, such as a tasting room. (Added: Ord. No. 827, 8-30-2021)

**Soil removal** - Shall mean removal of any kind of soil or earth matter, including topsoil, sand



gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

**Soil, sand, clay and gravel or similar removal operations, quarry excavation** - An operation under which material is removed from an area of land in connection with the production of soil, sand, clay or gravel by surface, open pit method or other mining methods.

**Sound pressure** – An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver and reported in decibels (dB).

(Added: Ord. No. 717, 12-21-09)

**Sound pressure level** – The sound pressure mapped to a logarithmic scale.

(Added: Ord. No. 717, 12-21-09)

**Special Use Permit** - Authority granted by the Planning Commission or Zoning Administrator (for administratively approved Special Use Permits) for a specific use on a specific parcel authorized by Special Use Permit in the zoning district in which the parcel is located.

**Stables and/or riding academies** - An accessory building in which horses are cared for and kept for either private and/or public use.

**Stacking space** - A space designed to accommodate a motor vehicle waiting to use a drive-through facility.

**Stadiums and arenas including baseball, football or other large facility with public seating** - Large indoor or outdoor facilities that are generally used for sport competition and contain some type of seating for spectators.

**State equalized valuation** - The value shown on the Township assessment roll as equalized through the process of State and County equalization.

**State licensed residential facility** - A structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (MCLA 400.701, et seq.) or the Child Care Organizations Act (MCLA 722.111, et seq.) that provides resident services or care for six (6) or fewer persons under twenty four (24) hour supervision for persons in need of that supervision or care. Typically these facilities are located in residential settings. A “State Licensed Residential Facility” that receives special zoning treatment as a residential use may include an adult foster care facility, foster family home, or foster family group homes.

**Storage facilities (excluding outdoor storage)** - A building or series of buildings containing separate storage spaces of varying sizes leased or rented as individual leases.

**Storage facilities (with outdoor storage)** - A lot that may include both buildings containing separate storage spaces and areas outside of buildings used for storage.

**Story** - That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it (see Figure 2-1).

1. A “**Mezzanine**” shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty four (24) feet or more.

**Story, half** - That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one half ( $\frac{1}{2}$ ) the floor area of said full story.

**Street** - A public or private thoroughfare which affords traffic circulation and principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**Strip malls** - A group of stores attached or separate, all of which are accessed from a separate outside entrance. Also see “Retail establishments, neighborhood” and “Retail establishments, large”.

**Structure** - Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. A structure does not include physical improvements that are flush with the ground such as patios, sidewalks and driveways.

**Structure, temporary** - Anything constructed or erected which does not require permanent location on the ground or attachment to something having such location. A structure does not include physical improvements that are flush with the ground such as patios, sidewalks and driveways.

**Structure, seasonal** - Anything constructed or erected which does not require permanent location on the ground or attachment to something having such location and which is associated with a seasonal activity. A structure does not include physical improvements that are flush with the ground such as patios, sidewalks and driveways.

**Structure alteration** - Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any change in the width or number of exits, or any structural change in the roof.

**Structure mounted wind energy system** – An on-site wind energy system mounted on a structure other than a tower, such as a building.

(Added: Ord. No. 717, 12-21-09)

**Subacute care facilities** - A facility that provides services for medically complex patients who are stable enough for hospital discharge, but are too sick to go home. In the health care industry this is also known as “*transitional care*”. Also see “Long term care facilities”.

**Temporary buildings** - A building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

**Temporary outdoor use** - A use carried out in an open uncovered area or temporary structure, which is discontinued when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

**Tents** - A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children’s recreational purposes.

**Theaters, indoor** - A building or structure arranged for the presentation of motion pictures, plays or operas indoors. Also see “Recreation and entertainment establishments, indoor”.

**Theaters, outdoor** - A building or structure arranged for the presentation of motion pictures, plays or operas in out-of-doors. Also see “Recreation and entertainment establishments, outdoor”.

**Tillable** - Land which is able to be cultivated or used for grazing. Landforms such as steep slopes, lakes, ponds, rivers, streams or wetlands shall not be considered tillable land.

**Towers** - Any ground or roof mounted pole, spire, structure, or combination thereof taller than thirty (30) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**Towing Service**- An establishment that provides for the removal of motor vehicles by towing, carrying, hauling, or pushing from public or private property when requested by the vehicle owner or ordered to be impounded to a public or private impound lot. This may also include the temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. This service shall not include an “automotive service” use that has a tow truck and repairs vehicles on site.

(Added: Ord. No. 683, 7-23-07)

**Township** - The Charter Township of Fenton.

**Township Board** - The Board of Trustees of the Charter Township of Fenton.

**Truck Terminal** - A facility for the receipt, transfer, short term storage and dispatching of goods

transported by truck.

**Use** - The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is occupied, maintained, let or leased.

**Underground Storage Tank System** – A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended. (Added; Ord. No. 811, 11-4-2019)

**Utility grid wind energy system** – A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA TOWER, electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.  
(Added: Ord. No. 717, 12-21-09)

**Variance** - An authorization permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in a practical difficulty upon the variance applicant.

**Variance, use** - Authorization from the Zoning Board of Appeals to establish use in a zoning district in which the use is otherwise prohibited.

**Vehicle modification establishment** – A building or structure used for the minor modification of vehicles, watercraft, motorcycles or aircraft including detailing, installation of alarms, stereos, sun roofs, running boards and similar accessories, application of decals and glass repair or replacement. The use does not include uses involving painting, body work, rust proofing, alignment, suspension and brake or muffler repair, oil changes or similar work on or for vehicles, watercraft, motorcycles or aircraft.  
(Added: Ord. No. 708, 5-4-09)

**Veterinary clinic** - A facility for the examination and treatment of animals, excluding temporary boarding facilities.

**Veterinary hospitals** - A facility for the examination and treatment of animals, including temporary boarding facilities.

**Well** – A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and rules. (Added: Ord. No. 811, 11-4-2019).

**Wellhead Protection Area (WHPA)** – The area around and upgradient from the public water supply wells delineated by the ten-year travel time contour capture boundary. (Added: Ord. No. 811, 11-4-2019).

**Wildlife habitat** - An area that, because of climate, soils, vegetation, relationship to water and other physical properties, has been identified as important to the maintenance of wildlife species.

**Wireless telecommunication antennae** - see “Communications towers”

**Wireless telecommunication towers** - see “Communications towers”

**Wholesale and warehousing** - Wholesale and warehousing establishments or places of business that are primarily engaged in the selling of merchandise to retailers or storing of merchandise, to industrial, commercial, institutional, or professional business users, to other wholesalers, or acting as agent or broker and buying merchandise for, or selling merchandise to such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.

*Examples include:* The sale of wholesale or warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, beer, wine and distilled alcoholic beverages, paper and paper products, furniture and home furnishings and parcel delivery services, any commodity the manufacture of which is permitted in this zoning district.

(Amended: Ord. No. 774, 12-15-14)

**Wind energy system** – A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also on site wind energy system and utility grid wind energy system.

(Added: Ord. No. 717, 12-21-09)

**Wind site assessment** – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

(Added: Ord. No. 717, 12-21-09)

**Winery** - An establishment for making wine, consisting of a producing vineyard, orchard, or similar growing area, and/or manufacturing and bottling of wines. A winery may include ancillary facilities, such as a tasting room. (Added: Ord. No. 824, 8-30-2021)

**Woodworking** - A business involved in the construction of furniture small portable structures and similar products, primarily out of wood.

**Yard** - An open space of identified width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level.

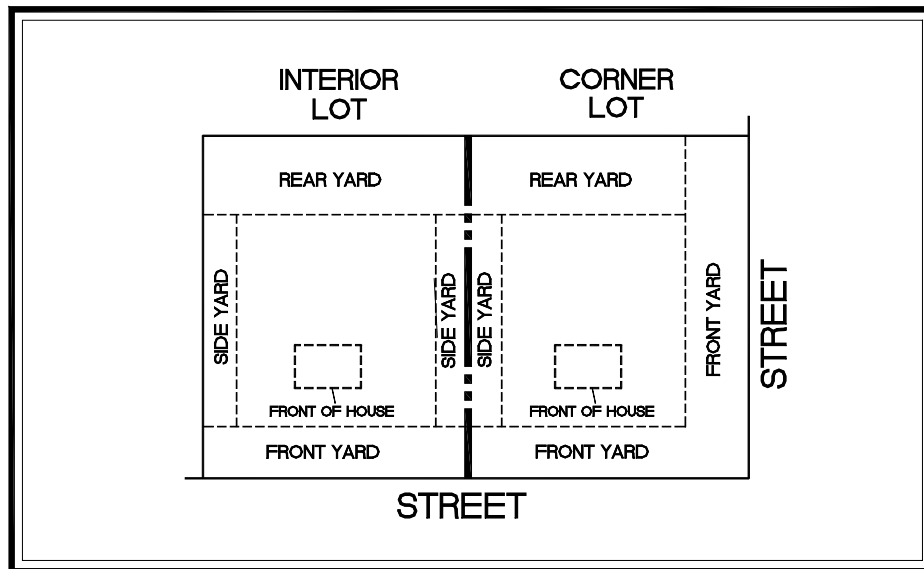
**Yard, front** - An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building (see Figure 2-13).

**Yard, rear** - An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building (see Figure 2-13).

**Yard, required** - See “Setback, required”.

**Yard, side** - An open space between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building (see Figure 2-

Figure 2 - 13



13).

**Zoning Board of Appeals** -The Zoning Board of Appeals for the Township established under the authority of Public Act 168 of 1959.

**Zoning district** - A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other

requirements are established by this Ordinance.

**Zoning Permit** - Written verification from the Township Zoning Administrator or their designee, that a proposed land use, new construction, addition, or excavation or grading of property complies with the terms of this ordinance. The instances where a zoning permit is required is outlined in Section 7.02

(Amended Ord. No. 606, 6-16-03; Ord. No. 621, 6-7-04, Ord. No. 679, 6-4-07; Ord. No. 683, 7-23-07)

**ARTICLE 3  
DISTRICT REGULATIONS**

**SECTION 3.01 Districts**

The Township is hereby divided into zones as shown on the official Zoning Map and shall include the following:

AG	Agricultural
R-1	Single Family Residential - Rural
R-2	Single Family Residential - Low Density
R-3	Single Family Residential - Medium Density
R-4	Single Family Residential
R-5	Single Family Residential
R-6	Single Family Residential - Attached
R-M	Multiple Family Residential
R-MH	Mobile Home Residential
OS	Office Service
C-1	Local Business
C-2	General Business
C-3	Highway Service
M-1	Low Intensity Industrial
M-2	Light Industrial
M-3	General Industrial
PUD	Planned Unit Development

**SECTION 3.02 Map**

- A. The boundaries of these zoning districts are shown upon the map attached hereto and made a part of this Ordinance, which said map is designated as the Official Zoning Map of the Township. The Zoning Map shall be maintained and kept on file with the Township Zoning Administrator, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.
  
- B. Except where reference on the Official Zoning Map to a street or other designated line by the dimensions shown on said map, the zoning district boundary lines follow lot lines or the center lines of the streets, alleys, railroads, lakes or such line extended and the corporate limits of the Township as they existed at the time of the adoption of this Ordinance. In the case of a freeway or expressway, the zoning district extends to the center of the freeway or expressway.  
(Amended: Ord. No. 667, 7-10-06)



- C. Questions concerning the exact location of zoning district boundary lines shall be determined by the Zoning Board of Appeals after recommendation from the Planning Commission, according to rules and regulations which may be adopted by it.

### **SECTION 3.03 Vacated streets, and other public spaces**

When streets or other public spaces within the Township are vacated and the previous right of way becomes part of parcels adjacent to the vacated street, the newly vacated street property shall be deemed to be part of the same zoning district as the property to which it is attached.

### **SECTION 3.04 District regulations**

- A. Every building or structure erected, any use of land, building, or structure, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building or structure, and any creation or splitting of a lot, occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Accessory uses are permitted as indicated in the various zoning districts, if such uses are clearly incidental to the permitted principal uses. Uses permitted by special use permit are permitted as listed if the required conditions are met. Uses not specifically permitted within a district are prohibited.
- C. A use of land, buildings, or structures not specifically mentioned in the provisions of this Ordinance shall be classified upon appeal by the Zoning Board of Appeals or by request of the Zoning Administrator. In making this determination, this Ordinance shall not interpret a general category (such as general commercial uses) to include a specific use (such as convenience store) if the specific use is listed separately somewhere else under zoning district regulations.
- D. Open space, off-street parking and other similar provisions required in connection with a particular use may not be used at the same time to meet the requirement for a separate use, unless specifically authorized by this Ordinance.

## SECTION 3.05 AG Agricultural

The Agricultural zoning district covers portions of the open areas of the Township where farming, dairying, forestry operations, and other rural activities are found on relatively large lots. Vacant land, rural residences, fallow land and wooded areas may also be included where such areas are interspersed among farms. Some uses permitted in this district are required to comply with specific design standards.

### A. Permitted principal uses

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family detached
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Agriculture and horticulture (10 acre minimum)
5. Day care, adult (1-6 persons)
6. Day care homes, family (1-6 persons)
7. Foster family group homes
8. Foster family homes
9. Greenhouse, non-retail
10. Stables and/or riding academies (10 acre minimum)

### B. Permitted accessory uses

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Horses, keeping of
3. Household pets, keeping of
4. Kennels, private (3-6 dogs)
5. On-site wind energy system
6. Other accessory uses customarily incidental to the above permitted principal uses
7. Other accessory buildings customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

### C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)
4. Agricultural accessory residence
5. Agricultural roadside stands
6. Agricultural tourism facilities (10 acre minimum)
7. Airports, private landing strips (10 acre minimum)
8. Animal production, intensive feedlot operation (40 acre minimum)
9. Animal production, commercial (10 acre minimum)
10. Animal shelter
11. Bed and breakfast establishments
12. Campgrounds, permanent (40 acre minimum)
13. Campgrounds, transient (20 acre minimum)
14. Cemeteries (20 acre minimum)
15. Child care institutions
16. Clubs
17. Communication antennae
18. Communication towers
19. Day care, adult (7-12 persons)
20. Educational institution, non-profit
21. Greenhouses, retail (10 acre minimum)
22. Kennels, commercial (7 or more dogs)
23. Landscape contractor
24. Medical care facilities, neighborhood
25. Parks, private
26. Parks, public
27. Public buildings
28. Public utility buildings and uses without outdoor storage
29. Recreation: commercial outdoor recreation establishments (excluding golf related uses) (10 acre minimum)
30. Recreation: golf courses, country clubs, par three golf courses
31. Recreation: golf driving ranges
32. Recreation: private or public recreation clubs (80 acre minimum)
33. Religious institutions (3 acre minimum)
34. Residential, duplex
35. Soil, sand, clay and gravel or similar removal operations, quarry excavation (20 acre minimum)
36. Utility grid energy system
37. Veterinary clinics
38. Veterinary hospitals (5 acre minimum)

(Amended: Ord. No. 684, 7-23-07; Ord. No. 704, 12-8-08; Ord. No. 717, 12-21-09; Ord. No. 739, 9-19-11; Ord. No. 745, 1-9-12; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

## **SECTION 3.06 R-1 Single Family Residential - Rural**

The R-1 Single Family Residential - Rural zoning district covers portions of the open areas of the Township where farming, dairying, forestry operations, and other rural activities are found. Vacant land, rural residences, fallow land and wooded areas may also be included where such areas are interspersed among farms. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family detached
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Day care, adult (1-6 persons)
5. Day care homes, family (1-6 persons)
6. Foster family group homes
7. Foster family homes
8. Greenhouse, non-retail (5 acre minimum)

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. Kennels, private (3-6 dogs)
4. On-site wind energy system
5. Other accessory uses customarily incidental to the above permitted principal uses
6. Other accessory buildings customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

### **C. Uses permitted by special use permit**

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)
4. Agricultural roadside stands
5. Agriculture and horticulture (5 acre minimum)
6. Animal shelter
7. Bed and breakfast establishments
8. Cemeteries (20 acre minimum)
9. Child care institutions
10. Clubs
11. Communication antennae
12. Communication towers
13. Day care, adult (7-12 persons)
14. Educational institution, non-profit
15. Medical care facilities, neighborhood
16. Parks, private
17. Parks, public
18. Public buildings
19. Public utility buildings and uses without outdoor storage
20. Recreation: golf courses, country clubs, par three golf courses
21. Recreation: golf driving ranges
22. Religious institutions (3 acre minimum)
23. Residential, duplex
24. Veterinary clinics

(Amended: Ord. No. 684, 7-23-07; Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outlined in Article 9, Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

## G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

## **SECTION 3.07 R-2 Single Family Residential - Low Density**

The R-2 Single Family Residential - Low Density zoning district is intended to encourage a suitable environment for families typically with children. Uses are limited to one (1) family dwellings, along with certain other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood land use pattern. In keeping with this intent, development is restricted to a moderately low density with few traffic generators. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family detached
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Day care, adult (1-6 persons)
5. Day care homes, family (1-6 persons)
6. Foster family group homes
7. Foster family homes

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. On-site wind energy system
4. Other accessory uses customarily incidental to the above permitted principal uses
5. Other accessory buildings customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

### **C. Uses permitted by special use permit**

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.



1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)
4. Animal shelter
5. Bed and breakfast establishments
6. Communication antennae
7. Communication towers
8. Day care, adult (7-12 persons)
9. Day care centers, commercial
10. Day care homes, group (7-12 persons)
11. Educational institution, non-profit
12. Kennels, private (3-6 dogs)
13. Medical care facilities, neighborhood
14. Parks, private
15. Parks, public
16. Public buildings
17. Public utility buildings and uses without outdoor storage
18. Recreation: golf courses, country clubs, par three golf courses
19. Religious institutions (3 acre minimum)
20. Residential, duplex
21. Senior housing

(Amended: Ord. No. 684, 7-23-07; Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

**SECTION 3.08 R-3 Single Family Residential - Medium Density**

The R-3 Single Family Residential - Mediums Density zoning district is intended to encourage a suitable environment for families typically with children. Uses are limited to one (1) family dwellings, along with certain other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood land use pattern. In keeping with this intent, development is restricted to a moderate density with few traffic generators. Some uses permitted in this district are required to comply with specific design standards.

A. Permitted principal uses

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family detached
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Day care, adult (1-6 persons)
5. Day care homes, family (1-6 persons)
6. Foster family group homes
7. Foster family homes

B. Permitted accessory uses

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. On-site wind energy system
4. Other accessory buildings customarily incidental to the above permitted principal uses
5. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)

4. Animal shelter
5. Bed and breakfast establishments
6. Communication antennae
7. Communication towers
8. Day care, adult (7-12 persons)
9. Day care centers, commercial
10. Day care homes, group (7-12 persons)
11. Educational institution, non-profit
12. Kennels, private (3-6 dogs)
13. Medical care facilities, neighborhood
14. Parks, private
15. Parks, public
16. Public buildings
17. Public utility buildings and uses without outdoor storage
18. Recreation: golf courses, country clubs, par three golf courses
19. Religious institutions (3 acre minimum)
20. Residential, duplex
21. Senior housing

(Amended: Ord. No. 684, 7-23-07; Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

**SECTION 3.09 R-4 Single Family Residential**

The R-4 Single Family Residential zoning district is intended to encourage a suitable environment for families typically with children. Uses are limited to one (1) family dwellings, along with certain

other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood land use pattern. In keeping with this intent, development is restricted to a moderately high density single family residential development with few traffic generators. Some uses permitted in this district are required to comply with specific design standards.

A. Permitted principal uses

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family detached
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Day care, adult (1-6 persons)
5. Day care homes, family (1-6 persons)
6. Foster family group homes
7. Foster family homes

B. Permitted accessory uses

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. Other accessory buildings customarily incidental to the above permitted principal uses
4. Other accessory uses customarily incidental to the above permitted principal uses

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards

1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)
4. Bed and breakfast establishments
5. Communication antennae
6. Communication towers

7. Day care, adult (7-12 persons)
8. Day care centers, commercial
9. Day care homes, group (7-12 persons)
10. Educational institution, non-profit
11. Kennels, private (3-6 dogs)
12. Medical care facilities, neighborhood
13. Parks, private
14. Parks, public
15. Public access launch sites
16. Public buildings
17. Public utility buildings and uses without outdoor storage
18. Religious institutions (3 acre minimum)
19. Residential, duplex
20. Senior housing

(Amended: Ord. No. 725, 7-6-10; Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

### **SECTION 3.10 R-5 Single Family Residential**

The R-5 Single Family Residential zoning district is intended to encourage a suitable environment for families typically with children. Uses are limited to one family dwellings, along with certain other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood

land use pattern. In keeping with this intent, development is restricted to a high density single family residential development with few traffic generators. Some uses permitted in this district are required to comply with specific design standards.

A. Permitted principal uses

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family detached
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Day care, adult (1-6 persons)
5. Day care homes, family (1-6 persons)
6. Foster family group homes
7. Foster family homes

B. Permitted accessory uses

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. Other accessory buildings customarily incidental to the above permitted principal uses
4. Other accessory uses customarily incidental to the above permitted principal uses

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)
4. Bed and breakfast establishments
5. Communication antennae
6. Communication towers

7. Day care, adult (7-12 persons)
8. Day care centers, commercial
9. Day care homes, group (7-12 persons)
10. Educational institution, non-profit
11. Medical care facilities, neighborhood
12. Parks, private
13. Parks, public
14. Public buildings
15. Public access launch sites
16. Public utility buildings and uses without outdoor storage
17. Religious institutions (3 acre minimum)
18. Residential, duplex
19. Senior housing

(Amended: Ord. No. 725, 7-6-10; Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

### **SECTION 3.11 R-6, Single Family Residential - Attached**

The R-6, Single Family Residential - Attached zoning district is intended to permit and relate the type, design and layout of attached and detached single family residential development to the particular site in a manner consistent with the preservation of the property values in established residential areas. It is specifically intended to increase the density of residences permitted over that of the single family detached residential zoning districts while maintaining the character of a single family residential area. Some uses permitted in this district are required to comply with specific design standards.

#### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, single family attached
2. Residential, duplex
3. Residential, townhouses, patio or row houses
4. Residential, single family detached
5. Adult foster care family homes
6. Adult foster care small group homes (1-6 persons)
7. Day care, adult (1-6 persons)
8. Day care homes, family (1-6 persons)
9. Foster family group homes
10. Foster family homes

#### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. Other accessory buildings customarily incidental to the above permitted principal uses
4. Other accessory uses customarily incidental to the above permitted principal uses

#### **C. Uses permitted by special use permit**

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this



Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Accessory buildings on a separate lot
2. Adult foster care large group homes (13-20 persons)
3. Adult foster care small group homes (7-12 persons)
4. Assisted living facility
5. Communication antennae
6. Communication towers
7. Day care, adult (7-12 persons)
8. Day care centers, commercial
9. Day care homes, group (7-12 persons)
10. Educational institution, non-profit
11. Parks, private
12. Parks, public
13. Public buildings
14. Public utility buildings and uses without outdoor storage
15. Religious institutions (3 acre minimum)
16. Senior housing

(Amended: Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

## **SECTION 3.12 R-M, Multiple Family Residential**

The R-M, Multiple Family Residential zoning district is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses, and garden apartments. These areas would be located near major thoroughfares for good accessibility and between single family residential areas and other non-residential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, apartments
2. Residential, townhouses, patio or row houses
3. Residential, single family attached
4. Residential, duplex
5. Residential, single family detached
6. Adult foster care family homes
7. Adult foster care small group homes (1-6 persons)
8. Assisted living facilities
9. Day care, adult (1-6 persons)
10. Day care homes, family (1-6 persons)
11. Foster family group homes
12. Foster family homes
13. Senior housing

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. On-site wind energy system
4. Other accessory buildings customarily incidental to the above permitted principal uses
5. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Accessory buildings on a separate lot
2. Adult foster care small group homes (7-12 persons)
3. Adult foster care large group homes (13-20 persons)
4. Boarding houses
5. Communication antennae
6. Communication towers
7. Day care, adult (7-12 persons)
8. Day care centers, commercial
9. Day care homes, group (7-12 persons)
10. Educational institution, non-profit
11. Long term care facilities
12. Medical care establishments, small
13. Parks, private
14. Parks, public
15. Public buildings
16. Public utility buildings and uses without outdoor storage
17. Religious institutions (3 acre minimum)
18. Retirement communities, mixed use

(Amended: Ord. No. 739, 9-19-11; Ord. No. 804, 11-19-18)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

## G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

### **SECTION 3.13 R-MH, Mobile Home Residential**

The R-MH, Mobile Home Residential zoning district is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single family structure. In keeping with the occupancy characteristics of contemporary mobile homes, the schedule of regulations establishes moderately low density standards and permitted uses that reflect the need of residents in the zoning districts. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park and recreation facilities, churches, schools and necessary public utility buildings. Some uses permitted in this district are required to comply with specific design standards.

#### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Residential, mobile home parks and subdivisions
2. Adult foster care family homes
3. Adult foster care small group homes (1-6 persons)
4. Day care, adult (1-6 persons)
5. Day care homes, family (1-6 persons)
6. Foster family group homes
7. Foster family homes

#### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations as permitted by the Township Home Occupation Ordinance
2. Household pets, keeping of
3. On-site wind energy system
4. Other accessory buildings customarily incidental to the above permitted principal uses
5. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

#### **C. Uses permitted by special use permit**

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this

Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Adult foster care small group homes (7-12 persons)
2. Adult foster care large group homes (13-20 persons)
3. Communication antennae
4. Communication towers
5. Day care, adult (7-12 persons)
6. Day care homes, group (7-12 persons)
7. Educational institution, non-profit
8. Parks, private
9. Parks, public
10. Public buildings
11. Public utility buildings and uses without outdoor storage
12. Recreation: golf courses, country clubs, par three golf courses
13. Religious institutions (3 acre minimum)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Temporary buildings
2. Temporary outdoor uses

E. Prohibited uses

Use of any agriculturally or residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.

F. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

G. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

## **SECTION 3.14 OS, Office Service**

The OS, Office Service zoning district is designed to provide suitable locations for certain uses, primarily of office or personal service character, which require easy access from major traffic routes and to permit reasonable latitude of use for certain locations on heavily traveled streets on the fringe of, or outside, residential neighborhoods as well as to provide a transition between residential and less restrictive commercial and/or industrial zoning districts. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Animal shelter
2. Business service establishments
3. Day care, adult (1-6 persons)
4. Day care, adult (7-12 persons)
5. Day care centers, commercial
6. Funeral homes or mortuaries (1 acre minimum)
7. Libraries
8. Medical care facilities, neighborhood
9. Medical care establishments, small
10. Office establishments, small
11. Radio and television stations
12. Residential, apartments (in the upper floors of commercial buildings)

(Amended: Ord. No. 684, 7-23-07; Ord. No. 711, 6-1-09)

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Household pets, keeping of
2. Other accessory buildings customarily incidental to the above permitted principal uses
3. Other accessory uses customarily incidental to the above permitted principal uses

### **C. Uses permitted by special use permit**

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this

Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Art education center
2. Drive-in and drive-thru establishments
3. Educational institution, non-profit
4. Halls
5. Long term care facilities
6. Medical care establishments, large (10 acre minimum)
7. Museums
8. Office establishments, large
9. Outdoor speakers
10. Photography studios
11. Public buildings
12. Public utility buildings and uses without outdoor storage
13. Religious institutions (3 acre minimum)
14. Veterinary clinics

(Amended: Ord. No. 711, 6-1-09; Ord. No. 739, 9-19-11; Ord. No. 747, 5-7-12)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)



## **SECTION 3.15 C-1, Local Business**

The C-1, Local Business zoning district is intended to permit retail business and service uses which are needed to serve the nearby residential area. The intent of this zoning district is to encourage the concentration of local business areas in a compatible way at locations mutually advantageous to both customers and merchants. This is done by promoting the clustering of commercial uses at certain strategic locations and avoiding linear commercial development along major streets. The primary entrance to such commercial areas shall be from a major street. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Bakeries, retail
2. Business service establishments
3. Day care, adult (1-6 persons)
4. Day care, adult (7-12 persons)
5. Day care, adult (13 or more persons)
6. Day care centers, commercial
7. Funeral homes or mortuaries (1 acre minimum)
8. Halls
9. Libraries
10. Medical care facilities, neighborhood
11. Medical care establishments, small
12. Office establishments, small
13. Personal service establishments
14. Photography studios
15. Radio and television stations
16. Recreation: private or public recreation clubs (80 acre minimum)
17. Residential, apartments (in the upper floors of commercial buildings)
18. Retail establishments, convenience
19. Retail establishments, neighborhood

(Amended: Ord. No. 763, 3-31-14)

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Household pets, keeping of

2. On-site wind energy system
  3. Other accessory buildings customarily incidental to the above permitted principal uses
  4. Other accessory uses customarily incidental to the above permitted principal uses
- (Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Adult Foster Care Small Group Home
2. Adult Foster Care Large Group Home
3. Art education center
4. Drive-in and drive-thru establishments
5. Dry cleaning facility
6. Educational institution, non-profit
7. Halls
8. Outdoor speakers
9. Public buildings
10. Public utility buildings and uses without outdoor storage
11. Religious institutions (3 acre minimum)
12. Restaurants, conventional
13. Veterinary clinics
14. Uses not listed above, except agricultural uses, but are permitted as a principal use or permitted by special use permit in a less intensive zoning district.
15. Brewpub
16. Small Distiller
17. Winery

(Amended: Ord. No. 703, 12-8-08; Ord. No. 711, 6-1-09; Ord. No. 739, 9-19-11; Ord. No. 747, 5-7-12, Ord. No. 808, 5-20-2019, Ord. No. 827, 8-30-2021)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)

## **SECTION 3.16 C-2, General Business**

The C-2, General Business zoning district is intended to permit a wider range of business and entertainment activities than permitted in the local business zoning district. The permitted uses would serve not only nearby residential areas, but also people further away for types of businesses and services usually found in major shopping centers and central business zoning districts at the juncture of principal streets. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading and would require more planning to integrate such zoning districts with adjacent residential areas. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Ambulance stations, private
2. Animal shelter
3. Bakeries, retail
4. Bars, cocktail lounges, taverns and nightclubs
5. Business service establishments
6. Clubs
7. Day care, adult (1-6 persons)
8. Day care, adult (7-12 persons)
9. Day care, adult (13 or more persons)
10. Day care centers, commercial
11. Farmers market, permanent (10,000 square feet minimum)
12. Farmers market, temporary (10,000 square feet minimum)
13. Funeral homes or mortuaries (1 acre minimum)
14. Greenhouse, retail
15. Halls
16. Hotels and motels
17. Libraries
18. Marine sales and services
19. Medical care facilities, neighborhood
20. Medical care establishments, small
21. Office establishments, large
22. Office establishments, small
23. Personal service establishments
24. Photography studios
25. Radio and television stations

26. Recreation: indoor commercial recreation
27. Recreation: private or public recreation clubs (80 acre minimum)
28. Rental business establishments, indoor
29. Residential, apartments (in the upper floors of commercial buildings)
30. Restaurants, conventional
31. Retail establishments, convenience
32. Retail establishments, large
33. Retail establishments, neighborhood
34. Service or repair establishments
35. Storage facilities (excluding outside storage) (4 acre minimum)
36. Theaters, indoor
37. Vehicle modification establishment

(Amended: Ord. No. 684, 7-23-07; Ord. No. 708, 5-4-09; Ord. No. 711, 6-1-09)

**B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Household pets, keeping of
2. On-site wind energy system
3. Other accessory buildings customarily incidental to the above permitted principal uses
4. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

**C. Uses permitted by special use permit**

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Adult Foster Care Small Group Home
2. Adult Foster Care Large Group Home
3. Art Education Center
4. Campgrounds, permanent (40 acre minimum)
5. Contractor's establishment
6. Doggie Day Care
7. Drive-in and drive-thru establishments
8. Dry cleaning facility
9. Educational institutions, non-profit
10. Educational institutions, for-profit
11. Landscape contractor

12. Long term care facilities
13. Medical care establishments, large (10 acre minimum)
14. Museums
15. Outdoor speakers
16. Public buildings
17. Public utility buildings and uses without outdoor storage
18. Recreation: golf driving ranges, miniature golf courses
19. Religious institutions (3 acre minimum)
20. Rental and sales of automobiles and recreational vehicles, outdoor
21. Rental and sales of mobile homes and commercial equipment, outdoor
22. Restaurants, drive-in and drive-thru
23. Restaurants, open front
24. Restaurants with live entertainment and/or outdoor seating (no adult entertainment or dancing)
25. Restaurants with outdoor seating
26. Retail sales or rental establishments with outdoor display
27. Sales & storage, low intensity
28. Stadiums and arenas including baseball, football or other large facility with public seating
29. Storage facilities (with outdoor storage) (4 acre minimum)
30. Towing service (without outdoor storage)
31. Veterinary clinics
32. Veterinary hospitals (5 acre minimum)
33. Woodworking
34. Uses not listed above, except agricultural uses, but are permitted as a principal use or permitted by special use permit in a less intensive zoning district.
35. Brewpub
36. Small Distiller
37. Winery

(Amended: Ord. No. 684, 7-23-07; Ord. No. 703, 12-8-08; Ord. No. 733, 4-4-11; Ord. No. 739, 9-19-11; Ord. No. 746, 5-7-12; Ord. No. 747, 5-7-12; Ord. No. 767, 7-21-14, Ord. No. 808, 5-20-2019, Ord. No. 827, 8-30-2021)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)

### **SECTION 3.17 C-3, Highway Service**

The C-3 Highway Service zoning district is intended to permit more extensive business and entertainment activities than are permitted in the Local and General Business zoning districts. The permitted uses would need more off-street parking and loading and planning to integrate such zoning districts with adjacent residential areas. Businesses may be located along major streets, highways, and at freeway interchanges. Some uses permitted in this district are required to comply with specific design standards.

#### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Ambulance stations, private
2. Animal shelter
3. Bakeries, retail
4. Bars, cocktail lounges, taverns and nightclubs
5. Billboard signs
6. Bus passenger stations
7. Business service establishments
8. Clubs
9. Day care, adult (1-6 persons)
10. Day care, adult (7-12 persons)
11. Day care, adult (13 or more persons)
12. Day care centers, commercial
13. Farmers market, permanent (10,000 square feet minimum)
14. Farmers market, temporary (10,000 square feet minimum)
15. Funeral homes or mortuaries (1 acre minimum)
16. Halls
17. Hotels and motels
18. Landscape contractor
19. Manufacturing establishments, low intensity
20. Marine sales and service
21. Medical care facilities, neighborhood
22. Medical care establishments, small
23. Office establishments, large
24. Office establishments, small
25. Personal service establishments
26. Photography studios
27. Public utility buildings and uses without outdoor storage



28. Radio and television stations
29. Recreation: commercial outdoor recreation establishments (excluding golf related uses)
30. Recreation: indoor commercial recreation
31. Rental and sales of automobiles and recreational vehicles, outdoor
32. Rental and sales of mobile homes and commercial equipment, outdoor
33. Rental business establishments, indoor
34. Restaurants, conventional
35. Restaurant, drive-in or drive-thru
36. Restaurants, open front
37. Retail establishments, convenience
38. Retail establishments, large
39. Retail establishments, neighborhood
40. Retail sales or rental establishments with outdoor display
41. Service or repair establishments
42. Storage facilities (excluding outdoor storage) (4 acre minimum)
43. Theaters, indoor
44. Towing service (without outdoor storage)
45. Vehicle modification establishment
46. Veterinary clinics
47. Veterinary hospitals (5 acre minimum)
48. Wholesale and warehousing

(Amended: Ord. No. 684, 7-23-07; Ord. No. 708, 5-4-09; Ord. No. 739, 9-19-11; Ord. No. 767, 7-21-14; Ord. No. 774, 12-15-14)

B. Permitted accessory uses

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. On-site wind energy system
2. Other accessory buildings customarily incidental to the above permitted principal uses
3. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Adult uses

2. Art education center
3. Automobile repair facilities
4. Automobile service stations (15,000 square feet minimum)
5. Automobile wash establishments
6. Campgrounds, permanent (40 acre minimum)
7. Contractor's establishment
8. Doggie Day Care
9. Drive-in and drive-thru establishments
10. Dry cleaning facility
11. Educational institutions, for-profit
12. Educational institutions, non-profit
13. Kennels, commercial (7 or more dogs)
14. Light fabrication
15. Museums
16. Outdoor speakers
17. Public buildings
18. Public utility buildings and uses with outdoor storage
19. Recreation: golf driving ranges, miniature golf courses
20. Religious institutions (3 acre minimum)
21. Restaurants with live entertainment and/or outdoor seating (no adult entertainment or dancing)
22. Restaurants with outdoor seating
23. Sales & storage, low intensity
24. Stadiums and arenas including baseball, football or other large facility with public seating
25. Storage facilities (with outdoor storage) (4 acre minimum)
26. Theaters, outdoor
27. Towing service (with outdoor storage)
28. Woodworking
29. Uses not listed above, except agricultural uses, but are permitted as a principal use or permitted by special use permit in a less intensive zoning district.
30. Brewpub
31. Small Distiller
32. Winery

(Amended: Ord. No. 650, 9-19-05; Ord. No. 684, 7-23-07; Ord. No. 733, 4-4-11; Ord. No. 739, 9-19-11; Ord. No. 746, 5-7-12; Ord. No. 747, 5-7-12, Ord. No. 808, 5-20-2019, Ord. No. 827, 8-30-2021)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)

## **SECTION 3.18 M-1 Low Intensity Industrial**

The M-1 Low Intensity Industrial zoning district is intended to provide locations for industrial operations which have very low levels of off site impact and that can serve as a transition between more intensive industrial uses and commercial and residential uses. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

The following uses shall be permitted by right, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 8, Site Plan Review.

1. Animal shelter
2. Fabrication\*
3. Industrial service establishments, low intensity
4. Laboratories
5. Landscape contractor
6. Light Fabrication
7. Manufacturing establishments, low intensity
8. Marine sales and service
9. Public utility buildings and uses without outdoor storage
10. Research and development establishments
11. Sales & storage, low intensity
12. Towing service (without outdoor storage)
13. Wholesale and warehousing

\*Any use, which in the opinion of the zoning administrator has a significant potential of violating the performance standards in Section 4.20 shall be referred to the Planning Commission for zoning approval, following the procedures in Article 8; regardless of whether or not site plan approval is required.

(Amended: Ord. No. 684, 7-23-07; Ord. No. 739, 9-19-11; Ord. No. 750, 9-4-12; Ord. No. 765, 6-2-14; Ord. No. 774, 12-15-14)

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. On-site wind energy system
2. Other accessory buildings customarily incidental to the above permitted principal uses
3. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

The following uses shall be permitted subject to the review and approval process outlined in Article 9, Special Use Permit, the general standards identified in Section 9.10 of this Ordinance and the specific requirements, if any, identified in Article 11, Design Standards.

1. Contractor establishment without outdoor storage.
2. Educational institutions, non-profit
3. Light fabrication
4. Outdoor speakers
5. Public utility buildings and uses with outdoor storage
6. Towing service (with outdoor storage)
7. Uses not listed above, except agricultural uses, but are permitted as a principal use or permitted by special use permit in a less intensive zoning district.

(Amended: Ord. No. 650, 9-19-05; Ord. No. 684, 7-23-07; Ord. No. 739, 9-19-11; Ord. No. 747, 5-7-12, Ord. No. 808, 5-20-2019)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.10 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)

## **SECTION 3.19 M-2, Light Industrial**

The M-2 Light Industrial zoning district is intended to encourage and facilitate the development of industrial enterprises in a setting conducive to public health; economic stability and growth, protection from blight, deterioration, and non-industrial encroachment; and efficient traffic movement including employee and truck traffic. The area, height, bulk, and placement regulations, as well as use regulations, reflect the intent of this zoning district. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

1. Ambulance stations, private
2. Animal shelter
3. Automotive repair facilities
4. Automobile wash establishments
5. Bakeries, non-retail
6. Fabrication
7. Industrial service establishments, light
8. Industrial service establishments, low intensity
9. Hotels and motels
10. Landscape contractor
11. Light fabrication
12. Manufacturing establishments, light
13. Manufacturing establishments, low intensity
14. Marine sales and service
15. Office establishments, large
16. Public utility buildings and uses without outdoor storage
17. Truck terminal
18. Sales & storage, low intensity
19. Towing service (with or without outdoor storage)
20. Wholesale and warehousing

(Amended: Ord. No. 650, 9-19-05; Ord. No. 684, 7-23-07; Ord. No 739, 9-19-11; Ord. No. 750, 9-4-12; Ord. No. 765, 6-2-14))

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. On-site wind energy system
2. Other accessory buildings customarily incidental to the above permitted principal uses
3. Other accessory uses customarily incidental to the above permitted principal uses

(Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

1. Airports, commercial
2. Contractors establishments without outdoor storage
3. Contractors establishment with outdoor storage
4. Crematories
5. Doggie Day Care
6. Educational institution, non-profit
7. Fuel distribution facilities (5 acre minimum)
8. Kennels, commercial (7 or more dogs)
9. Outdoor speakers
10. Public utility buildings and uses with outdoor storage
11. Rental and sales of automobiles and recreational vehicles, outdoor
12. Utility grid energy system
13. Uses not listed above, except agricultural uses, but are permitted as a principal use or permitted by special use permit in a less intensive zoning district.

(Amended: Ord. No. 717, 12-21-09; Ord. No. 733, 4-4-11; Ord. No. 739, 9-19-11; Ord. No. 747, 5-7-12; Ord. No. 767, 7-21-14, Ord. No. 808, 5-20-2019)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)

## **SECTION 3.20 M-3 General Industrial**

The M-3 General Industrial zoning district is intended to permit certain industrial uses to locate in appropriate areas of the Township. These uses are primarily of a manufacturing, assembling, and that fabricating character, and include large scale or specialized industrial operations that require good access by road and/or railroad, and that require special sites or public and utility services. Reasonable regulations apply to uses in this zoning district, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Township. Uses which are incompatible with the permitted industrial uses are prohibited. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

1. Ambulance stations, private
2. Animal shelter
3. Automotive repair facilities
4. Automobile wash establishments
5. Bakeries, non-retail
6. Crematories
7. Fabrication
8. Industrial service establishments, heavy
9. Industrial service establishments, light
10. Industrial service establishments, low intensity
11. Landscape contractor
12. Light Fabrication
13. Manufacturing establishments, heavy
14. Manufacturing establishments, light
15. Manufacturing establishments, low intensity
16. Public utility buildings and uses with outdoor storage
17. Public utility buildings and uses without outdoor storage
18. Railroad switching, storage, siding and freight yards
19. Towing service (with or without outdoor storage)
20. Truck terminal
21. Wholesale and warehousing

(Amended: Ord. No. 684, 7-23-07; Ord. No. 739, 9-19-11; Ord. No. 750, 9-4-12)

### **B. Permitted accessory uses**

Accessory uses are only permitted if the associated principal use is already established on the lot.

1. On-site wind energy system
2. Other accessory buildings customarily incidental to the above permitted principal



uses

3. Other accessory uses customarily incidental to the above permitted principal uses  
(Amended: Ord. No. 717, 12-21-09)

C. Uses permitted by special use permit

1. Airports, commercial
2. Automobile wrecking yards and junk yards (10 acre minimum)
3. Contractor's establishment without outdoor storage
4. Contractor's establishment with outdoor storage
5. Educational institution, non-profit
6. Fuel distribution facilities (5 acre minimum)
7. Manufacturing, storage and/or distribution facilities (dangerous chemicals)
8. Outdoor speakers
9. Utility grid energy system
10. Uses not listed above, except agricultural uses, but are permitted as a principal use or permitted by special use permit in a less intensive zoning district.

(Amended: Ord. No. 717, 12-21-09; Ord. No. 747, 5-7-12, Ord. No. 808, 5-20-2019)

D. Uses permitted by administratively approved special use permits

The following uses are permitted subject to administrative approval outline in Section 9.11 of this Ordinance.

1. Communication antennae
2. Communication towers
3. Temporary buildings
4. Temporary outdoor uses

E. Area, height, and placement requirements

In accordance with the attached Schedule of Regulations, Section 3.26

F. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

G. Prohibited Uses

Use of any non-residentially zoned property for the purpose of primary caregiver operations under the Michigan Medical Marihuana Act of 2008 is prohibited.

(Ord. No. 833, 10-4-2021)

## **SECTION 3.21 Planned Unit Development (PUD)**

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established residential areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of housing units and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands, farmland or woodlots that are important for the Township to retain in order to protect its character and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The Township Board does hereby determine that the following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

### **A. Permitted principal uses**

All permitted principal uses by right or by special use permit as identified in the Table of Uses (Table 3–3) shall be permitted in the PUD district. In addition, the following uses shall be permitted only in the PUD district.

1. Residential, aviation development
2. Residential, equestrian development (5 acre minimum for first horse and 1 acre for each horse over one)

In PUD's approved solely for agricultural or residential uses, the use of waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited, with the exception of the redevelopment of commercial properties existing as of the effective date of the amendment to this section (11-10-03). The Township Board may allow the use of the water body by adjacent residential nonriparians as part of such PUD redevelopment, provided that the result of the redevelopment decreases the total number of boat slips permitted by the Department of Environmental Quality, as of the effective date of the amendment to this section (11-10-03), by at least 50%, and all launch sites are removed. In approving the PUD, the Township Board may permit retention of more than 50% of the existing slips, not to exceed 5, provided they determine the proposed improvements will result in a proper and safe use of water resources in the Township and will maintain the physical, ecological, cultural and aesthetic characteristics of the lake, preserve and protect the quality and safety of the lake and shoreline and rights of riparian owners and users as well as the Township as a whole, and promote the public health,

safety and welfare of all persons making use of the lake and properties adjacent to the lake.

B. Standards for approval

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development.

1. Off-street parking shall be sufficient to meet the minimum required by the ordinances of the Township. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.
2. All streets within the planned unit development shall meet the minimum requirements of the Township Subdivision Control Ordinance, unless modified by the Planning Commission.
3. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. However, if it is deemed necessary in order to achieve the purposes of this Ordinance, the Planning Commission may relax landscaping requirements as part of site plan review.
4. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
5. Surface water shall be retained on the site unless the applicant can demonstrate that to do so would be harmful to the environment, or is not practical. In any case, storm water shall not flow off the site at a rate greater than the rate of flow prior to development and storm water shall not be directly discharged into a lake.
6. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Township Building Inspector and/or Township Engineer.
7. The proposed density of the planned unit development shall be no greater than that which would be required for each of the component uses of the development in the zoning district in which it is permitted. However, if it is deemed necessary in order to achieve the purposes of the section, the Township Board may permit increased density in return for increased open space. Non-contiguous property may not be used in calculating open space and under no circumstance shall the open space be located on non-contiguous property.

C. Traffic and accessory conditions

The following regulations concerning traffic and accessory conditions shall be followed:

1. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
2. Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
3. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

D. Approval procedure

1. The PUD zoning approval shall follow procedural requirements of Section 14 of this ordinance for amending the zoning ordinance. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan as described in subsection 3.21E to determine its suitability for inclusion in the land use and zoning plans of the Township and adoption by Township Board as part of the ordinance.
2. The Planning Commission shall then submit the proposed amendatory ordinance to the Township Board together with their recommendation and a summary of comments received at the public hearing.
3. The Township Board, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements for a special use permit outlined in Article 9 of this Ordinance. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. The adoption of the ordinance or denial of the rezoning request will take place at the second reading conducted by the Township Board.
4. PUD site plan approval procedure may commence only after the acceptance by the Township Board of the conceptual PUD development plan and the rezoning of the property as required.
5. PUD site plan approval process shall follow the procedures for site plan approval outline in Article 8.

E. Conceptual PUD development plan requirements

1. The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
2. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual problems of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or regulation.

3. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
  - a. Define the location of the areas to be devoted to particular uses.
  - b. State the acreage to be devoted to the particular uses.
  - c. Set forth the proposed density of the dwelling units by use type and of the entire project.
  - d. Show the location of parks, open recreation areas, other open space and all public and community uses.
  - e. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the Township; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.
  - f. Any additional graphics or written materials reasonably requested by Planning Commission or Township Board to assist the Township in visualizing and understanding the proposal shall be submitted.
  - g. Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment as outlined in subsection 3.21D.

(Amended: Ord. No. 669; 7-24-06)

F. Site plan approval

Following approval of the conceptual plan by the Township Board, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform with the approved conceptual plan. The site plans shall be reviewed and approved by the Planning Commission following the procedures outlined in Article 8.

G. Deviations from approved PUD site plan

Deviations from the approved plan may occur only under the following circumstances:

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or Township Board action if the Zoning Administrator certifies in writing that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission and the Township Board. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Zoning Administrator's decision regarding the need for formal review by the Planning Commission and Township Board is appealable to the Zoning Board of Appeals

Any deviation from the approved PUD site plan, except as authorized shall be considered a violation of this section and shall be a misdemeanor punished as prescribed herein. Further, any such deviation shall result in the PUD zoning district reverting to its previous zoning.

#### H. Design Standards

Some uses permitted in this district have required design standards as listed in Article 11.

### **SECTION 3.22 Wellhead Protection Overlay Zone**

Fenton Charter Township has determined that the groundwater underlying the township is the sole source of drinking water for the township residents as well as the residents of the City of Fenton; groundwater aquifers are integrally connected with, and flow into, the surface water, lakes, and streams which constitute significant public health, recreational and economic resources of the township and the city; and spills and discharges of petroleum products, sewage and other hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses. Therefore, Fenton Charter Township has established this overly zoning district to preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the township and the city, and protect them from adverse development or land use practices, preserve and protect present and potential sources of drinking water supply for public health and safety; conserve the natural resources of the township and the city; protect the financial investment of the city in its drinking water supply and to meet state requirements for wellhead protection and assure that state regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.

#### A. Applicability

1. The Wellhead Protection Overlay Zone shall overlay existing zoning districts delineated on the official Zoning Map of the township as shown in that map.
2. It shall be the responsibility of any person owning real property and/or owning and operating a business within the township to make a determination of the applicability of this Section as it applies to the property and/or business under his or her ownership or operation. Failure to ascertain the applicability or requirements of this Section shall not excuse any violations of this Section.

#### B. Use Regulations

Permitted land uses in the Wellhead Protection Overlay Zone include all those permitted uses as allowed in the underlying zoning district, except for the following:

1. Petroleum product manufacturing, processing or refining, gasification, recycling, or other derivative activities (including coal).
2. Commercial salvage yards and/or scrap processing.
3. Oil and gas drilling, including oil or gas drilling contractors or operations.

4. Vehicle maintenance services, including public and private garages.
5. Chemical and paint manufacturing operations.
6. Laundry and dry cleaner operations.
7. Electronic equipment manufacturing operations.
8. Electro-plating and chemical coating operations.
9. Recycling operations involving any of the base processes described above.
10. Other similar uses utilizing chemicals on a commercial or industrial basis.

C. General Provisions

These provisions shall apply to all properties within the Wellhead Protection Overlay Zone, including private, commercial, industrial, residential and public properties, which use, store or generate hazardous substances, as defined in State or Federal law, in quantities greater than one hundred (100) kilograms (approximately two hundred and twenty (220) pounds or twenty-five (25) gallons) per month, and which require site plan review under provisions of the Fenton Charter Township Zoning Ordinance. The General Provisions apply to entire property parcels, providing parcel is at least partially included in the Wellhead Protection Overlay Zone.

1. Groundwater Protection Standards
  - a. A use, development, or project and any related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.
  - b. Storm water management and drainage facilities shall be designed to promote and continue the natural retention and storage capability of any wetland, water body, or watercourse, and shall not increase flooding or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party or adjacent property.
  - c. Industrial facilities with a point source discharge of storm water shall maintain a Storm Water Pollution Prevention Plan in accordance with applicable State and Federal regulations.
  - d. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a State surface or groundwater discharge permit. If connected to the public sewer system, the volumes and concentrations of waste discharged to a floor drain shall comply with the township's pretreatment requirements.
  - e. Sites that at any time use, store or generate substances in quantities greater than one hundred (100) kilograms that include hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  - f. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.
  - g. Bulk storage of pesticides shall be in accordance with applicable County, State and Federal regulations.

2. Above Ground Storage and Use Areas for Hazardous Substances.
  - a. Primary containment of hazardous substances shall be product tight.
  - b. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers with a volume of less than forty (40) gallons and packaged for retail use shall be exempt from this subsection b.
  - c. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism, including an allowance for the expected accumulation of precipitation.
  - d. Accessory buildings, storage rooms, sheds and pole barns that are utilized as secondary containment shall not have floor drains that outlet to soil, a public or private sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable County, State and Federal regulation.
  - e. Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.
3. Underground Storage Tank Systems
  - a. Existing and new underground storage tanks shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality (MDEQ).
  - b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of MDEQ. Leak detection, secondary containment, corrosion protection, spill prevention and overfill protection requirements shall be met.
4. Well Abandonment. The owner of a parcel of land within the Wellhead Protection Overlay Zone shall determine whether or not any wells exist on the property, and, if wells do exist, they must be properly abandoned in accordance with applicable State requirements.
5. Well Construction
  - a. Well drilling, construction and installation shall only be performed by State of Michigan Registered Well Drillers.
  - b. Well construction shall be completed in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and any rules adopted pursuant to that Act.
  - c. Well construction shall include fully grouting the entire length of the well casing in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and any rules adopted pursuant to that Act.
6. Sites with Contaminated Soils and/or Groundwater
  - a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and environment.



- b. Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.
- c. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

7. Construction Standards

- a. A general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before any construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For example, handling hazardous substances in proximity to water bodies or wetlands may be improper.
- b. Hazardous substances stored on a construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container with a volume of over forty (40) gallons that contains hazardous substances shall have secondary containment.
- c. If a contractor stores or handles hazardous substances that require a Material Safety Data Sheet (MSDS), the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of any hazardous substance.
- d. Upon completion of construction, all hazardous substances and containment systems no longer used or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable State and Federal law or regulations. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

8. Maintenance

In areas where hazardous substances are handled, structural integrity of any building, containment facility, or storage must be maintained to avoid inadvertent discharge of hazardous substances to soil and groundwater. Cracks and holes in floors, foundations and walls must be repaired in areas where hazardous substances are handled or stored.

D. Review Requirements

- 1. Specify location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, use, load/unloading, recycling, or disposal of hazardous materials.
- 2. Specify location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous materials storage, collection of contaminated stormwater or wash water, and all similar uses.
- 3. Specify location of existing and proposed wells.
- 4. Specify location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

5. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.
6. Submit "Hazardous Materials Reporting Form for Site Plan Review".
7. Refer to Article \* Site Plan Review, Section 8.03 Required Information for additional requirements.

F. Exemptions and Waivers

1. Transport of Hazardous Substances

The transportation of any hazardous substance shall be exempt from the provisions of this ordinance provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a State licensed hazardous waste treatment, storage, or disposal facility.

2. Waiver of Prohibited Use

The Planning Commission may permit a use otherwise prohibited in Section 3.22 B following the process for approval of a Special Use Permit in Article 9 of this ordinance if it finds by written decision that the proposed use:

- a. Meets the intent of this section as well as its specific criteria;
- b. Will not, during construction or thereafter, have an adverse impact on any aquifer or recharge area in the district;
- c. Will not adversely affect an existing or potential domestic or municipal water supply; and is consistent with existing and probable future development of surrounding areas.

(Ord. No. 811, 11-4-2019)

**Sections 23-25 reserved**

**Section 3.26 Table of zoning district regulations**

<b>TABLE 3-1 Zoning District Regulations</b>											
Designation	Zoning District Description	Minimum Lot Size/ Dwelling Unit (Area in Square Ft.)	Maximum Density in Subdivisions and Condominium Projects (Dwelling Units/Acre) (m)	Minimum Lot Width (Feet) (n)	Maximum Building Height (Feet)	Maximum Coverage of Lots by All Buildings (% of lot area)	Minimum Yard Setbacks (o)				Minimum Floor Area/ Dwelling Unit (Square Ft.)
							Front (a,b)	Side		Rear (k)	
								Least 1	Total 2		
AG	Agricultural	2 acres	0.5 (h,l)	200	29	30	50	25	50	50	1,250(j)
R-1	Single Family Residential – Rural	2 acres	0.5 (h,l)	165	29	30	50	25	50	50	1,250(j)
R-2	Single Family Residential - Low Density	2 acres	0.5 (h,l)	150	29	30	50	25	50	50	1,250(j)
R-3	Single Family Residential - Medium Density	20,000* (h) 1 acre**	1.00 (h,i)	100 (g)	29	30	30	10	20	35	1,250(j)
R-4	Single Family Residential	15,000* (h) 1 acre **	1.25 (h,i)	80 (g)	29	30	30	10	20	35	1,100(j)
R-5	Single Family Residential	12,000* (h) 1 acre **	--	65	29	30	25	5	15	35	1,100(j)
R-6	Single Family Residential – Attached	--	4.00(h)	--	29	30	25	10 (c)	20 (c)	35	850(j)
R-MH	Single Family Residential - Mobile Home	Development shall comply with the requirements of the Michigan Mobile Home Commission									
R-M	Multiple Family Residential	--	6.00 (h)	--	29	30	25	10 (c)	20 (c)	25	(d)
OS	Office Service	--	--	66	29	--	25	(e)	(e)	20	--
C-1	Local Business	--	--	66	40	--	25 (f)	(e)	(e)	20	--
C-2	General Business	--	--	66	40	--	25 (f)	(e)	(e)	20	--
C-3	Highway Service	--	--	66	40	--	25 (f)	(e)	(e)	20	--
M-1	Low Intensity Industrial	--	--	66	40	--	25 (f)	20	40	20	--
M-2	Light Industrial	--	--	66	40	--	25 (f)	20	40	20	--
M-3	General Industrial	--	--	66	40	--	25 (f)	20	40	20	--
PUD	Planned Unit Development		(h,i)	To be determined based on the approved conceptual plan							

\* lots with sewer

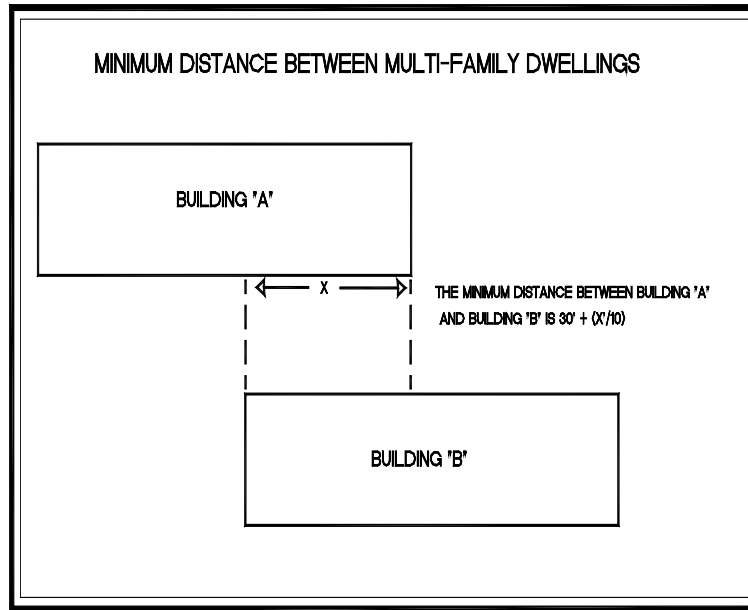
\*\* lots without sewer

(Amended: Ord. No. 636, 4-4-05; Ord. No. 645, 7-5-05)

### Section 3.27 Footnotes

- a. In all residential zoning districts, the required front yard setback shall not be used for off-street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public or private street shall be considered as front yards for setback.
- b. In all residential zoning districts, the front yard setback shall apply to both lot lines of a corner lot which abut upon a public or private street.
- c. Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus one (1) foot for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other. (See Figure 3-1)

Figure 3- 1



- d. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be:
- |                         |                   |
|-------------------------|-------------------|
| Efficiency apartment    | 350 square feet   |
| One bedroom apartment   | 600 square feet   |
| Two bedroom apartment   | 800 square feet   |
| Three bedroom apartment | 1,000 square feet |
- Plus an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms in any unit.
- e. In any business zoning district, side yards are not required except as provided below. A side setback of eighty (80) feet shall be required for all buildings and parking and loading areas in any business zoning district where such business zoning district is located adjacent to and adjoining a residential zoning district or where the business zoning district borders a side street. The Planning Commission may reduce the setback to not less than fifty (50) feet at site plan approval. Where a business zoning district is adjacent to and adjoining an industrial zoning district, the side lot setback requirements shall be determined by the Planning Commission at the time of Site Plan approval. The required setback area shall be open and unoccupied from the ground upward except for landscaping and vehicle access drives.
- f. Loading space and parking spaces shall not be located in a required front yard.
- g. Required road frontage may be reduced to sixty five (65) feet in cases of lots fronting on cul-de-sacs and curvilinear streets, provided that the lot meets the required lot width at the required front yard setback line.
- h. For purposes of determining whether a residential development complies with the maximum density requirement and/or whether a parcel meets the minimum requirement for area, (square footage); only usable land area shall be considered. Road rights of way,

wetlands, floodplains or submerged land such as a lake, pond or stream shall be excluded from the land area calculation.

- i. To encourage the preservation of unique natural features and the Township's rural character, a single family condominium development or a single family platted subdivision in an R-3, R-4 or PUD zoning district is eligible to utilize a clustering option to receive a density bonus. The clustering option must include the dedication of a certain percentage of the land as undeveloped open space. The density bonus increase will be equal to the percentage of land dedicated as undeveloped open space (see table 3-2 below). Unbuildable or undevelopable land such as wetlands, floodplains or submerged land such as a lake, pond or river shall not be included when calculating permitted density. Such unbuildable or undevelopable land cannot be counted as dedicated undeveloped open space for purposes of determining the allowable density bonus.

<b>TABLE 3-2 Undeveloped Space</b>																
	Dedicated Undeveloped Open Space															
	less than 20%	20%	21%	22%	23%	24%	25%	26%	27%	28%	29%	30%	31%	32%	33%	34%
R-3 Units per Acre	1.00	1.20	1.21	1.22	1.23	1.24	1.25	1.26	1.27	1.28	1.29	1.30	1.31	1.32	1.33	1.34
R-4 Units per Acre	1.25	1.50	1.51	1.53	1.54	1.55	1.56	1.58	1.59	1.60	1.61	1.63	1.64	1.65	1.66	1.68

	Dedicated Undeveloped Open Space															
	35%	36%	37%	38%	39%	40%	41%	42%	43%	44%	45%	46%	47%	48%	49%	50%
R-3 Units per Acre	1.35	1.36	1.37	1.38	1.39	1.40	1.41	1.42	1.43	1.44	1.45	1.46	1.47	1.48	1.49	1.50
R-4 Units per Acre	1.69	1.70	1.71	1.73	1.74	1.75	1.76	1.78	1.79	1.80	1.81	1.83	1.84	1.85	1.86	1.88

	Minimum Parcel Size* (square feet)		Minimum Parcel Width (Feet)	
	Under 20% Open Space	20% or more Open Space	Under 20% Open Space	20% or more Open Space
R-3	20,000	12,000	100	75
R-4	15,000	12,000	80	70

*\*Properties developed utilizing the above minimum parcel size must be serviced by sanitary sewer.*

*Compliance with the Michigan Land Division Act and/or Condominium Act is required in order to develop lots/units less than 12,000 square feet in area.*

- j. The minimum ground level floor area for 1 1/2 story, 2 story and split level homes shall be 800 square feet.
- k. See limitation on structures in rear yards of lots or parcels on lakes in Section 4.28.
- l. Property may be developed using the open space option, provided that the minimum lot size is 1 acre and the minimum lot width complies with the requirements shown in Table 3-1.
- m. The maximum density allowed under these provisions shall only be granted if all other provisions of this Ordinance are met.
- n. Lot Width is defined as the horizontal distance between the side lot lines, measured at the required front yard setback or the actual front yard setback, whichever is less (see figure 2-8). However, no lot shall have less than 65 feet of frontage on a public or approved private road.
- o. All structures shall also be a minimum of 25' from the edge of a wetland as defined by Act 59 of the Public Acts of 1995, Part 303 of the NREPA.

(Amended: Ord. No. 636, 4-4-05; Ord. No. 645, 7-5-05; Ord. No. 685, 7-23-07))



**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Accessory buildings and uses customarily incidental to the permitted principal uses in the associated district(s).	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	P
Accessory buildings on a separate lot	S	S	S	S	S	S	S	S									
Adult foster care family homes	P	P	P	P	P	P	P	P	P								P
Adult foster care large group homes (13-20 persons)	S	S	S	S	S	S	S	S	S								P
Adult foster care small group homes (1-6 persons)	P	P	P	P	P	P	P	P	P								P
Adult foster care small group homes (7-12 persons)	S	S	S	S	S	S	S	S	S								P
Adult uses													S				P
Agricultural roadside stands	S	S															P
Agriculture and horticulture	P	S															P
Agricultural tourism facilities	S																P
Airports, commercial															S	S	P
Airports, private landing strips	S																P
Ambulance stations, private												P	P		P	P	P
Animal production, intensive feedlot operations	S																P
Animal production, commercial	S																P
Animal shelter	S	S	S	S						P		P	P	P	P	P	P
Arcades		see "Recreation: indoor commercial recreation"															
Art education center										S	S	S					P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Assisted living facilities							S	P									P
Automobile dealers, new	see "Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor"																
Automobile dealers, used	see "Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor"																
Automobile rental establishment	see "Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor"																
Automobile repair facilities													S		P	P	P
Automobile sales	see "Rental and sales of automobiles, recreational vehicle and mobile homes"																
Automobile service stations													S				P
Automobile wash establishments													S		P	P	P
Automobile wrecking yards and junk yards																S	P
Bakeries, non-retail															P	P	P
Bakeries, retail											P	P	P				P
Bars, cocktail lounges, taverns and nightclubs												P	P				P
Bed and breakfast establishments	S	S	S	S	S	S											P
Billboard signs													P				P
Boarding houses								S									P
Bus passenger stations													P				P
Business service establishments										P	P	P	P				P
Campgrounds, permanent	S											S	S				P
Campgrounds, transient	S																P
Cemeteries	S	S															P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Chemical manufacturing facilities	see "Manufacturing, storage and/or distribution facilities (dangerous chemicals)"																
Child care institutions	S	S															P
Clubs	S	S										P	P				P
Communication antennae	S	S	S	S	S	S	S	S	S	AS	AS	AS	AS	AS	AS	AS	P
Communications towers	S	S	S	S	S	S	S	S	S	AS	AS	AS	AS	AS	AS	AS	P
Contractors establishments without outdoor storage												S	S	S	S	S	
Contractor's establishments with outdoor storage															S		
Crematories															S	P	P
Day care, adult (1-6 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P				P
Day care, adult (7-12 persons)	S	S	S	S	S	S	S	S	S	P	P	P	P				P
Day care, adult (13 or more persons)											P	P	P				P
Day care centers, commercial			S	S	S	S	S	S		P	P	P	P				P
Day care homes, family (1-6 persons)	P	P	P	P	P	P	P	P	P								P
Day care homes, group (7-12 persons)			S	S	S	S	S	S	S								P
Drive-in and drive-thru establishments (excluding restaurants)										S	S	S	S				P
Dry cleaning facility											S	S	S				
Educational institution, non-profit	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Educational institutions, for-profit												S	S				P
Equestrian residential development																	P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Farmers markets, permanent												P	P				P
Farmers markets, temporary												P	P				P
Fire stations	see "Public buildings"																
Foster family group homes	P	P	P	P	P	P	P	P	P								P
Foster family homes	P	P	P	P	P	P	P	P	P								P
Fraternal organizations	see "Clubs"																
Fuel distribution facilities															S	S	P
Funeral homes or mortuaries										P	P	P	P				P
Greenhouses, non-retail	P	P															P
Greenhouses, retail	S											P					P
Halls										P			P				P
Home occupations	PA	PA	PA	PA	PA	PA	PA	PA	PA								P
Horses, keeping of	PA																P
Hospitals	see "Medical service establishments, large"																
Hotels and motels												P	P		P		P
Household pets, keeping of	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA					P
Industrial service establishments, heavy																P	P
Industrial service establishments, light															P	P	P
Industrial service establishments, low intensity														P	P	P	P
Kennels, commercial (7 or more dogs)													S		S		P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Kennels, private (3-6 dogs)	PA	PA	S	S	S												P
Laboratories														P			P
Landscape contractor	S											S	P	P	P	P	P
Libraries										P	P	P					P
Lodges	see "Clubs"																
Long term care facilities								S		S		S					P
Manufacturing establishments, heavy																P	P
Manufacturing establishments, light														P	P	P	P
Manufacturing establishments, low intensity												S	P	P	P	P	P
Manufacturing, storage and/or distribution facilities (dangerous chemicals)																S	P
Marine sales and services												P	P				P
Medical care establishments, large										S		S					P
Medical care facilities, neighborhood	S	S	S	S	S	S				P	P	P	P				P
Medical care establishments, small								S		P	P	P	P				P
Monument sales	see "Retail sales or rental establishments with outdoor display"																
Museums										S		S	S				P
Nursing homes	see "Long term care facilities"																
Office establishments, large										S		P	P		P		P
Office establishments, small										P	P	P	P				P
Parks, private	S	S	S	S	S	S	S	S	S								P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Parks, public	S	S	S	S	S	S	S	S	S								P
Pawn Shops	see "Retail establishments, neighborhood"																
Personal service establishments											P	P	P				P
Photography studio										S	P	P	P				P
Public buildings	S	S	S	S	S	S	S	S	S	S	S	S	S				P
Public utility buildings and uses	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P
Race tracks	see "Recreation: commercial outdoor recreation establishments (excluding golf related uses)"																
Radio TV broadcast towers	see "Communication towers"																
Radio and television stations										P	P	P	P				P
Railroad switching, storage, siding and freight yards																P	P
Recreation: commercial outdoor recreation establishments (excluding golf related uses)	S												P				P
Recreation: golf courses, country clubs, par three golf courses	S	S	S	S													P
Recreation: golf driving ranges, miniature golf courses *excludes miniature golf	S*	S*										S	S				P
Recreation: indoor commercial recreation												P	P				P
Recreation: private or public recreation clubs	S										P	P					P
Religious institutions	S	S	S	S	S	S	S	S	S	S	S	S	S				P
Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor												S	P				P
Rental business establishments, indoor												P	P				P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Research and development establishments														P			P
Residential, apartments								P									P
Residential, apartments (in the upper floors of commercial buildings)										P	P	P					P
Residential, aviation development																	P
Residential, duplex	S	S	S	S	S	S	P	P									P
Residential, equestrian development																	P
Residential, mobile home parks and subdivisions									P								P
Residential, single family attached							P	P									P
Residential, single family detached	P	P	P	P	P	P	P	P									P
Residential, townhouses, patio or row houses							P	P									P
Restaurants, conventional											S	P	P				P
Restaurants, drive-in or drive-thru												S	P				P
Restaurants, open front												S	P				P
Restaurants with live entertainment and/or outdoor seating (not adult entertainment or dancing)												S	S				P
Retail establishments, convenience											P	P	P				P
Retail establishments, large												P	P				P
Retail establishments, neighborhood											P	P	P				P
Retail sales or rental establishments with outdoor display												S	P				P

**TABLE 3-3**

**SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))**

TYPE OF USE	DISTRICTS																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Retirement communities, mixed use								S									P
Sales & storage, low intensity												S	S	P	P		P
Senior housing			S	S	S	S	S	P									P
Service or repair establishments												P	P				P
Soil, sand, clay and gravel or similar removal operations, quarry excavation	S																P
Stables and/or riding academies	P																P
Stadiums and arenas including baseball, football or other large facility with public seating												S	S				P
Storage facilities (with outdoor storage)												S	S				P
Storage facilities (without outdoor storage)												P	P				P
Strip malls	see "Retail establishments, neighborhood" & "Retail establishments, large"																
Subacute care facilities	see "Long term care facilities"																
Temporary buildings	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	P
Temporary outdoor uses	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	P
Theaters, indoor												P	P				
Theaters, outdoor													S				
Truck terminal															P	P	P
Towing service (with outdoor storage)													S	S	P	P	P
Towing service (without outdoor storage)												S	P	P	P	P	P
Veterinary clinics	S	S								S	S	S	P				P



<b>TABLE 3-3</b>																	
<b>SCHEDULE OF USES (Permitted Principal Uses by Right (P), Permitted Accessory Uses by Right (PA), Uses Permitted by Special Use Permit (S), Uses Permitted by Administratively Approved Special Use Permit (AS))</b>																	
<b>TYPE OF USE</b>	<b>DISTRICTS</b>																
	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-M	R-MH	OS	C-1	C-2	C-3	M-1	M-2	M-3	PUD
Veterinary hospitals	S											S	P				P
Wholesale and warehousing															P	P	P
Woodworking												S	S				P

(Amended: Ord. No. 606, 6-16-03; Ord. No. 621, 6-7-04; Ord. No. 684, 7-23-07)

**ARTICLE 4**  
**GENERAL PROVISIONS**

**SECTION 4.01 Access to water bodies/Riparian Use**

A riparian lot shall not be used for riparian purposes by more than one functional family and in the case of lots created after the effective date of this amendment; the riparian lot must have a minimum of one hundred (100) feet of frontage on the water. Where a lot is not contiguous to a body of water, it shall not be used in conjunction with a riparian lot to allow the owners or occupiers or the invitees of the non-riparian lot to engage in riparian uses, except as provided in Section 3.21 of this ordinance. For the purposes of this section, a riparian lot which is owned by a partnership, corporation, limited liability company or other legal entity is deemed to be owned solely by the entity and such a riparian lot shall not be used to provide riparian access to any owner of the entity unless all such owners are members of a single functional family. For the purposes of this section, the general common element of a condominium project is deemed to be owned by the condominium association as a whole and the ownership of a riparian lot by the association shall not be used to grant riparian access or rights to any of the individual members of the association or to any of the owners of the related condominium units. The intent of this section is to prevent non-riparian owners or occupiers or their invitees from engaging in riparian uses using riparian lots owned by others or riparian lots owned jointly or in common with others. This section is also intended to prevent the exercise of riparian rights by more than one functional family where a riparian lot is owned, in whole or in part, by a legal entity or in situations where the riparian lot is owned jointly or in common by multiple individuals, unless all such owners are members of a single functional family. This section shall not be construed to prevent riparian use from being engaged in by the members of a single functional family.

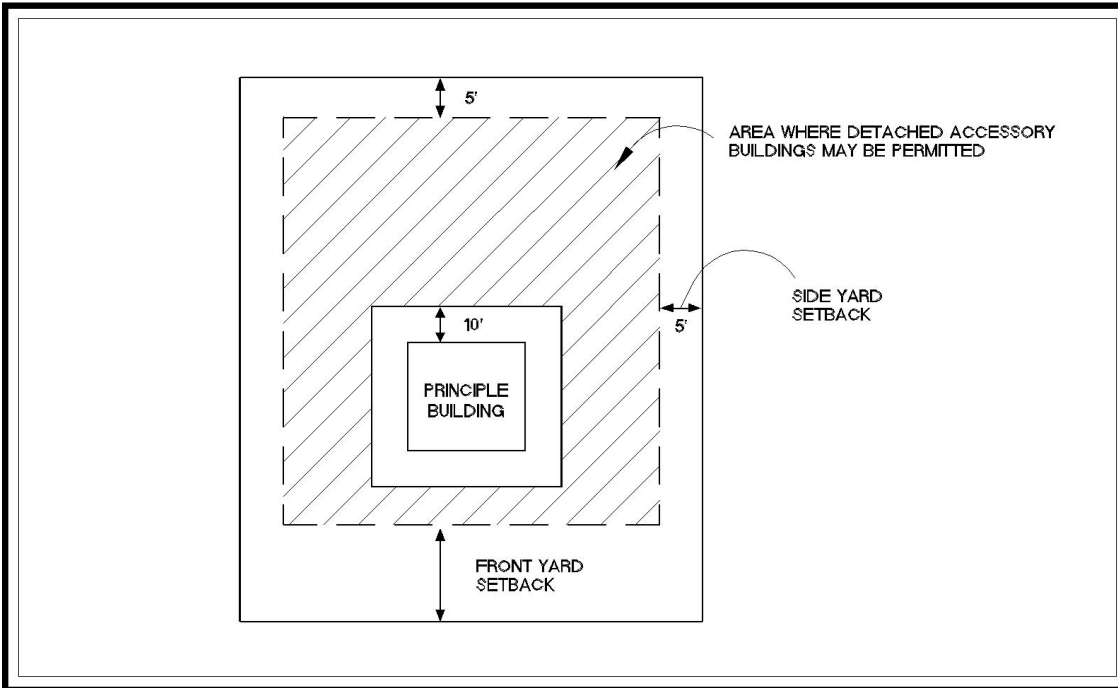
**SECTION 4.02 Accessory buildings in residential and agricultural districts**

In residentially and agriculturally zoned districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. No accessory building shall be used for dwelling, lodging or sleeping purposes.
2. No accessory building shall be used for commercial purposes.
3. If the accessory building is attached to the principal building, it shall be subject to and must comply with all setback and height regulations of this Ordinance applicable to the principal residential building in the zoning district in which it is located.
4. If the accessory building is detached, it shall only be erected on the same zoning lot as its associated principal building. A detached accessory building shall comply with the front yard setback of the zoning district in which it is located.
5. No detached accessory building shall be located in the sight line.

6. No detached accessory building shall be located closer than ten (10) feet to any other building on the property or any closer than five (5) feet of the side or rear property line.

**Figure 4- 1**



7. No detached accessory building in a residential zoning district shall exceed nineteen (19) feet in height (see definition of building height).
8. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure.
9. For the purposes of this section, a residential building must be habitable as determined by the Township Building Inspector in order to qualify as a "principal structure".
10. Accessory buildings may be built on a lot separate from the lot on which the principal structure is located only by issuance of a special use permit as provided for in Section 11.01A of the Ordinance.
11. When determining allowable square footage for accessory buildings associated with a residential dwelling, garage area (whether attached or detached) as well as any sheds or other out buildings will be included in the calculation of the maximum allowable square footage.

In residential and agricultural zoning districts the total allowable square footage of all residential accessory buildings including attached and detached garages, shall be as follows:

- a. On lots twenty thousand (20,000) square feet or less in size, the total square footage of accessory buildings shall not exceed one thousand two hundred (1,200) square feet.
- b. On lots greater than twenty thousand (20,000) square feet the total square footage of accessory buildings shall not exceed one thousand two hundred (1,200) square feet plus three percent (3%) of the lot area over twenty thousand (20,000) square feet. (Example: see Table 4-1).
- c. The total square footage of the accessory buildings may not exceed four thousand five hundred (4,500) square feet.
- d. Total number of detached accessory buildings shall not exceed four (4).

These standards do not apply to non-residential accessory uses, including agricultural buildings.

<b>TABLE 4-1</b>			
<b>Examples of Accessory Building Maximum Square Footage Calculations</b>			
<b>Lot Size</b>	<b>Square Footage Threshold</b>	<b>Square Footage Over Threshold</b>	<b>Maximum Square Footage</b>
20,000 or less	20,000	0	1,200
35,000	20,000	15,000	1,200 + 450 = 1,650
60,000 (1.4 acre)	20,000	40,000	1,200 + 1,200 = 2,400
110,000 (2.5 acre)	20,000	90,000	1,200 + 2,700 = 3,900
130,000 (3 acres or more)	20,000	110,000 or more	4,500

(Amended: Ord. No. 781, 8-3-15; Ord. No. 804, 11-19-18)

**SECTION 4.03 Building grades**

- A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property at a rate or volume greater than the rate or volume of runoff that existed prior to the lots development. Final grades shall be approved by the Building Inspector who may require documentation of compliance with this provision from a licensed engineer or land surveyor.

**SECTION 4.04 Commercial outdoor display sales or storage**

- A. Any stockpiles of soils, fertilizer or similarly loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- B. All outdoor display areas shall have an approved paved aggregate surface and a storm water drainage system.
- C. No outdoor storage shall be permitted in the required front, side or rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.
- D. The site shall include a building of at least four hundred (400) feet of gross floor area for office and sales uses in conjunction with the approved use.
- E. Storage areas shall consist of a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without a negative impact on adjacent property.
- F. All loading and truck maneuvering including into loading/unloading areas shall be accommodated on-site.
- G. All outdoor sales, display or storage area property lines adjacent to a residential district shall comply with the landscaping requirements in Article 10. The Planning Commission may also require taller landscaping screening based on the height of materials to be displayed or stored.

#### **SECTION 4.05 Construction begun prior to adoption of ordinance**

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building for which an unexpired building permit was issued prior to the adoption of this Ordinance or an amendment thereto, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance. If construction is based on an approved site plan, a developer may build in accordance with an approved site plan provided a building permit is applied for within two (2) years of approval and all work is completed within two (2) years of issuance of the building permit.

#### **SECTION 4.06 Sale of vehicles on residential lots**

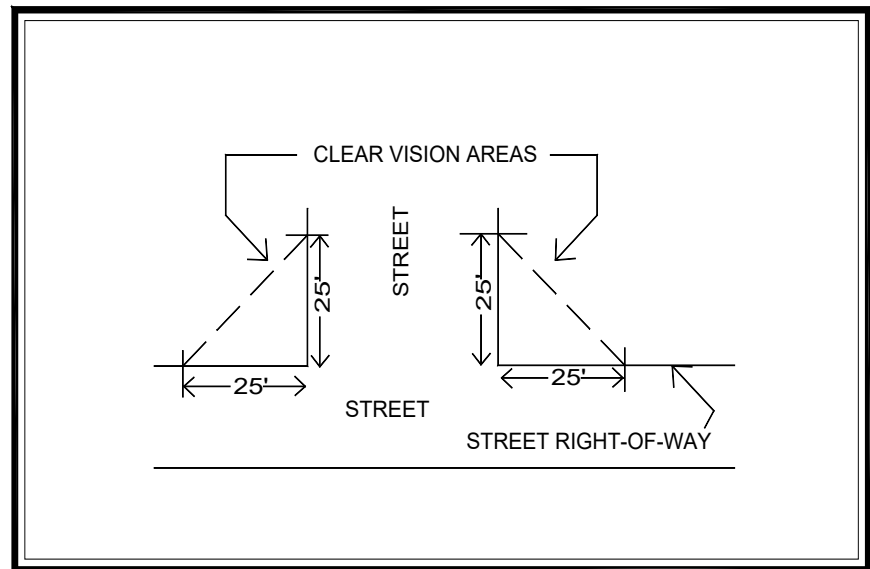
The display and sale of vehicles from a residentially zoned lot is permitted provided no more than three (3) vehicles are displayed for sale per year, all vehicles sold have a current registration to a resident of the property, not more than one (1) vehicle is displayed at a time and they are not displayed in the road right of way.

#### **SECTION 4.07 Corner clearance**

Updated 6/1/2016

No fence, wall, hedge, other protective barrier, or other planting of trees, shrubs, or flowers shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. The area which shall remain unobstructed shall be a triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height from ground level (see Figure 4-2).

**Figure 4-2**



#### **SECTION 4.08 Curb cuts and driveways**

All proposed curb cuts and driveways off of public roads shall require the approval of the Genesee County Road Commission.

#### **SECTION 4.09 Entrance Ways**

Decorative entrance ways for driveways may not exceed fourteen (14) feet in height.

#### **SECTION 4.10 Essential services**

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except those which are determined by the Zoning Board of Appeals to pose a danger to the health, safety, and welfare of the Township's residents or which are separately identified and regulated in this Ordinance.

#### **SECTION 4.11 Excavations or holes**

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector; and provided further, that this section shall not apply to 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, the County, the Township, or other governmental agency.

#### **SECTION 4.12 Exceptions**

The following are exceptions to the general standards in this Ordinance dealing with building height, uses, setbacks and other standard requirements.

A. Permitted height exceptions

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the zoning district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the zoning district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. In cases where the structure is authorized by issuance of a special use permit, the Planning Commission may permit structures that exceed these standards.

B. Voting place

The provisions of the ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

C. Permitted exceptions to side yard setbacks

On legal non-conforming lots with a width of sixty (60) feet or less and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each side yard for all structures shall be five (5) feet.

D. Permitted yard exceptions – projections into yards

Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet. Temporary projections such as window air conditioners shall be permitted so long as they project no more than three (3) feet into a required front, side or rear yard.

E. Permitted exceptions to rear yard setbacks

For yards abutting alleys, the rear yard setback shall be measured from the centerline of the alley provided that no structures are placed within the alley's right-of-way.

F. Public Events

Public events occurring on Township owned property and approved by the Township Board are exempt from the requirements of this ordinance. This includes uses specifically identified in Article 3 such as temporary farmers markets, which are otherwise required to obtain zoning approval.

(added: Ord. No. 748, 7-2-12)

**SECTION 4.13 Exterior lighting**

All outdoor lighting in all zoning districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-ways.



A. Illumination guidelines shall generally be in accordance with the following standards:

1. Street Illumination

<b>TABLE 4-2 Street Illumination</b>		
Street Hierarchy	Nonresidential Area	
	Lux	Footcandles
Major	15	1.4
Collector	10	1.0
Local	6	0.6

2. Parking Illumination

<b>TABLE 4-3 Parking Illumination</b>				
Level of Activity	Active Vehicular Use Areas Only		General parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

- a. High Activity. Examples include major athletic facilities, major cultural or civic events, regional shopping centers, and fast food facilities.
- b. Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or reception events, and residential complex parking.
- c. Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

3. Building Exteriors

<b>TABLE 4-4 Building Exteriors</b>		
Component	Outdoor Areas	
	LUX	Footcandles
Entry/Active Use Area	50	5.0
Vital Locations	50	5.0
Building Surrounds	10	1.0
Gardens (General)	5	0.5
Walkways	5	0.5
Monuments (Flood Lighted)	150	15.0

4. Lighting shall be positioned in such a way or shielded from adjacent property and designed to reflect continuity with the pedestrian orientation of the area in question. Outdoor lighting shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush-mounted (non-protruding) lens, directing light on-site only and no more than twenty (20) feet above average grade. All unshielded lights such as floodlights, wall pack units, and other types of unshielded lights, and lights where the lens or bulb is visible outside of the light fixture are not permitted except in service areas where the lights will not generally be visible by the public or adjacent residential properties. Lights underneath canopies must be fully recessed into the canopy to minimize glare from the light source. All lighting shall be focused on the property on which they are located and shall not extend to adjacent property owners.
5. The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would reduce the number or size of light fixtures; not adversely impacting neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Current recommended practices of the Illuminating Engineering Society of North America (IESNA) will be used as a guideline for all site lighting decisions of the Planning Commission.

**SECTION 4.14 Fence, wall and hedge standards**

Barriers including but not limited to fences, walls and hedges and other protective barriers of any type or description but not including temporary fences, shall conform to the following requirements:

- A. They shall be durable, weather resistant, rustproof and easily maintainable. Barriers shall be of high quality durable materials.
- B. They shall be maintained in good condition by the property owner.
- C. Non-opaque barriers (chain-link, picket, wrought iron fences, etc.) may be a maximum six (6) feet in height, however posts may extend six (6) inches above the height of the fence. Gates may extend eighteen (18) inches above the height of the fence and lights may extend twelve (12) inches above the height of the fence but may only be located at the gates. All fences shall comply with the corner clearance section of this ordinance.

Opaque barriers (solid wood or masonry) may be a maximum of six (6) feet in height with the following exceptions:

- 1. Corner and sight line clearance will be maintained per Section 4.07 of this ordinance.
  - 2. Maximum height within the actual front yard setback is forty (40) inches.
  - 3. Materials for masonry walls will include face brick or non-porous facing material to provide a pleasing aesthetic appearance.
- D. The finished side or most visibly attractive side of a wall or fence shall face the exterior of the property line (adjacent view). Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed. Walls or fences shall be white, black or earth tone in color and compatible with the neighborhood.
  - E. On any lot or parcel touching a lake in any zoning district, no barriers in excess of thirty (30) inches in height shall be erected beyond the sight line. If a sight line cannot be established because one or more adjacent lots is unimproved or the subject parcel is on a peninsula, point, bay or otherwise positioned differently, then the fence shall be no more than thirty (30) inches in height within the rear yard setback required for the zoning district it is located in.
  - F. In any residential district, barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on sides of any fence, electric current or charge in said fence is prohibited. Barbed wire or razor wire may be placed on top of fences enclosing public utilities, buildings or wherever deemed necessary by the Zoning Administrator in the interests of public safety.
  - G. The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in agricultural districts intended to enclose permitted livestock.
  - H. No fence, wall, hedge, screen or other protective barrier shall be erected within any public right of way.

- I. In non-residential districts, no fence, wall, hedge or other protective barrier shall exceed eight (8) feet, except that a security fence for a permitted commercial or industrial use may include a minimum of one (1) additional foot of barbed wire.
- J. Open fences (over 80% open) may be constructed to a height not to exceed ten (10) feet for the uses listed below. Such fences shall conform to all setback requirements for structures.
1. Tennis courts
  2. Volleyball courts
  3. Swimming pools
  4. Goals and backstops
  5. Sanitary sewer pump stations

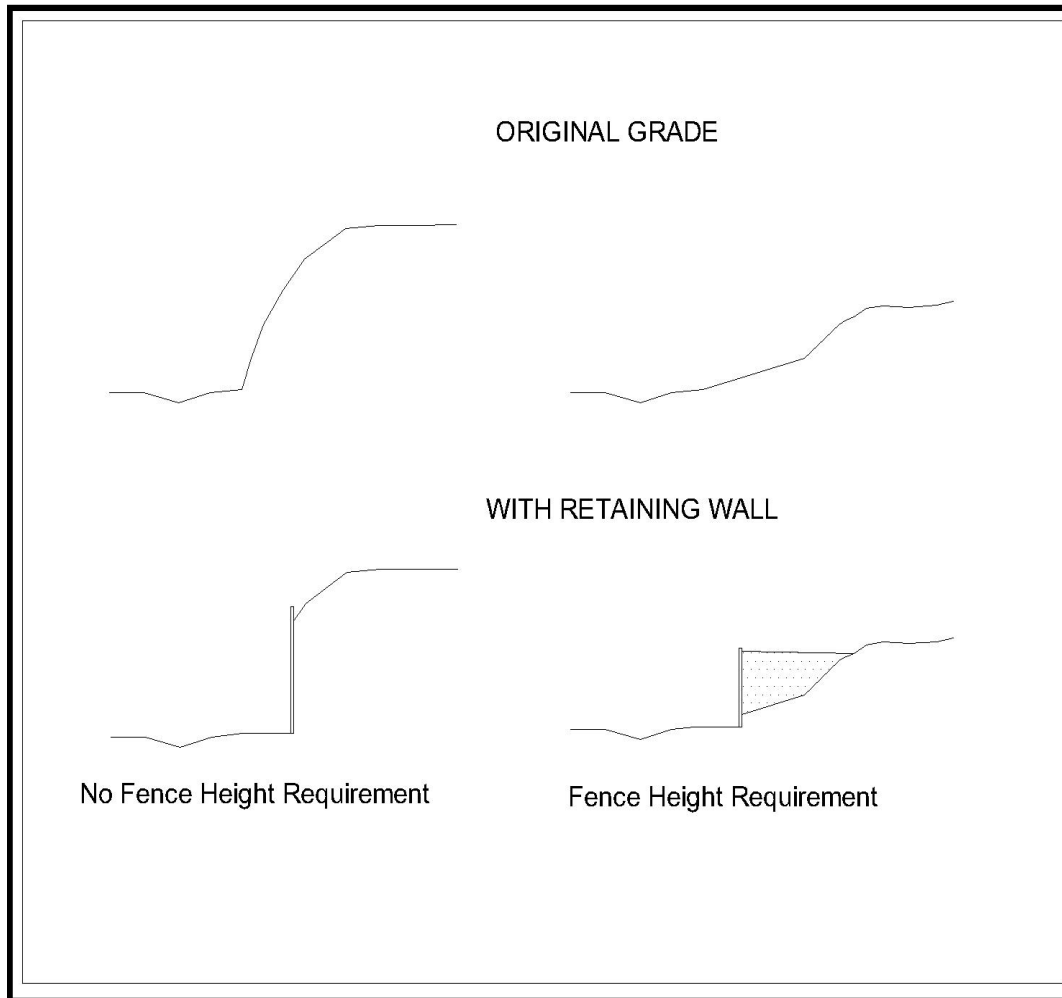
Other uses not specified herein shall be permitted to have fences of a material and height as established by the Zoning Board of Appeals.

(Amended: Ord. No. 705, 12-8-08)

- K. Nothing in this ordinance shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to building code and other ordinances of the Township. Other enclosures or barriers used in conjunction with a temporary outdoor use such as to define a temporary parking area, or in conjunction with a seasonal use such as a snow fence or protective barrier around a garden are exempt from the provisions of this section.

(Amended: Ord. No. 705, 12-8-08)

- L. A retaining wall that does not extend beyond the height of the original grade of the property prior to construction is not required to comply with the height requirements of this ordinance. Retaining walls that do extend beyond the original grade of the property such as that created by the installation of fill material, must comply with the height requirements of this ordinance.



(Added: Ord. No. 762, 3-31-14)

#### **SECTION 4.15 Filling operations**

Following the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Zoning Administrator by issuance of a fill permit and subject to requirements as may be appropriate.

#### **SECTION 4.15A Internet Sales**

A. Internet Sales of products or services is permitted by right if:

1. the product or service being sold or provided in the Internet Sale would otherwise be permitted by right to be sold or provided from a structure located in the zoning district from which the Internet Sale is being made; or
2. the product or service being sold or provided in the Internet Sale would otherwise be permitted to be sold or provided as a permitted accessory use from a structure located in

the zoning district from which the Internet Sale is being made.

- B. Internet Sales of products or services that are not accessory to the permitted principal use of the underlying property, and do not involve a product or service that would otherwise be permitted to be sold from a structure located in the district from which the Internet Sale is being made, is permitted by right only if there is no retail sales on site and there is no storage or display of the material for sale.
- C. Any Internet Sales which are also regulated by additional local, state or federal regulation due to the particular product or service being sold shall also comply with the requirements of any such additional regulations.
- D. Internet Sales of products or services from a residence shall also comply with the requirements of the Fenton Township Home Occupation Ordinance.  
(added: Ord. No. 744, 1-9-12)

#### **SECTION 4.16 Keeping of wild animals**

- A. No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- B. No person shall keep or permit to be kept any wild animal as a pet.
- C. For the purpose of this regulation, a wild animal shall be defined as any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with coyotes or jackals and hybrids that are 50% or more wolf), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents and any hybrid animal that is part wild, and captive-bred species of common cage birds. With regard to wolf hybrids, a pedigree or other certified documentation must be furnished to the Township to demonstrate compliance with this section.

#### **SECTION 4.17 Lot depth/width ratio**

All lots created after the effective date of this Ordinance shall have a lot depth/lot width ratio not to exceed 5:1. That is, the depth of the lot cannot be more than five (5) times its width. The lot's road frontage shall be considered the width of the lot. The length of the lot's longest side shall be considered the depth of the lot. This provision does not apply to parcels fifteen (15) acres or larger in size.

#### **SECTION 4.18 Lot limitations**

In single family zoning districts, only one principal building shall be placed on a lot of record.

**SECTION 4.19 Occupancy, temporary; garages, accessory buildings, basement apartments prohibited**

Accessory structures, including detached garages shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time. This provision will not prohibit the conversion of an attached garage into a bedroom, provided all provisions of this Ordinance and the building code are complied with. No tent, trailer or other temporary structure shall be used as a residence except as otherwise permitted by this Ordinance. (See Section 11.72)

(Amended: Ord. No. 647, 7-5-05)

**SECTION 4.20 Performance standards**

Any use established in any zoning district shall not be permitted to carry on any activity or operation or use of land, building, equipment that produces irritants to the sensory perceptions greater than the measures listed below which are hereby determined to be the maximum permissible hazard to humans or human activity.

- A. Noise: The emission of measurable noises from the premises shall not exceed sixty five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Sound levels in no case shall exceed seventy (70) decibels. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.
- B. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding three thousandth (.003) of one inch as measured at the property line.
- C. 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 one volume of odorous air to four (4) or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. Dust, dirt and fly ash: Discharges into the air from furnaces, open burning, etc. shall be managed so that the quantity of gasborn or airborne solids generated shall not exceed two tenths (0.20) grains per cubic foot of the carrying medium at the temperature of five hundred (500) degrees Fahrenheit.
- E. Method of measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack

does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- F. Smoke: It shall be unlawful to discharge into the atmosphere for any single source of emission whatsoever any smoke for any source for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascopes readings of smoke densities may be used when correlated with the Ringelmann Chart.
  2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (1) above, except when the emission consists only of water vapor.
- G. Glare and heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.
- H. Fire and safety hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Charter Township of Fenton, Genesee County, and with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.
- I. Light: Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential zoning district boundary and it shall be so arranged to reflect light away from any residential use or adjacent road or street. In no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground into a residential zoning district.



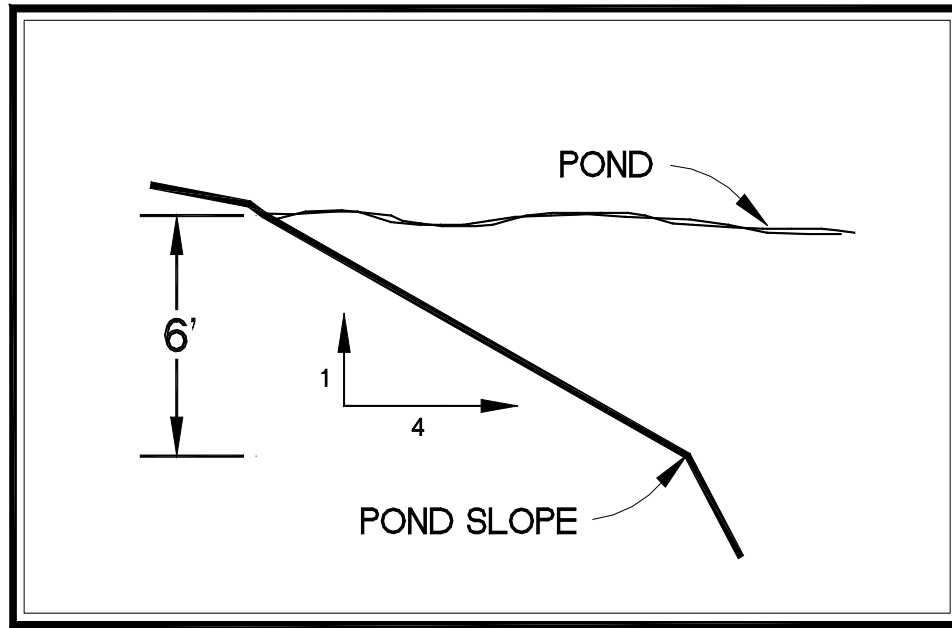
- J. Gases: The scope of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO<sub>2</sub> gas, as measured at the property line shall not exceed an average of three tenths (0.3) parts per million (ppm) over a twenty four (24) hour period; H<sub>2</sub>S shall not exceed one (1) ppm; fluorine shall not exceed on tenths (0.1) ppm; nitrous fumes shall not exceed five (5) ppm CO shall not exceed fifteen (15) ppm.
- K. Electromagnetic radiation: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- L. Drifted and airborne matter: The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

#### **SECTION 4.21 Ponds**

Ponds for non-agricultural uses that exceed one hundred (100) square feet of surface area shall be permitted following issuance of a zoning permit as an accessory use subject to the following standards:

- A. The minimum setback distance for the pond shall be twenty five (25) feet from any property line.
- B. There shall be a minimum of twenty five (25) feet between the outside edge of the pond and any building.
- C. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
- D. Slopes of the excavation shall not exceed a ratio of one (1) foot vertical to four (4) feet horizontal, to a depth below water of six (6) feet (see Figure 4-4).

**Figure 4-3**



- E. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
- F. The Zoning Administrator may require the installation of a fence no less than four (4) foot in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and Township residents.
- G. The applicant shall demonstrate that water can be continuously maintained in the pond once it is constructed.
- H. Evidence shall be presented at the time of application that the Genesee County Drain Commissioner and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.

#### **SECTION 4.22 Porches, decks, patios and terraces**

- A. On any lot or parcel in an AG, R-1, R-2, R-3, R-4 or R-5 zoning district, an open, unenclosed porch, deck, paved patio or terrace shall comply with the side yard setbacks for principal structures in the zoning district in which they are located but may project into a required front setback area for a distance not to exceed ten (10) feet.
- B. On any lot or parcel in an R-2, R-3, R-4 or R-5 zoning district, an open, unenclosed porch, deck, paved patio or terrace may project into a required rear setback area for a distance not to exceed ten (10) feet, except that on any lot or parcel touching a lake, no porch, deck, paved patio or terrace in excess of thirty (30) inches in height shall be erected

beyond the sight line. An open unenclosed porch, deck, paved patio or terrace under thirty (30) inches in height may be located anywhere in the rear yard on a lot or parcel touching a lake in an R-2, R-3, R-4 or R-5 zoning district.

#### **SECTION 4.23 Private roads**

- A. A private road is a road that provides direct access to three (3) or more lots and which is not dedicated to and accepted by an authorized governmental road agency.
- B. Application, review and approval of a proposed private road shall follow the site plan review process.
- C. Application for approval of a private road shall include a site plan sealed by a professional engineer illustrating:
  - 1. Existing and proposed lot lines.
  - 2. The location of existing and proposed structures.
  - 3. The width and location of the private road easement.
  - 4. A cross section of the proposed road, showing the types of materials to be used to construct the road base and surface.
  - 5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service.
  - 6. Proposed locations widths and radii of driveways off the private road.
  - 7. Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
  - 8. All divisions of land, showing compliance with the Land Division Act.
  - 9. Proposed location and type of permanent signing.
- D. The proposed private road shall meet the following standards:
  - 1. The minimum right-of-way width shall be sixty (66) six feet. An applicant can request a reduction in right-of-way width in order to protect natural features or as a result of space saving features such as curb and gutter but approval of a right-of-way less than 66' should take into account that in doing so, the street will not be able to be taken over by the county road commission at a later date. In no case may the right-of-way be less than fifty (50) feet.
  - 2. The minimum grade for roadways shall be four tenths (0.4) percent. The maximum grade shall be six (6) percent. The maximum grade within one hundred (100) feet of an intersection shall be three (3) percent.

3. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct the clear vision zone, as required in Section 4.14 of this Ordinance.
4. Cul de sacs shall not exceed seven (7) times the average lot width or 1,000 feet in length, whichever is greater. The Planning Commission may approve a longer cul de sac under unusual topographic conditions, or other unusual situations. In approving a longer cul de sac the Planning Commission may impose conditions such as additional off-street parking, turn-arounds, etc to mitigate the impacts of the increased length.
5. All driveways off of a private road shall be at least forty (40) feet from the intersection of the private road right-of-way and a public road right-of-way.
6. Intersections of private roads with public roads shall be at an angle as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
7. The width of the roadway shall comply with the requirements of the design criteria standards established by the Genesee County Road Commission for residential streets. (See figures 4-4, 4-5, 4-6). A cross section with open ditch (figure 4-5) will only be permitted in developments where all of the lots abutting the open ditch cross section are a minimum of one hundred fifty (150) feet in width.
8. The minimum radius for circular cul-de-sacs roadway is fifty two (52) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than twenty six (26) feet wide.
9. A written maintenance agreement signed by the owners of each lot or residence to be served by the private road shall be recorded with Genesee County Register of Deeds. The agreement shall allocate the responsibility to maintain the private road between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
11. Sight distances on horizontal and vertical curves shall be a minimum of two hundred (200) feet measured at a point ten (10) feet from the edge of the traveled roadway at a height of forty two (42) inches to an object height of forty two (42) inches based on a posted speed of twenty five (25) mph. Proposed private roads with an anticipated posted speed greater than twenty five (25) mph shall be reviewed for appropriate sight distances.
12. Parcels fronting on private roads shall meet the required front yard setback and lot width for their zoning district.
13. The private road shall comply with cross-sectional design criteria standards for road surfaces established by the Genesee County Road Commission for residential streets. (See figures 4-4, 4-5, 4-6). A cross section with open ditch (figure 4-5) will only be permitted in developments where all of the lots

abutting the open ditch cross section are a minimum of one hundred fifty (150) feet in width. The Planning Commission may waive the requirement for an asphalt or concrete pavement contained in the cross sections below with the recommendation of the Township Engineer for roads planned to provide access to six or fewer lots or units, where the private road is connected to a gravel public road and the Planning Commission determines that the waiver will not have a negative impact on the character of the neighborhood.

(Amended: Ord. No. 766, 7-7-14)

Figure 4-4

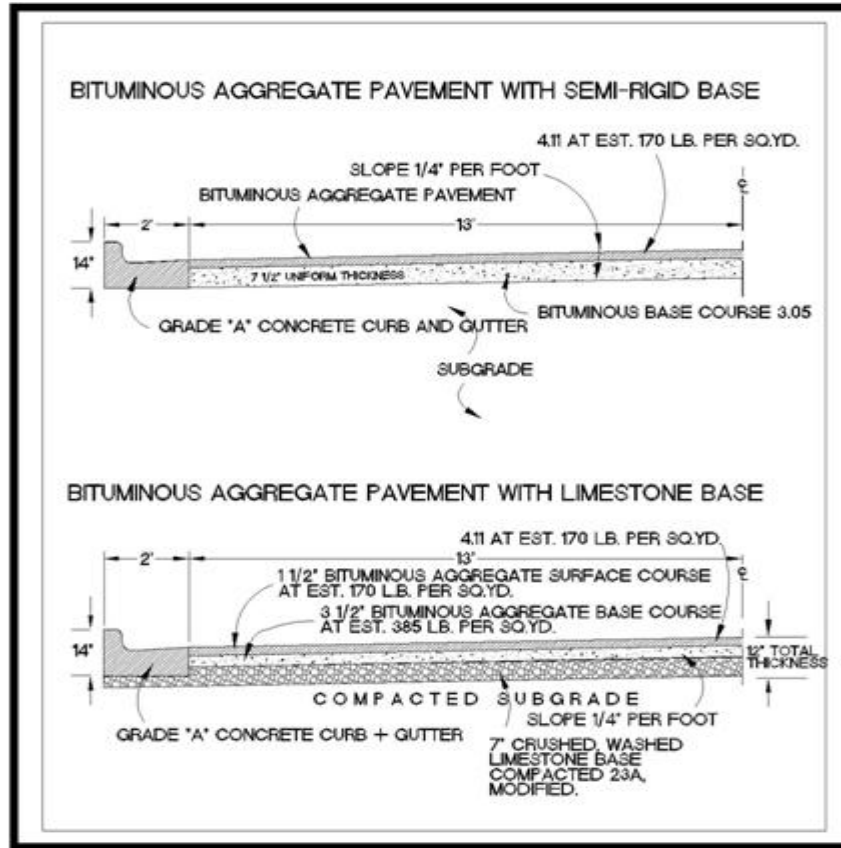


Figure 4-5

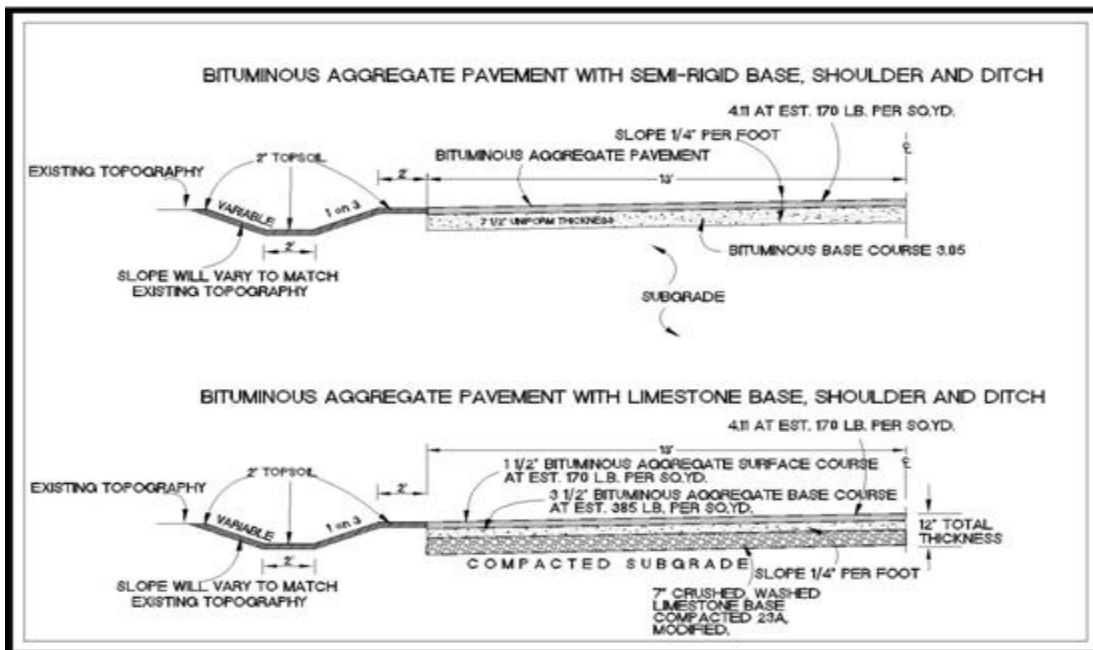
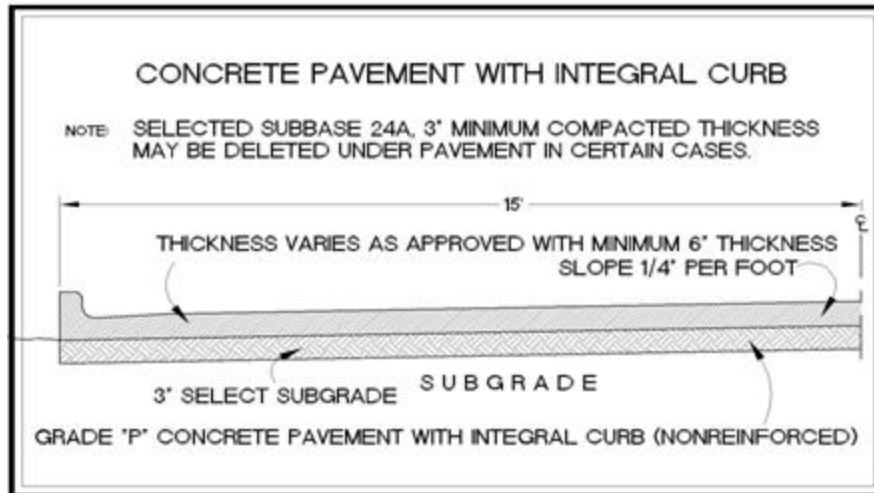


Figure 4-6



14. The street right-of-way shall be recorded with the Genesee County Register of Deeds.
15. The Township Engineer will inspect the private road four (4) times during construction:
  - a. Inspection of the sub-base after the top soil has been removed and the road bed has been excavated and graded.
  - b. Inspection of the road base material after it has been placed and compacted
  - c. Inspection during the laying of pavement
  - d. Final inspection after all pavement is complete, shoulders are established and all grading and seeding is completed.
  - e. As part of their responsibilities during construction of the road, the applicant shall notify the Township Engineer at least three (3) days before a required inspection and shall provide the engineer with all density tests and other documentation required demonstrating compliance with the standards in this section. All costs for these inspections will be passed through to the applicant by the Township and will be considered part of the fees for approval of the private road.

E. Any road that provides connection to any other two (2) public roads or provides access to OS, C-1, C-2, C-3, M-1, M-2 or M-3 zoned property shall be a public road.

(Amended: Ord. No. 639, 4-4-05; Ord. No. 648, 7-5-05)

#### **SECTION 4.24 Property staking**

Any parcel that is to be reviewed for zoning permit or site plan approval, or is to be reviewed by  
Updated 6/1/2016

the Zoning Board of Appeals shall be adequately staked as determined necessary by the Zoning Administrator.

#### **SECTION 4.25 Satellite dish antennas**

Satellite dishes shall be considered accessory structures and must comply with accessory structure setback requirements.

#### **SECTION 4.26 Scope**

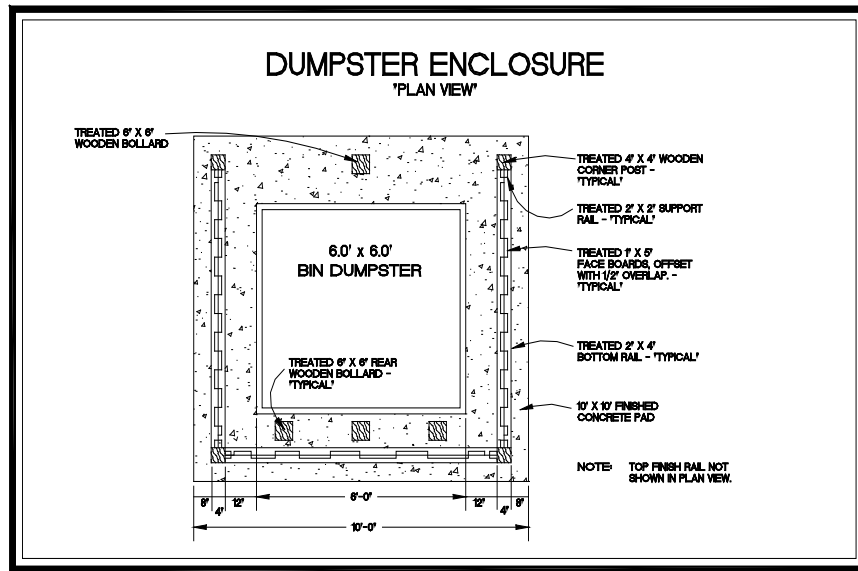
- A. No building or structure, or part thereof, shall hereafter be erected, constructed, enlarged, reconstructed, moved or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the ordinance, including provisions dealing with lot size, setbacks, and structure size.
  
- B. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

#### **SECTION 4.27 Screening of trash storage areas**

Trash dumpsters or other trash containers shall be screened on three sides with a fence or wall meeting the minimum requirements of Article 10, Section 10.03 of this Ordinance. The opening of the trash storage area shall be oriented to minimize off-site visual impact. (See figure 4-7.)

**Figure 4-7**





### SECTION 4.28 Sight Line

On any lot or parcel touching a lake, no structure or barrier in excess of thirty (30) inches in height shall be erected beyond the sight line.

A. This sight line provision may be waived if the applicant can demonstrate by clear and convincing evidence that the lot or parcel on which the structure or barrier is to be constructed is a peninsula, a point, a bay, or otherwise positioned differently, (relative to the lake), thereby making the enforcement of the sight line provision ineffective as a means of preserving a riparian property owner's reasonable view of the lake.

B. The waiving of the sight line provision as described above shall be at the discretion of the Zoning Administrator.

(Amended: Ord. No. 680, 6-4-07)

### SECTION 4.29 Signs

All signs shall comply with the requirements and regulations set forth in the Township Sign Regulation Ordinance.

A. In no case shall any illuminated sign exceed a level of eight hundredths (0.08) footcandles and a luminaire brightness of twenty-four hundred (2,400) foot lamberts, when measured at the property line. For purposes of this Ordinance, foot lambert shall be defined as the average "brightness" of any surface emitting or reflecting one (1) lumen per square foot. This requirement is in addition to other applicable sign provisions.

B. All illumination shall not be of a flashing, moving, or intermittent type other than used in

connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature, or stock average.

- C. All illumination shall be constant in intensity and color at all times when in use.
- D. With the exception of signs, the level of illumination shall be measured at the furthest point to be illuminated on that site.

#### **SECTION 4.30 Soil erosion and sedimentation control**

All proposed development shall require compliance with the Soil Erosion and Sedimentation Control Act, Act 347 of 1972, as amended, and shall meet all minimum standards established by the Genesee County Drain Commissioner and any State or Federal laws or regulations.

#### **SECTION 4.31 Street or road frontage, required**

Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to a public street or road, or an approved private road existing prior to the effective date of this Ordinance or approved by the Township under the provisions of Section 4.23 of this Ordinance. All lots must have a minimum frontage equal to the lot width required in Section 3.26 except as otherwise permitted.

#### **SECTION 4.32 Structure completion**

All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials such as wood, brick or brick veneer, shingle, concrete or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

#### **SECTION 4.33 Sump pumps**

Drainage from sump pumps shall be disposed of into a storm sewer if available.

- A. If storm sewer is not available sump drainage shall be disposed of in one of the following ways:
  - 1. Dry well, with yearly maintenance or as necessary.
  - 2. County drain by permit from the Genesee County Drain Commissioner's Office.
  - 3. Public road right of way by permit from the Genesee County Road Commission.
  - 4. On parcels 1 acre or greater in size, run off may be allowed onto the surface, with Township approval, provided it does run off onto adjacent property.
- B. If storm sewer is available, drainage from sump pumps must connect to the storm sewer. All site plans must identify storm sewer leads as required under Section 8.03.I.3.

C. At no time shall drainage from sump pumps be disposed of into the sanitary sewer system.  
(Amended: Ord. No. 671, 7-24-06)

**ARTICLE 5**  
**NON-CONFORMING**

**SECTION 5.01 Purpose**

Within the zoning districts established by this Ordinance there exist: lots, structures, uses of land and structures, and characteristics of use which were lawful prior to adoption of this Ordinance, but do not conform to provisions of this Ordinance or which may be made non-conforming as a result of future amendments to this Ordinance. These include structures that were granted variances under the provisions of a previous ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

**SECTION 5.02 Non-conforming lots of record**

Two or more legal lots of record that were under common ownership and were not separate tax parcels at the time of the adoption of this amendment to the Ordinance (6-4-07) may not be treated as separate zoning lots, except in compliance with the requirements of this Ordinance.

(Amended: Ord. No. 681, 6-4-07)

**SECTION 5.03 Non-conforming structures**

Where a lawful structure exists at the effective date of adoption of this Ordinance or some future amendment to this Ordinance, that could not be built under the terms of this Ordinance or some future amendment to this Ordinance, by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity, or in a way that neither increases nor decreases the non-conformity unless granted a variance by the Zoning Board of Appeals (see Figure 5-1). Adding to the height of a building located within the "sight line" or additions that encroach into a sight line as defined in this ordinance constitutes increasing its non-conformity (see Figure 5-2).

Figure – 5-1

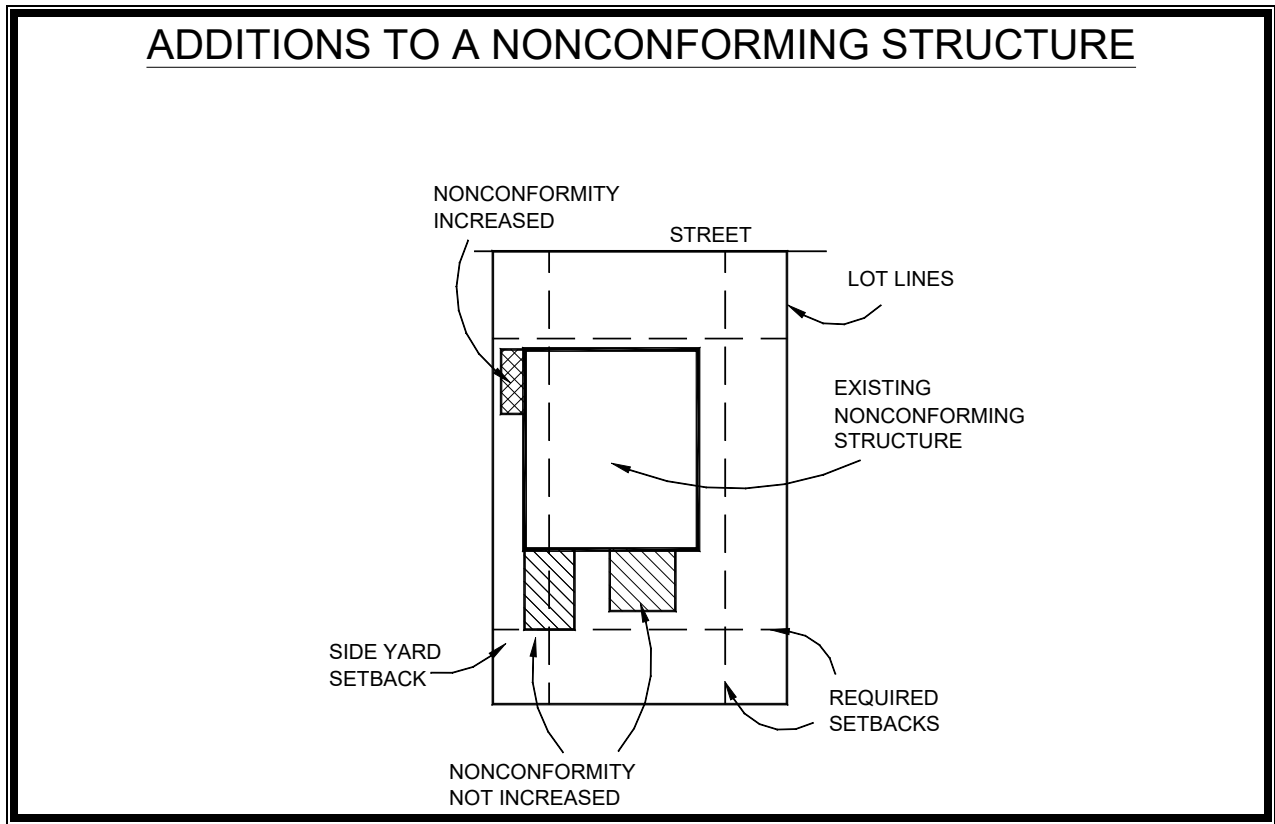
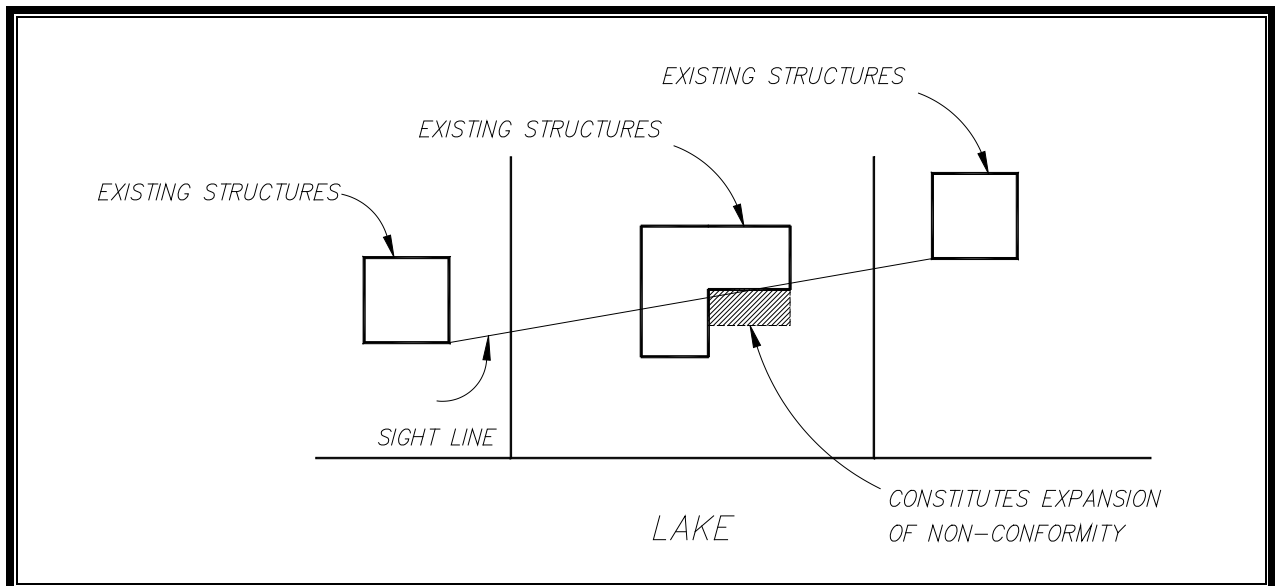


Figure – 5-2



- B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than one hundred (100) percent of its state equalized value (SEV) value at time of destruction, or fifty (50) percent of its market value at the time of its destruction as determined by a certified appraiser hired by the property owner, it shall not be reconstructed except in conformity with the provisions of this Ordinance, unless a variance is granted by the Zoning Board of Appeals.

- C. Should such structure be moved for any reason, it shall hereafter conform to the regulations for the zoning district in which it is located after it is moved.

#### **SECTION 5.04 Non-conforming uses of land**

Where a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, or a future amendment to this Ordinance, the use may be continued so long as it remains otherwise lawful provided:

- A. No such non-conforming use shall be enlarged or increased, including the addition or enlargement of signs or the addition of other non-conforming uses, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, such cessation of activity shall be determined to demonstrate an intent to abandon the non-conforming use and any subsequent use of such land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- E. A non-conforming use of land may be changed to another non-conforming use by approval of the Zoning Board of Appeals, provided that the Zoning Board of Appeals determines that the proposed use is more consistent with the current zoning classification than the current use. Whenever a non-conforming use of land has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
- F. A non-conforming use of land may be expanded by approval of the Zoning Board of Appeals when an applicant has demonstrated practical difficulty under the standards in Section 13.04.

### **SECTION 5.05 Non-conforming uses of structures**

If a lawful use involving individual structures or involving structure and premises in combination exists at the effective date of adoption of this Ordinance, or future amendment to the ordinance that would not be allowed in the zoning district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use by approval of the Zoning Board of Appeals provided that the Zoning Board of Appeals determines that the proposed use is more consistent with the current zoning classification than the current use. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
- D. When a non-conforming use of a structure, or structures and premises in combination, is discontinued or abandoned for twelve (12) consecutive months such cessation of activity shall be determined to demonstrate an intent to abandon the non-conforming use and the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
- E. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent more than one hundred (100) percent of the state equalized value (SEV) value at time of destruction, or fifty (50) percent of its market value as determined by a certified appraiser hired by the property owner. Structures housing a single-family non-conforming use that are completely destroyed by fire, flood, act of a public enemy or similar event may be rebuilt and used as a single-family home, provided the structure is rebuilt on the existing building footprint and reconstruction begins within one (1) year of the destruction.

(Amended: Ord. No. 771, 10-6-14)

### **SECTION 5.06 Repairs and maintenance**

- A. For any non-conforming structure or portion of a structure containing a non-conforming

use, work may be done in any period of twelve (12) consecutive months for ordinary repairs, or on repair or replacement of non-bearing: walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current state equalized value (SEV) of the non-conforming structure or non-conforming portion of the structure, provided that the cubic content existing when it became non-conforming shall not be increased.

- B. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the zoning district in which it is located.
- C. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

**SECTION 5.07 Change of tenancy or ownership**

A non-conforming structure, or use of land or structure, may be sold or change tenants without affecting its non-conforming status.



**ARTICLE 6**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

**SECTION 6.01 Parking requirements**

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

A. Area for parking spaces and access aisles

An area a minimum of ten (10) feet wide and twenty (20) feet long will be required per parking space, not including access aisles. Variations in the minimum parking space area is permitted in the case of angle parking for angles less than ninety (90) degrees as shown in the illustration that is part of Section 6.04E. A stacking space shall require an area a minimum of ten (10) feet wide and twenty five (25) feet long.

B. Fractional requirements

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

C. Location of parking space for one and two family dwellings

The off-street parking facilities required for one (1) and two (2) family dwellings shall be located on the same lot as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. Parking in addition to the minimum required may be located off site.

D. Location of parking space for other land uses

The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. An applicant for a zoning permit or site plan approval must show a long term interest in a property off site intended to provide parking, such as a long term lease or ownership in the property. In the multi-family, office, commercial and industrial zoning districts the front setback area shall remain

as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials, vehicle access drives or permitted signage. The Planning Commission may waive this requirement during site plan review if the applicant can demonstrate physical constraints on the site that make this standard infeasible.

E. Seating capacity

As used in this article for parking requirements, seats shall mean that each twenty four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.

F. Similar uses and requirements

In the case of a use not specifically mentioned, the parking requirement of a use listed in table 6-1 that is expected to generate similar off-street parking demands will be used. The selection of a similar use will be made by the Planning Commission for developments requiring site plan review. All other cases will be handled by the Zoning Administrator.

G. Protective screening

Protective screening will be provided for parking lots as required under the provisions of Article 10 of this Ordinance.

H. Existing off-street parking at effective date of this ordinance

Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced to a size that is less than that required under the terms of this Ordinance.

I. Collective provisions

Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or principle uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.02 of this Ordinance. Uses accessory to the principle use shall also meet the parking requirements under Section 6.02 of this Ordinance.

J. Joint use

Parking spaces already provided to meet off-street parking requirements for one use and lying within five hundred (500) feet of another use with demonstrably offsetting hours of operation may be used to meet not more than fifty (50) percent of the off-street parking requirements of the other use, with Planning Commission approval as part of site plan review.

K. Required spaces reserved for parking

Required parking spaces shall be reserved for parking only and shall not be used for storage, outdoor sales or other uses.

L. Usable floor area

Calculations of usable floor area, for the purpose of determining parking requirements shall follow the definition of useable floor area in Article 2 of this Ordinance.

M. Changes in use

For changes in use which increase the number of required parking spaces, the additional parking spaces shall be provided.

N. Parking for events

For infrequent events held at places of assembly (including but not limited to churches, clubs, and lodges) which generate a higher parking demand than normal, parking may be provided in a temporary, unimproved overflow parking area on site. Parking for such events shall not be on the street.

O. Overlapping shifts

When a business's shifts overlap, adequate parking for both shifts will be provided.

P. Commercial Vehicles on Residential Lots

Not more than one commercial vehicle as defined in Article 2 of this Ordinance may be parked outside on a residential lot. The use of a residential lot for parking of semi-tractor trucks and/or semi-trailers, trucks over 14,000 Gross Vehicle Weight Rating (GVWR) or a weight class of four (4) or greater, bulldozers, earth carriers, cranes or any other similar equipment or machinery, does not constitute a legal non-conforming use as defined in this Ordinance.

The open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, trucks over 14,000 Gross Vehicle Weight Rating (GVWR) or a weight class of four (4) or greater, bulldozers, earth carriers, cranes or any other similar equipment or machinery is prohibited on any lot, unless the storage or sales of such vehicles is an approved use for the principal building on the site or unless the vehicles are temporarily parked while in use for approved construction on the property.

(Amended: Ord. No. 666, 7-10-06; Ord. No. 752, 1-7-13)

**SECTION 6.02 Table of off-street parking requirements**

The amount of required off-street parking space for new uses or buildings and additions to existing buildings shall be determined in accordance with the following table. The space so required shall be stated in the application for a zoning permit. The space shall be irrevocably reserved for such use and shall comply with the requirements of this Article.

<p align="center"><b>TABLE 6-1</b> <b>Table of Off-Street Parking Requirements</b></p>		
Use	Required Number of Parking Spaces	Per Unit of Measure as Follows
Accessory buildings and uses customarily incidental to the permitted principal uses in the associated zoning district(s), other than those accessory to single family detached and duplex residences.	1	per 200 sq. ft. of usable floor area
Adult foster care family homes	1	per employee on the largest working shift*, plus 1 per 2 beds
Adult foster care large group homes (13-20 persons)	1	per employee on the largest working shift*, plus 1 per 2 beds
Adult foster care small group homes (7-12 persons)	1	per employee on the largest working shift*, plus 1 per 2 beds
Adult foster care small group homes (1-6 persons)	1	per employee on the largest working shift*, plus 1 per 2 beds
Adult uses	1	per 200 sq. ft. of gross floor area
Agriculture roadside stands	1	per 200 sq. ft. of usable floor area

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Agriculture and horticulture	1	per employee on the largest working shift*, plus 1 space per 400 sq. ft. usable floor area
Agricultural tourism facilities	1	per 400 sq. ft. usable floor area (no permanent parking spaces may be required, visitors may park on grass or other areas determined by proprietor)
Airports, commercial	1	per employee on the largest working shift*, plus 1 for each vehicle used in connection with the facility, plus 1 per 5 aircraft tie-downs, plus 1 per 5 aircraft storage areas
Ambulance stations, private	1	per employee on the largest working shift*, plus 1 per each vehicle used in the operation
Animal production, intensive feedlot operations	1	per employee on the largest working shift*
Animal production, commercial	1	per employee on the largest working shift*
Arcade	see "Recreation: indoor commercial recreation"	
Art education center	1	per teacher and staff member or largest shift plus 1 per 8 seats permitted based on maximum occupancy
Assisted living facilities	1	per employee on the largest working shift* plus 1 per 2 beds
Automobile dealers, new	see "Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor"	
Automobile dealers, used	see "Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor"	

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Automobile repair facilities	1	per employee on the largest working shift*, plus 3 per service bay (service bays are not parking spaces)
Automobile sales	see "Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor"	
Automobile service stations	1	per each employee on the largest working shift*, plus 1 per gas pump, plus 1 space per 500 sq. ft. of usable floor area
Automobile wash establishments		
a. Self-service operation	1	per employee on the largest working shift*, plus 2 stacking spaces per bay, plus 1 parking space and 1 stacking space per vacuum unit
b. Other than self-service operation	1	per employee on the largest working shift*, plus 8 stacking per operation, plus 1 parking space and 1 stacking space per vacuum unit
Automobile wrecking yards and junk yards	1	per employee on the largest working shift*, plus 1 per acre
Bakeries, non-retail	1	per employee on the largest working shift*
Bakeries, retail	1	per employee on the largest working shift*, plus one per 200 sq. ft. of usable floor area
Bars, cocktail lounges, taverns and nightclubs	1	per 100 sq. ft. of gross floor area plus 1 per 2 employees
Bed and breakfast establishments	1	per guest bedroom, plus 2 for residence

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Boarding houses	2	per employee/residence on the largest working shift*, plus 1 per 2 beds
Bus passenger stations	1	per employee on the largest working shift*, plus 15 spaces per loading bay
Business service establishments	1	per employee on the largest working shift* plus 1 per 200 sq. ft. usable floor area
Campgrounds, permanent, Campgrounds, transient	1	per employee on the largest working shift*, plus 1 10' x 30' space per campsite
Cemeteries	1	per full-time employee on the largest working shift*
Chemical manufacturing facilities	1	per employee on the largest working shift*
Child care institutions	1	per employee on the largest working shift*, plus 1 per 2 beds
Clubs	1	per employee on the largest working shift*, plus 1 space per 2 persons permitted based on maximum occupancy
Communications towers	1	per tower
Country Clubs	1	per employee on the largest working shift*, in addition to requirements for each use
Day care, adults (1-6 persons)	1	per each employee on the largest working shift*, plus 1 per 5 customers
Day care, adults (7-12 persons)	1	per each employee on the largest working shift*, plus 1 per 5 customers

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Day care, adults (13 or more persons)	1	per each employee on the largest working shift*, plus 1 per 5 customers
Day care centers, commercial	1	per each employee on the largest working shift*, plus 1 per 5 customers
Day care homes, family (1-6 persons)	1	per each employee on the largest working shift*, plus 1 per 5 customers
Day care homes, group (7-12 persons)	1	per each employee on the largest working shift*, plus 1 per 5 customers
Drive-in and drive-through establishments (restaurants and similar uses)	1	per employee on the largest working shift*, plus 8 stacking spaces for the first window, plus 2 stacking spaces per additional window (in addition to requirements for non drive-through uses)
Drive-in and drive-through establishments (banks and similar uses)	1	per employee on the largest working shift*, plus 5 stacking spaces for the first window, plus 2 stacking spaces per additional window (in addition to requirements for non drive-through uses)
Drive-in and drive-through establishments (dry cleaners, pharmacies and similar uses)	1	per employee on the largest working shift*, plus 3 stacking spaces for the first window, plus 2 stacking spaces per additional window (in addition to requirements for non drive-through uses)
Educational institutions, non-profit or charter	1	per teacher and staff member on largest shift*, plus 1 per 8 seats permitted based on maximum occupancy



<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Educational institutions, for profit	1	per teacher and staff member on largest shift*, plus 1 per 8 seats permitted based on maximum occupancy
Farmers markets, permanent	1	per 400 sq. ft. of usable floor area
Farmers markets, temporary	3	per vendor (temporary off-street parking facilities permitted)
Fire stations	1	per maximum number of firemen expected to respond to an emergency call
Foster family group homes	1	per employee on the largest working shift*, plus 1 per 2 beds
Foster family homes	1	per employee on the largest working shift*, plus 1 per 2 beds
Fraternal organizations	see "Clubs"	
Fuel distribution facilities, retail	1	per employee on the largest working shift*, plus 2 per fuel distribution point, plus 1 per vehicle maintained on the premises
Funeral homes or mortuaries	1	per employee on the largest working shift*, plus 1 per vehicle maintained on the premises, plus 1 per 5 seats
Golf courses	1	per 2 employees and management personnel, plus 1 per 500 sq. ft. of usable floor area in the club house, plus 10 parking spaces per hole
Golf courses, miniature	1	per employee on the largest working shift*, plus 1.5 spaces per hole
Golf driving ranges	1	per employee on the largest working shift*, plus 1 per tee

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Greenhouses, non-retail	1	per employee on the largest working shift*
Greenhouses, retail	1	per employee on the largest working shift*, plus 1 per 200 sq. ft. of enclosed floor area in the building or structure and other areas where consumers can view and purchase merchandise
Halls		
a. Auditoriums, Assembly Halls	1	per 2 seats based upon maximum seating capacity in the main place of assembly therein, plus 1 for every 2 employees
b. Dance Halls, Exhibition Halls, Pool and Billiard Halls, Skating Rinks, Lodge Halls, Assembly Halls without fixed seats	1	per 40 sq. ft. of usable floor area
Home occupations	2	per home occupation in addition to requirement for dwelling
Hotels and motels	1	per employee on the largest working shift*, plus 1 per room
Industrial service establishments, heavy	1	per 1½ employees on the largest working shift* or 550 sq. ft. of floor area whichever is greater
Industrial service establishments, light	1	per 1½ employees on the largest work shift* or 550 sq. ft. of floor area whichever is greater
Industrial service establishment, low intensity	1	per 1½ employees on the largest work shift* or 550 sq. ft. of floor area whichever is greater

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Kennels, commercial (more than 7 dogs)	1	per employee, plus 1 space per 1,000 sq. ft. of usable floor area
Laboratories	1	per 1½ employees on the largest work shift* or per 550 sq. ft. of floor area whichever is greater
Libraries	1	per 200 sq. ft. of floor area
Lodges		see “Clubs” or “Halls”
Long term care facilities	1	per employee on the largest working shift*, plus 1 per 2 beds
Manufacturing establishments, heavy	1	per 1½ employees on the largest working shift* or per 550 sq. ft. of floor area whichever is greater
Manufacturing establishments, light	1	per 1½ employees on the largest working shift* or per 550 sq. ft. of floor area whichever is greater
Manufacturing establishments, low-intensity	1	per 1½ employees on the largest working shift* or per 550 sq. ft. of floor area whichever is greater
Manufacturing, storage and/or distribution facilities (dangerous chemicals)	1	per 1½ employees during largest work shift* or per 550 sq. ft. of floor area whichever is greater
Marine sales and services	1	per 200 sq. ft. of usable floor area
Medical care facilities, neighborhood	1	per employee on the largest working shift*, plus 1 for each 50 sq. ft. of usable floor area in waiting room(s), and 1 per examining room, dental chair or similar use area

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Medical service establishments, large	1	per employee on the largest working shift*, plus 1 per 50 sq. ft. of usable floor area in waiting room(s), and 1 space for each examining room, and 1 space per 2 beds
Medical service establishments, small	1	per employee on the largest working shift*, plus 1 per 50 sq. ft. of usable floor area in waiting room(s), and 1 per examining room, dental chair or similar use area
Monument sales	1	per employee on the largest working shift*, plus 1 per 400 sq. ft. of usable floor area
Museums	1	per 200 sq. ft. of floor area
Nursing homes	See "long term care facilities"	
Office establishments, large	1	per 200 sq. ft. of usable floor area
Office establishments, small	1	per 200 sq. ft. of usable floor area
Pawn shops	see "Retail establishments (neighborhood)"	
Parks, private	1	per 3 users at maximum utilization
Parks, public	1	per 3 users at maximum utilization
Personal service establishments, except a. through c. below	1	per 200 sq. ft. of retail sales area, and 1 per 400 sq. ft. of service area
a. Barber shops	3	per station
b. Beauty parlors	4	per station
c. Laundromat and/or dry cleaning center	1	per 2 washing machines

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Public buildings	1	per 200 sq. ft. of usable floor gross floor area used by the public, and 1 per 600 sq. ft. of gross floor area not used by the public and 1 per 40 sq. ft. of meeting room
Public utility buildings and uses	1	per each employee on the largest working shift*
Race tracks	1	per every 4 seats, plus 1 seat is equal to 2 feet of bench length
Radio and television stations	1	per 400 sq. ft. of floor area
Railroad switching, storage, siding and freight yards	1	per employee on the largest working shift*
Recreation: indoor commercial recreation	The Planning Commission may determine adequate parking spaces based on the unique character of the establishment, besides the uses listed below	
a. Arcade (principle use)	1	per game
b. Arcade (accessory use)	1	per game above 4 games
c. Bowling alleys	5	per alley or lane, plus 1 space per employee on the largest working shift*, plus spaces for each accessory use, such as a bar or restaurant
Recreation: commercial outdoor recreation establishments (excluding golf related uses)	2	per acre, plus any additional spaces required by the Planning Commission based on unique characteristics of the use
Recreation: private and public recreation clubs	1	per 2 members families or individuals, plus spaces required for each accessory use

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Religious institutions	1	per 2 seats, based on maximum seating capacity in the main place of assembly therein
Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor	1	per employee on the largest working shift*, plus 1 per 400 sq. ft. of gross floor area
Rental business establishments, indoor	1	per employee on the largest working shift*, plus 1 per 200 sq. ft. of gross floor area
Research and development establishments	1	per employee on the largest working shift*, plus 1 per vehicle maintained on the premises
Residential, apartments	2	per dwelling unit
Residential, apartments (in the upper floors of commercial buildings)	2	per dwelling unit
Residential, duplex	2	per dwelling unit
Residential, mobile home parks or subdivisions	2	per dwelling unit
Residential, single family attached dwellings	2	per dwelling unit
Residential, single family detached dwellings	2	per dwelling unit
Residential, townhouses, patio or row houses	2	per dwelling unit
Restaurants, conventional	1	per 4 seats up to the maximum seating capacity as determined by the fire marshal, but no less than 5 plus 1 per 2 employees

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Restaurants, drive-in or drive-thru	1	per 4 seats up to the maximum seating capacity as determined by the fire marshal, but no less than 5 plus 1 per 2 employees
Retail establishments, convenience	1	per 150 sq. ft. of usable floor area
Retail establishments, large	1	per 800 sq. ft. of usable floor area, dedicated to retail sales, plus 1 per employee on the largest working shift
Retail establishments, neighborhood	1	per 150 sq. ft. of usable floor area
Retail sales or rental establishments with outdoor display	1	per 500 sq. ft. of open sales/display area, plus 1 per employee
Retirement communities, mixed use	1	per employee on the largest working shift*, plus 1 per 2 beds
Senior housing	1	per employee on the largest working shift*, plus 1 per 2 beds
Service or repair establishments	1	per 200 sq. ft. of usable floor area, plus 1 per employee
Soil, sand, clay and gravel or similar removal operations, quarry excavation	1	per employee on the largest working shift*, plus on space per facility vehicle
Stables and/or riding academies	1	per each 2 stalls
Stadiums and arenas including baseball, football or other large facility with public seating	1	per 4 seats or 8 ft. of bench length
Storage facilities (with outdoor storage)	1	per 2,000 sq. ft. of open storage area, 1 per 100 storage units and 2 for resident caretaker
Storage facilities (excluding outdoor storage)	1	per 100 storage units and 2 for resident caretaker

<b>TABLE 6-1 Table of Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Required Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows</b>
Strip malls	see “Retail establishments, large” and “Retail establishments, neighborhood”	
Subacute care facilities	see “Long term care facilities”	
Telecommunication antennae	1	per antenna
Temporary buildings	1	per employee on the largest working shift*
Theaters, indoor	1	per 5 seats
Theaters, outdoor	1	per employee on the largest working shift* plus 1 per viewing bay plus 8 stacking spaces per window
Veterinary hospitals or clinics	4	per veterinarian, plus 1 per additional employee
Wholesale and warehousing	1	per employee on the largest working shift* plus 1 space per vehicle used in the business plus one per 2,000 sq. ft. of useable floor area

\* See Section 6.01 (o) - Overlapping shifts  
(Amended: Ord. No. 666, 7-10-06; Ord. No. 686, 7-23-07; Ord. No. 726, 7-6-10)

**SECTION 6.03 Off-street loading requirements**

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, convalescent home, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

A. Space requirements

Such loading and unloading space, unless adequately provided for within a building,



shall be an area ten (10) feet by fifty (50) feet, with a minimum of fourteen (14) foot height clearance, and shall be provided according to the following schedule:

<b>TABLE 6-2</b>		
<b>Table of Loading and Unloading Spaces</b>		
<b>Use Category</b>	<b>Total Floor Area of the Building (square feet)</b>	<b>Off-Street Loading Space Requirements</b>
Office Use	0 - 10,000	0
	10,001 - 50,000	One (1) usable loading space
	Over 50,000	Two (2) usable loading spaces
Commercial and Industrial Uses	0 - 1,400	0
	1,401 - 20,000	One (1) usable loading space
	20,001 - 50,000	Two (2) usable loading spaces
	Over 50,000	Three (3) usable loading spaces plus one (1) space for each 50,000 square feet in excess of 50,000 square feet.

B. Protective screening

Protective screening will be provided for loading and unloading spaces as required under the provisions of Article 10 of this Ordinance.

**SECTION 6.04 Off-street parking construction and operation**

The construction of any parking lot shall be in accordance with the requirements of the Building Code and the provisions of this Ordinance. Any person desiring to establish or change a parking area including paving an existing parking lot other than for a single family or duplex residence on a individual lot, shall submit a site plan to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot. The plan shall be submitted to the Planning Commission for review and approval based on the procedures established for site plan review.

- A. All such parking lots shall have a cross section meeting the recommendations of the Township Engineer and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property except through a public drain.
- B. All parking areas shall be illuminated. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and streets shall be installed in such a

manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.

- C. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- E. Parking space and access aisle dimensions shall comply with the minimum requirements (see Figure 6-1).
- F. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces in conformance with the standards outlined (see Figure 6-1).

Figure 6-1

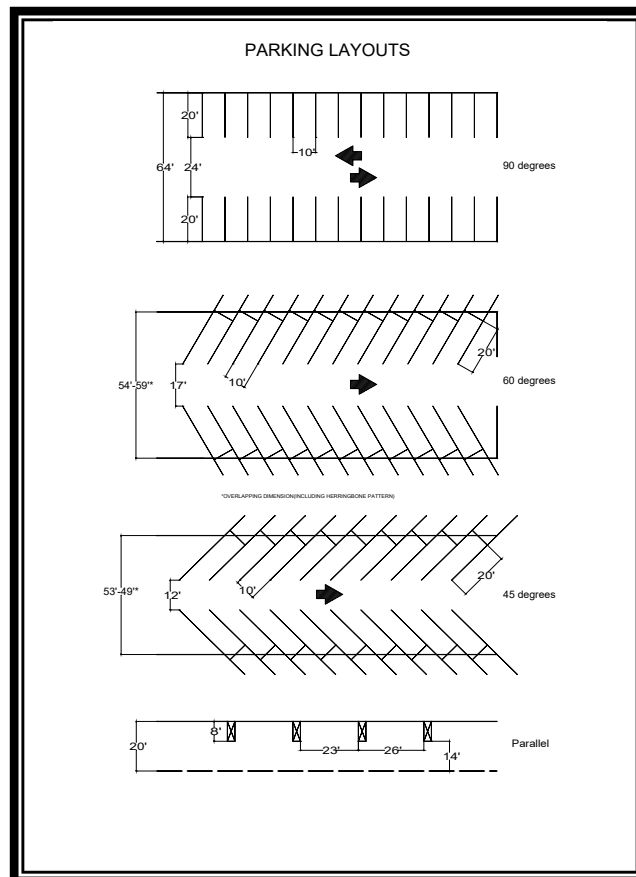
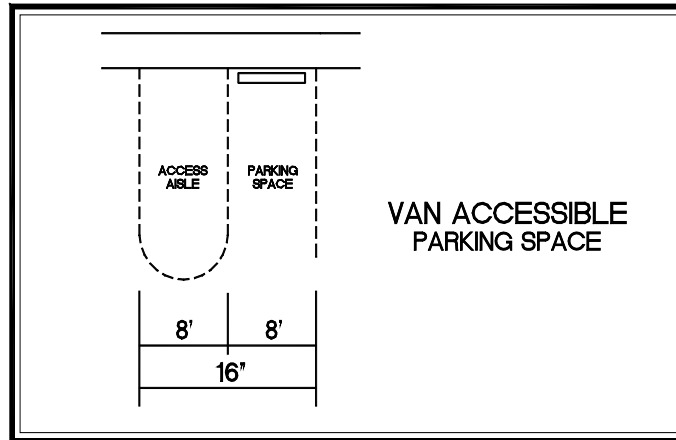


Figure 6-2



- G. In no case shall a parking space be permitted which would necessitate the backing of motor vehicle into a street or over a public walk.
- H. Parking spaces for handicapped citizens shall be located as close as possible on the most direct route to barrier free building entrances. Where possible, this route will not cross parking lot maneuvering lanes. Signs shall be provided to indicate the direction of travel to barrier free building approaches when the barrier free entrance is not visible from the accessible parking space or spaces. Each accessible parking space shall not have more than a nominal 3% grade and shall not be less than twelve (12) feet wide, or not less than ten (10) feet wide and adjacent to an access aisle which is not less than five (5) feet wide and which is not a traffic lane. At least one (1) of every ten (10) handicapped spaces shall be “van accessible”, requiring an access aisle a minimum of eight (8) feet wide. There shall be a barrier free route of travel from the accessible parking spaces to the nearest barrier free building approach. Two (2) handicap parking spaces may share the same access aisle (see Figure 6-2).

TABLE 6-3 Michigan Barrier Free Parking Requirements	
Total Spaces in Lot	Minimum Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

(Amended: Ord. No. 686, 7-23-07)

**ARTICLE 7  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 7.01 Responsibilities**

Below is a listing of the responsibilities of various positions and bodies within the Township in administering this Ordinance.

A. Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who may delegate his/her responsibilities to other employees, inspectors or officials of the Township. The Zoning Administrator shall also:

1. Issue zoning permits.
2. Make inspections to determine compliance with the permits.
3. Respond to questions from citizens.
4. Receive, investigate and process all complaints and notify affected parties of the results of the investigation.

B. Planning Commission

The Planning Commission responsibilities under the Zoning Ordinance are:

1. Review and approve/deny site plans.
2. Hold public hearings and review and approve/deny special use permits.
3. Hold public hearings and make recommendations on proposed zoning amendments.
4. Initiate amendments to the Zoning Ordinance.

C. Township Board

The Township Board responsibilities under the Zoning Ordinance are:

1. Designate the Zoning Administrator.
2. Approve appointments to the Zoning Board of Appeals and Planning Commission.
3. Establish fee schedules for permits and reviews.
4. Initiate amendments to the Zoning Ordinance.
5. Approves/denies zoning amendments.

D. Zoning Board of Appeal

The zoning responsibilities under the zoning ordinance

1. Issue variances
2. Consider appeals of administrative decisions

3. Interpret the ordinance

E. Township Staff

The Township staff's responsibilities under the Zoning Ordinance.

1. Coordinate pre-application review meetings.
2. Receive applications for zoning permits, variance requests, rezoning requests, special use permit requests, site plan review applications and other applications and requests.
3. Provide staff support to the Zoning Board of Appeals, Planning Commission and Township Board.

**SECTION 7.02 Zoning permits**

A. Permits required

It shall be unlawful for any person, firm or corporation to do any of the following without first obtaining a zoning permit from the Zoning Administrator:

1. change the use of a parcel of land or building,
2. commence excavation for, or construction of any building or structure, including fences and accessory structures two hundred (200) square feet or less in area that otherwise does not require a building permit, or addition to any existing building or structure,
3. make structural changes, or make repairs to any existing non-conforming building or structure,
4. move an existing building
5. grade or fill property

No building permit shall be issued until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction and/or use proposed is in compliance with the provisions of this Ordinance and other applicable codes and ordinances of the Township.

B. Application

An application for a zoning permit shall include:

1. A plot plan showing:
  - a. The actual shape, location and dimensions of the lot.
  - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
  - c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

2. The signature of the deed holder/owner of the premises concerned.
3. Verification of compliance with the Township Grading Ordinance
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed, including, but not limited to, a survey of all or a portion of the lot(s).

(Amended: Ord. No. 729, 11-1-10)

C. Time limits

1. **Deadline to commence construction**  
A building permit for a project approved by issuance of a zoning permit shall be filed with the Township Building Inspector within one (1) year from the date of issuance of the zoning permit. If a building permit is not filed within one (1) year, the zoning permit shall expire.
2. **Deadline for completion**  
A project approved by issuance of a zoning permit shall be completed within one (1) year from the date that the building permit was filed with the Building Inspector. If an Occupancy Permit is not granted within one (1) year, the zoning permit shall expire.
3. **Extensions**  
The Zoning Administrator may grant one (1) extension for an additional one (1) year if the applicant can demonstrate that suitable, continual progress has been made on the project.

### **SECTION 7.03 Certificates of occupancy**

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with. The Building Inspector shall not issue a certificate of occupancy on any land, building or structure which also requires zoning permit or site plan approval until the Zoning Administrator verifies that the terms of the zoning permit or site plan approval have been complied with.

### **SECTION 7.04 Fees**

Fees for all permits, reviews and other activities required under this Ordinance shall be established and revised as necessary by the Township Board by resolution. The Township shall have the authority to require applicants to reimburse the township for any cost associated with review of an application, including consultant fees.

### **SECTION 7.05 Sanctions for violations**

Every person, corporation or firm who violates disobeys or omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Department, Board of Appeals or Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor. The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. Upon conviction thereof before any court of competent jurisdiction, he shall be subject to punishment by a fine not to exceed five hundred (500) dollars, or by imprisonment not to exceed ninety (90) days, or both, and, in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

#### **SECTION 7.06 Notification of Zoning Decisions**

At the time of issuance of an official zoning compliance determination, the zoning administrator shall send notice to all adjacent property owners. This is to ensure proper notice in case any of the affected parties wish to appeal such an administrative decision under the provisions of Section 13.06 of this ordinance. The notice will include a statement notifying them of their right to appeal. (Amended: Ord. No. 647, 7-5-05)



## **ARTICLE 8 SITE PLAN REVIEW**

### **SECTION 8.01 Intent**

The site plan review procedures are instituted to provide an opportunity for the Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicle circulation, off-street parking, structural relationship, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, morals and general welfare as well as to provide for the best interest of the property owner.

### **SECTION 8.02 When site plans are required**

Site plans are required to be submitted under any of the following circumstances:

- A. As part of an application for a special use permit
- B. Any change in use which requires construction of ten (10) or more additional parking spaces or five (5) or more vehicle and boat trailer combination spaces.
- C. As part of an application for approval of a condominium development.
- D. Any other construction or moving of structures except:
  - 1. Single family and duplex residences on individual parcels and their accessory structures
  - 2. Non-residential accessory structures under six hundred (600) square feet
  - 3. Expansions of under six hundred (600) square feet to existing structures.

### **SECTION 8.03 Required information**

Before any site plan approval is granted, twelve (12) copies of a site plan to a scale not greater than 1"=100' (unless a greater scale is permitted by the Zoning Administrator), and a digital copy of the drawing in a format designated by the Township provided in the Michigan South State Plane Coordinate System using the North American Datum of 1983 (NAD83) in units of international feet and a completed application for site plan approval, including completed and signed checklist, with all necessary fees as established by the Township's adopted fee schedule shall be submitted to the Township Zoning Administrator, for review and approval. The site plan shall contain the following information:

The items marked with an “\*” must be included in a site plan submitted for preliminary review. All of the information below must be included in a final site plan unless the requirement is waived by the Planning Commission as authorized in Section 8.03Y.

- A. Miscellaneous information including\*
1. number of dwelling units
  2. gross square footage
  3. number of bedrooms
  4. number of employees
  5. gross acreage
  6. buildable area
  7. lot coverage as a percentage of total area
  8. density of dwelling units per acre
  9. parking calculations
  10. scale
  11. north arrow
  12. location map
  13. lot dimensions and square footage of individual lots

This information is required to determine compliance with minimum lot sizes, maximum lot coverage, density requirements and parking requirements.

- B. Location of proposed and existing buildings with setbacks\*. Any structures with a historic significance shall be noted\*

This information is required to determine compliance with setback requirements and evaluate open space proposals (if applicable).

(Amended: Ord. No. 639, 4-4-05)

- C. Vehicular traffic and pedestrian circulation features including\*:
1. driveways
  2. drives
  3. sidewalks
  4. streets or driveways within one hundred (100) feet of the property
  5. preliminary review and comments from the Genesee County Road Commission regarding potential traffic issues
  6. existing and proposed right-of-ways

This information is required to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways and to verify open space calculations.

(Amended: Ord. No. 639, 4-4-05)

D. Location, dimensions and type of surface of\*:

1. parking spaces
2. maneuvering lanes
3. loading spaces

This information is required to determine compliance with parking requirements.

E. Location, dimensions and proposed use of all recreation areas

This information is required because recreation areas can tend to generate significant noise and/or parking issues.

F. The location of all proposed:

1. landscaping on a separate landscape plan as required in Article 10 of this Ordinance
2. fences or walls

This information is required to determine compliance with screening and landscaping requirements.

G. The height and dimensions of all structures\*

This information is required to determine compliance with maximum height and lot coverage requirements as well as minimum building size requirements (residential) where applicable.

H. Front, rear and side elevations of a typical proposed structure

This information is required to ensure compliance with design standards.

I. The location and preliminary review and comments from applicable Genesee County agencies relative to the capacity of public or private:

1. water lines, system capacity and information on any existing wells
2. sanitary sewer lines and treatment/line capacity from a sewer capacity study
3. storm sewer lines, open drains, detention/retention structures, system capacity and storm sump leads
4. storm calculations for the items above based on the 100 year storm
5. solid waste facilities
6. Copies of any available hydrogeological studies

This information is required to ensure compliance with the standard requiring adequate water and sewer service, and to prevent overloading the Township's water or sewer system.

(Amended: Ord. No. 639, 4-4-05)

J. The location, dimensions and lighting of signs

This information is required to ensure compliance with sign requirements. The Township may also require information of the nature of the sign (directional, identifying, off-street advertising, etc.).

K. The location intensity and orientation of all lighting

This information is required to determine compliance with requirements for lighting to be directed off adjacent premises. The Township may also require the light foot print and/or the method of shielding noted on the plan.

L. Location map indicating relationship of the site to surrounding land use and the zoning of adjacent property\*

This information is required to determine compliance with requirements relating to setbacks from adjacent land uses or zoning districts and access issues.

M. Buildings within one hundred (100) feet of the boundary of the site\*

This information is required to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a special use permit, to determine suitability of the site for the proposed use based on proximity to incompatible uses.

N. Existing natural features\*:

1. streams
2. marshes
3. ponds
4. one hundred (100) year floodplain boundaries
5. limits of any wetland, including attachment of a wetland determination by a recognized consultant (wetland limits must be confirmed by the DEQ prior to final approval)
6. other submerged land
7. note if the site is within five hundred (500) feet of a lake, river, stream, drainage course or other waterways
8. woodlots
9. scenic vistas

This information is required to determine compliance with the environmental standards for site plan approval, to verify open space calculations and evaluate open space proposals (if applicable).

(Amended: Ord. No. 639, 4-4-05)

O. Outdoor storage or activity areas\*

This information is required to comply with standards relating to outdoor storage of material or outdoor activities.

P. Soil information

Either as a separate drawing or as an overlay or layer of the site plan, the applicant shall identify the soils on the site as shown in the USDA Soil Conservation Service Soil Survey of Genesee County and copies of any available geotechnical reports. In addition, the map shall identify those soils that pose severe or very severe limitations to the type of development proposed, based on the classification system included in the survey. It shall highlight areas with slopes greater than 10% or classified as posing a high risk for erosion. This information is required to determine potential development problems due to poor soils and evaluate open space proposals (if applicable).

(Amended: Ord. No. 639, 4-4-05)

Q. Existing and proposed grades at two (2) foot intervals and proposed drainage patterns

This information is required to determine compliance with any minimum or maximum grade requirements, clear vision requirements and height requirements, and to check drainage information.

R. Cross section showing construction of drives and parking area

This information is required to comply with requirements regarding pavement surface and adequacy of base material.

S. Floor plan showing existing and proposed uses\*

This information is required to verify gross vs. useable floor area, principal vs. accessory uses and sewer unit requirements.

T. Location of trash receptacles\*

This information is required to determine compliance with ordinance requirements regarding location and screening.

U. Designation of fire lanes\*

This information is required to determine compliance with fire code requirements.

- V. Listing of type, quantity, storage location, and secondary containment provisions for any hazardous material stored or used on the site

This information is required to verify compliance with any ground water protection requirements in the ordinance.

- W. A completed State and County Environment Permits checklist provided by the Township Zoning Administrator.
- X. The Planning Commission may waive any of the requirements above when the information is not needed to determine compliance of the site with the requirements of this Ordinance.
- Y. Plans shall be sealed by a Michigan licensed professional within their respective discipline per the professional laws of that discipline.

(Amended: Ord. No. 646, 7-5-05)

#### **SECTION 8.04 Who reviews site plans**

The Planning Commission is authorized to review all site plans, including site plans submitted as a part of a special use permit application, except those special use permits which are approved administratively. The Planning Commission is authorized to approve, deny or approve the site plan with conditions.

#### **SECTION 8.05 Site plan review process**

The site plan review process is intended to allow the Township the opportunity to review a proposed development prior to its construction, to determine compliance with the requirements of this Ordinance.

- A. Step one - pre application review

The pre-application review step is voluntary on the part of the applicant. It is an opportunity for the applicant to meet with Township staff to discuss the proposed project and receive comments from the staff on issues that might affect the application. There are no minimum information requirements that must be submitted at the time of the meeting, although the more information the applicant can provide the better the input the staff can provide on the proposal. This step is informational only and does not provide the applicant with any approval rights.

B. Step two - preliminary site plan review

The applicant shall submit the site plan application (not including site plan) to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which it is to be reviewed. A complete site plan itself and digital copy in a format designated by the Township shall be submitted to the Zoning Administrator at least fifteen (15) days prior to the Planning Commission meeting. The Zoning Administrator shall submit one copy to the Township Fire Department, as well as to any other Township or State officials as determined by the Planning Commission. At this point the applicant may ask the Planning Commission to waive particular site plan requirements.

The Planning Commission shall review the site plan to determine whether all required information is included, as well as identify any issues or concerns associated with the preliminary site plan. The Planning Commission shall then direct the applicant to submit a site plan which considers the Planning Commission preliminary review comments for final review. Preliminary approval of a site plan shall expire if final site plan approval has not been granted within 1 year of the date of preliminary approval. In the case of multi-phase developments, preliminary approval shall expire if final site plan approval of the first phase has not been granted within 1 year of the date of preliminary approval. Preliminary approval of the remaining phases shall expire unless final site plan approval is granted for a succeeding phase within one year of the expiration of the preceding phase's approval as outlined in section 8.11 b of this ordinance.

C. Step three - consultant review

In those instances where the Zoning Administrator or Planning Commission determines it necessary, the Township will submit a site plan for review by professional consultants. The applicant shall be responsible for reimbursing the Township for the cost of all such reviews.

The Zoning Administrator or Planning Commission may require a deposit into an escrow account for the estimated cost to cover consultant review fees prior to being placed on the agenda for final site plan review. The estimated costs shall be calculated according to the Fenton Township Schedule of Fees, which may be changed from time to time by resolution of the Township Board. Any and all fees must be paid prior to the issuance of a certificate of occupancy for the site.

For those projects where the applicant is required to provide storm water calculations, those calculations and the design of the storm water system must be approved by the Township engineer prior to final review by the Planning Commission.

(Amended: Ord. No. 706, 12-8-08; Ord. No. 785, 2-8-16)

D. Step four - final site plan review

1. The Planning Commission shall review the site plan to determine its compliance with the requirements of this article. Following their review of the site plan, the Planning Commission shall do one of following:
  - a. Approve the site plan.
  - b. Approve the site plan with conditions.
  - c. Postpone the decision on the site plan pending required additional information.
  - d. Deny the site plan.
2. Record of review  
A record of the decision shall be filed with the Township Clerk, including:
  - a. A copy of the submitted site plan, signed by both the applicant and the Zoning Administrator.
  - b. A copy of any meeting minutes related to the site plan.
  - c. A copy of any other relevant records related to the site plan.

E. Step five - final engineering approval

Following final site plan approval, the applicant shall submit an application for final engineering approval. This application shall include plans and information in sufficient detail for the Township Engineer, and other appropriate parties as determined by the Township, to determine compliance with all applicable laws, codes and ordinances pertaining to the design and construction of the project. Following final engineering approval, a preconstruction meeting shall be arranged. If the Township Engineer, or other appropriate parties such as the County Road Commission or County Drain Commissioner, Division of Water and Waste Services require changes that constitute an amendment to the site plan per Section 8.10 of this Ordinance, the site plan amendment must be approved by the Planning Commission before moving on to step six of this process.

F. Step six - pre-construction meeting

Prior to issuance of a zoning permit or building permit the applicant and/or their representatives shall meet with Township staff and the Township Engineer to review construction issues including timing of construction, permits and other considerations relevant to the project. The applicant shall be responsible for arranging for the attendance of representatives of other agencies relevant to the development, such as the County Road Commission, the local utility companies, etc. If the development is a condominium project, the applicant shall be responsible for providing a copy of the recorded master deed including two (2) 24" x 36" copies and two (2) 11" x 17" copies of the recorded site plan. In all cases the applicant shall provide a digital copy of the drawing in a format designated by the Township with a minimum of two GPS surveyed property corners at opposite corners of the property. These GPS coordinates shall be provided in the Michigan South State Plane Coordinate System using the North American Datum of 1983 (NAD83) in units of international feet. Elevations provided for these positions shall be tied



to the Genesee County USGS benchmark “bluebook”. These positions shall be noted on provided site drawings.

G. Step seven - final site plan approval (multi-lot development)

Infrastructure required to service an approved multi-lot development must be completed and inspected prior to issuance of building permits.

H. Appeal of site plan decision

Any person aggrieved by the decision of the Planning Commission in granting or denying a site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within twenty one (21) days of the posting of the minutes of the meeting and must state the basis for the appeal.

**SECTION 8.06 Standards for site plan approval**

All approved site plans shall comply with the appropriate zoning district regulations, parking requirements, general provisions and other requirements of this Ordinance as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:

A. The Planning Commission may require sidewalks when it determines they are needed to promote pedestrian safety. All lots fronting on county primary roads will be required to provide sidewalks on that portion of the lot fronting on such a road. The Planning Commission may waive or modify this requirement if circumstances make provision of such a sidewalk impractical or not in the public interest. Sidewalks and other walkways, driveways, parking areas, loading areas and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate the stacking of cars within the public right-of-way, minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major streets, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.

(Amended: Ord. No. 670, 7-24-06)

B. Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor or other nuisances and to maintain physical attractiveness.

C. Storm water facilities will be adequate to handle any increased water run-off, which will be minimized through the use of storm water retention facilities with provisions for filtration when possible. The use of parking lots as detention basins will be prohibited except that underground storage structures may be permitted if it is determined that no reasonable alternative exists. The site shall be designed to ensure that there will be no increase in

runoff onto adjacent sites or that existing drainage patterns are not harmed, and shall comply with the Township's Storm Water Management Ordinance.

- D. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.
- E. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.
- F. Existing high quality and mature trees on the site will be preserved when possible.
- G. Compliance with other governmental agencies' rules and requirements.

#### **SECTION 8.07 Acceleration/deceleration/passing lanes**

Vehicular ingress and egress from all new construction which requires site plan review, except residential developments involving five (5) or less dwelling units, shall be provided with the following:

- A. Driveways and/or streets providing ingress and egress to and from all two (2) lane, paved county primary roads and other section line roads shall be provided with paved acceleration or deceleration lanes. The requirement for the installation of a passing lane may be waived by the Planning Commission provided such waiver has been obtained by the applicant from the Genesee County Road Commission or Michigan Department of Transportation by the time the application for site plan approval has been submitted.
- B. Driveways and/or streets providing ingress and egress to a three (3) lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes.
- C. Driveways and/or streets providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers and turning lanes for traffic safety as required by the Genesee County Road Commission.
- D. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the Genesee County Road Commission.

### **SECTION 8.08 Conditions**

- A. The Planning Commission may place conditions on approval of a site plan, including conditions that require conformance with the standards of another local, county or state agency such as, but not limited to, the County Drain Commissioner, County Health Department and the Michigan Department of Environmental Quality. They may do so when such conditions would achieve all of the following:
1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
  2. Would protect the natural environment and conserve natural resources and energy.
  3. Would ensure compatibility with adjacent uses of land.
  4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Planning Commission shall ensure that:
1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated; and
  2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

### **SECTION 8.09 Performance guarantees**

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where a building permit or occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips. In addition, the Planning Commission or Zoning Administrator may require the re-establishment of expired performance guarantees.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount equal to one hundred and fifteen (115) percent of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning

permit. The Township shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.

- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to ensure completion of an improvement associated with the proposed project prior to the Township's approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

(Amended: Ord. No. 777, 5-4-15)

### **SECTION 8.10 Changes to approved site plans**

- A. All work conducted related to a project with an approved site plan shall be in conformance to that site plan. Any amendment to an approved site plan shall require the site plan to be resubmitted to the Planning Commission and go through the entire review process again, starting with the preliminary review, with the exception of minor changes as determined by the Zoning Administrator. Minor changes to the site plan may be approved by the Zoning Administrator, as long as the change does not result in:
1. A significant change in the use, intensity or character of the development.
  2. A significant increase in lot coverage.
  3. A reduction in required off-street parking or loading areas or drainage retention or detention capacity.
  4. Reduction in pavement widths or utility pipe size.
  5. Significant changes in road or lot layout.
- B. Minor changes shall require written notice to the Planning Commission and a notation added to the record of the decision.

### **SECTION 8.11 Time limits**

- A. Deadline to commence construction

An application for a zoning permit for a project approved by site plan approval shall be filed with the Township Zoning Administrator within two (2) years from the date of approval of the site plan. If a zoning permit is not issued within two (2) years, site plan approval shall expire.

- B. Deadline for completion

A project approved by site plan approval shall be completed within two (2) years from the date that the zoning permit was issued by the Zoning Administrator. If an occupancy permit is not granted within two (2) years, site plan approval shall expire. The Planning Commission may grant approval for up to five (5) years per phase in the case of multi-phased development.

- C. Extensions

The Planning Commission may grant two (2) extensions for an additional one year per extension for preliminary and final site plan approval and two (2) extensions for up to an additional two (2) years per extension for completion of an approved site plan if the applicant submits a request for an extension prior to expiration of the approval and can demonstrate that suitable, continual progress has been made on the project.

(Amended: Ord. No. 646, 7-5-05)

**ARTICLE 9  
SPECIAL USE PERMIT REVIEW**

**SECTION 9.01 Intent**

The special use permit review procedures are instituted to provide an opportunity for the Township Planning Commission to review a proposed use that, due to its characteristics, may or may not be appropriate for a given site within a zoning district. The procedure is intended to analyze the proposed use's potential impact on surrounding land uses, traffic patterns, environmental features and other community characteristics to determine its suitability for the site and any necessary conditions required to mitigate the impacts.

**SECTION 9.02 When a special use permit is required**

The establishment of a use listed under the zoning district regulations as requiring a special use permit, or any expansion of such a use, requires review and approval as outlined in this article.

**SECTION 9.03 Required information**

An application for special use permit shall contain the following:

- A. A completed special use permit application on a form provided by the Township.
- B. Twelve (12) copies of a complete site plan meeting the requirements of Article 8 of this Ordinance.
- C. All necessary fees, as established by the Township Board.

**SECTION 9.04 Who approves special use permits**

Special use permits applications are reviewed and approved by the Township Planning Commission.

**SECTION 9.05 Special use permit review process**

- A. Planning Commission special use permit

The applicant shall submit the special use permit application to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which it is to be reviewed for approval. The site plan may be submitted no less than fifteen (15) days prior to the meeting.

B. Public hearing

Upon receipt of an application for a special use permit, a public hearing shall be scheduled for a Planning Commission meeting at which the special use permit will be reviewed. This public hearing will coincide with the preliminary review of the project's site plan. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, as identified by the most recent tax roll and to the occupants of all structures within three hundred (300) feet and to the occupants of all structures within 300 feet of the property. If a portion of the general common area of a condominium falls within the three hundred (300) feet radius, notice will be sent to the condominium association. The notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnership, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwellings units or other distinct spatial areas owned or leased by different individuals, partnership, business, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure. The notice shall:

1. Describe the nature of the special use request.
2. Indicate the property which is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the public hearing on the special use request will be held.
4. Indicate when and where written comments will be received concerning the special use request.

(Amended: Ord. No. 668, 7-24-06)

C. Planning Commission decision

Following a public hearing, the Planning Commission shall do one of the following:

1. Approve the special use permit.
2. Approve the special use permit with conditions.
3. Postpone the special use permit pending review of required additional information.
4. Deny the special use permit.

D. Record of review



A record of the decision shall be filed with the Township Zoning Administrator, including:

1. A copy of the submitted application.
2. A copy of any meeting minutes related to the application.
3. A copy of the special use permit signed by the Zoning Administrator and the applicant.
4. A copy of any other relevant records related to the application.

In approving or disapproving a special use permit application, the Planning Commission shall state the basis for their decision.

E. Appeal of special use permit decision

Any person aggrieved by the decision of the Planning Commission in granting or denying a special use permit may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within twenty one (21) days of the posting of the minutes of the meeting and state the basis for the appeal.

### **SECTION 9.06 Conditions**

A. The Planning Commission may place conditions on approval of a special use permit including conditions that require conformance with the standards of another local, county or state agency such as, but not limited to, the County Drain Commissioner, County Health Department and the Michigan Department of Environmental Quality. They may do so when such conditions would achieve all of the following:

1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Would protect the natural environment and conserve natural resources and energy.
3. Would ensure compatibility with adjacent uses of land.
4. Would promote the use of land in a socially and economically desirable manner.

B. In determining appropriate conditions, the Planning Commission shall ensure that:

1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated.
2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

### **SECTION 9.07 Performance guarantees**

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning permit. The Township shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- C. An approved special use permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date the special use permit is approved.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically

the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to ensure completion of an improvement associated with the proposed project prior to the Township's approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

#### **SECTION 9.08 Changes to approved special use permit**

All work conducted in relation to a project with an approved special use permit and related site plan shall be in conformance to that permit and site plan. Changes to the type or scale of the use require amendment to the special use permit. All changes to an approved site plan must be approved following the procedures outlined in Section 8.10.

#### **SECTION 9.09 Expiration of special use permit**

Approval of a special use permit shall expire two (2) years after issuance, if a building permit has not been issued and construction begun pursuant to the special use permit, or if the use permitted by special use permit has not been established and maintained. If a use permitted by special use permit is inactive for twelve (12) consecutive months, the special use permit shall expire.

#### **SECTION 9.10 Basis of determination**

Prior to approval of the special use permit application and required site plan, the Planning Commission shall insure that the standards specified in this sub-section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

##### **A. General standards**

The Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a use request only upon a finding of compliance with each of the standards, as well as applicable standards established elsewhere in this Ordinance.

1. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the zoning district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall be designed as to the location, size, intensity, site layout and hours of operation so as to eliminate any nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interface with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The use shall not place demands on public services and facilities in excess of current capacity.
6. The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.
7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or permitted land uses in the zoning district.

### **SECTION 9.11 Administratively approved special use permits**

Certain uses are listed in the Article 3, District Regulations as administratively approved special use permits. These uses may be permitted by the Zoning Administrator following these procedures:

A. Submission of application

The applicant shall submit a plot plan meeting the requirements of Section 7.02.B of this Ordinance, a completed application form and the required fee to the Zoning Administrator. The Zoning Administrator may request additional information necessary for him/her to determine compliance with the standards for approval.

B. Standards for approval

The Zoning Administrator shall approve an application for an administratively approved special use permit if the application meets the submission requirements of this section and the following non-discretionary standards for approval:

1. The application shall comply with the district requirements in Article 3 of this Ordinance for the district it is located in.
2. The application shall comply with the applicable general provisions of Article 4 of this Ordinance.
3. The application shall comply with the specific standards for that use listed in Article 11 of this Ordinance.

C. Modifications to administratively approved special use permits

Requests for modifications to existing administratively approved special use permits shall be handled in the same manner as outlined above for approval the initial application for an administratively approved special use permit.

**SECTION 9.12 Suspension, revocation or modification of the special use permit**

A. The Planning Commission shall have the power to suspend, revoke or modify an approved special use permit if it finds that one or more of the following criteria are met:

1. The special use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the special use permit.
2. Compliance with the special use permit and any conditions has not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful.
3. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his/her designee.
4. The operation of the use granted by special use permit has created a risk or danger to public health, safety and welfare.
5. The special use is a violation of any provision of this Ordinance or other Township, County, State or Federal regulations.

B. The Zoning Administrator or Planning Commission may initiate the suspension revocation or modification of the special use permit if the Planning Commission determines there is sufficient cause to hold a public hearing on suspension, revocation or modification of the permit.

- C. Notice of the public hearing shall be sent by both first class and certified mail return receipt to the owners of property for which the special use permit has been issued and to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, as identified by the most recent tax roll as required in the notice requirements of this Ordinance.
- D. If the Planning Commission determines there is sufficient cause to hold a public hearing a public hearing will be scheduled. Members of the Commission may request such additional information as is reasonably necessary to evaluate whether the permit should be suspended, revoked or modified.
- E. At the conclusion of the public hearing, the Planning Commission may choose not to take any action, postpone decision pending review of additional information, suspend, revoke or modify the permit based evidence presented at the hearing and the criteria set forth as the basis of determination described in this Ordinance.
- F. The Planning Commission shall state the basis for their decision.
- G. If the Planning Commission suspends, revokes or modifies the special use permit, the Commission may require improvements, restoration or reclamation of or to the property. The Commission may set time limits for the completion of improvements, restoration or reclamation and may require performance grantees in accordance with this Ordinance to insure compliance.
- H. If the Planning Commission suspends or revokes the special use permit, the use for which the permit was granted must cease immediately unless the Commission otherwise establishes a time frame cessation.
- I. The Planning Commission decision shall not be reconsidered, except as a new application or appealed to the Zoning Board of Appeals. The appeal must be filed within twenty one (21) days of the posting of the minutes of the meeting and state the basis for the appeal.  
(Added: Ordinance No. 716, 12-21-09)

### **SECTION 9.13 Cancellation by surrender of a special use permit**

Any special use permit, which has been previously approved, may be offered for surrender by the property owner or his/her designee by submitting request to the Zoning Administrator.  
(Added: Ordinance No. 716, 12-21-09)

## **ARTICLE 10 LANDSCAPE STANDARDS**

### **SECTION 10.01 Intent**

The intent of this article is to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.

The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this Ordinance to improve the function, appearance and value of their property.

### **SECTION 10.02 Application**

The requirements set forth in this article shall apply to all uses for which site plan review is required under Article 8, Section 8.02 of this Ordinance. No site plan or land use shall be approved unless said site plan provides landscaping consistent with the provisions of this Article.

The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. If such a determination is made, the Planning Commission may grant an exception from the landscaping provisions of this article.

The following are minimum landscape standards and nothing will preclude the developer and Township from agreeing to more stringent standards. If applicable this determination will be made during site plan review.

#### **A. Landscape plan required**

A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:

1. Minimum scale of one (1) inch to twenty (20) feet.
2. Proposed plant location, spacing, size, species (common and botanical name) and necessary descriptions for use within required landscape areas.
3. Existing and proposed contours on-site and one hundred (100) feet beyond the site at intervals not to exceed two (2) feet.
4. Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage

- patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.
  7. Identification of existing trees proposed to be saved including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, category of preserved tree caliper size and number of trees requested for credit consideration.
  8. Identification of tree protection method for trees proposed to be preserved.
  9. Identification of existing trees over two and one half (2-1/2) inches caliper proposed to be removed.
  10. Identification of grass and other ground cover and method of planting.
  11. Clearly reference on the plan the total number of proposed parking spaces and number of parking lot trees required to be placed within the interior of the parking area.
    12. For the ten (10) percent site landscape requirement clearly indicate on the landscape plan the square footage calculation for the ten (10) percent required. In addition, the ten (10) percent landscape area proposed shall be described and/or denoted on the landscape plan.
  13. Site plan review for pre-existing sites shall clearly identify the proposed building and/ or parking expansion and label the net percent site increase and calculated landscape requirement.

**SECTION 10.03 Minimum buffer zones**

A. Level of use

For the purposes of determining the density and type of coverage in the required buffer zone, zoning districts have been classified based on level of use, as follows:

<b>TABLE 10-1 Level of Use</b>	
	<b>Zoning District</b>
Level 1	R-1
Level 2	R-2, R-3, R-4, R-5
Level 3	R-6, R-M, R-MH, PUD, C-1, OS
Level 4	C-2, C-3
Level 5	M-1, M-2, M-3

- B. A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to Table 10-2. Walls and berms with a height greater than forty (40)



inches shall typically be prohibited along a public street right of way or in a front yard unless specifically approved by the Planning Commission. The height requirement of a wall or berm shall be measured from the existing grade at the principal structure (within one hundred (100) feet of the property line) nearest to that property, to the top of the proposed berm or wall on the applicant’s site (see figure 10-1). All walls shall meet the standards described in item (D) following. Buffers utilizing a combination of plant materials, berming and walls shall be encouraged. Buffers may be required by the Planning Commission for uses permitted by Special Use Permit even if not required under the terms of this section.

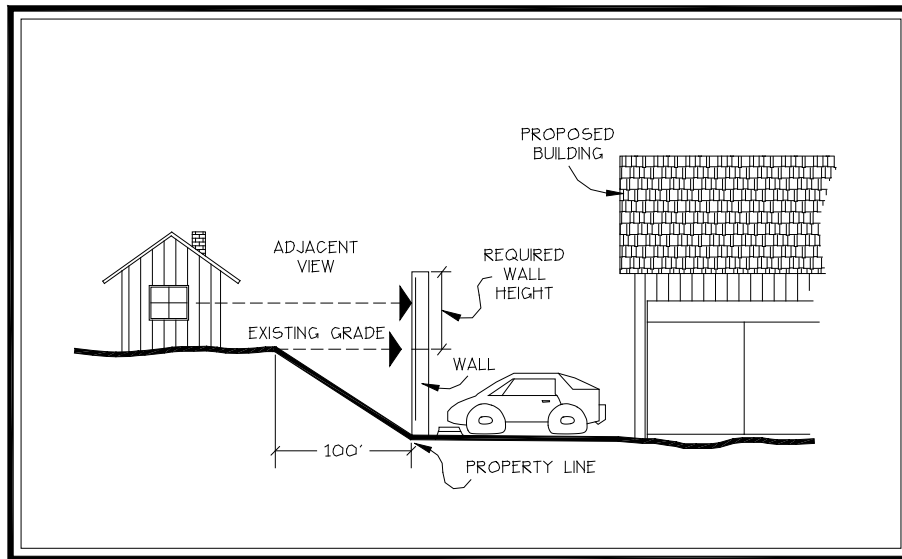
<b>TABLE 10-2 Required Buffer Zone</b>					
<b>Level of Use of Subject Site</b>	<b>Level of Use of Adjacent Site</b>				
	<b>Level 1</b>	<b>Level 2*</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Level 1	None	None	A or a 5 foot high wall/berm	A or 5 foot high wall/berm	A or 8 foot high wall/berm
Level 2	None	None	A or a 5 foot high wall/berm	A or 5 foot high wall/berm	A or 8 foot high wall/berm
Level 3	A or 5 foot high wall/berm	A or a 5 foot high wall/berm	None	B	B
Level 4	A or 5 foot high wall/berm	A or a 5 foot high wall/berm	B	None	None
Level 5	A or 8 foot high wall/berm	A or 8 foot high wall/berm	B	A or 5 foot high wall/berm	None

A = Two (2) deciduous canopy trees and four (4) large shrubs, or (1) canopy tree, one (1) evergreen tree and four (4) large shrubs per each twenty (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot.

B = One (1) deciduous canopy tree and four (4) large shrubs, or one (1) evergreen tree and four (4) large shrubs per each twenty five (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot.

\*Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the Planning Commission may require additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards, accessory structures, or use.

**Figure 10 - 1**



**C. Parking and storage**

Parking lot screens will be designed with a hedge, wall, berm or combination thereof forming a continuous screen at least forty (40) inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot.

All loading and unloading areas which are visible from residential zoning districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.

All storage areas (including areas for storage of refuse) which are visible from residential zoning districts or public thoroughfares, shall be screened on three sides by a fence or wall no less than six (6) feet in height. The fence or wall shall not allow light to penetrate through it. The three sides screened shall be those sides where the potential visual impact of the storage areas is greatest for adjacent property owners.

**D. Wall standards**

Required walls shall comply with the standards listed below.

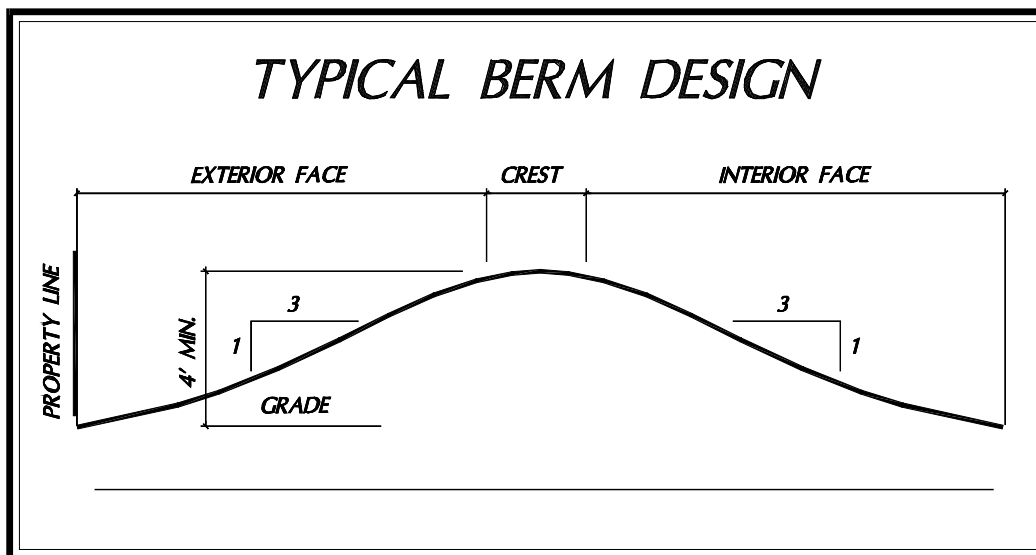
1. Walls shall be located on the lot line except where underground utilities interfere and or where this Ordinance requires conformance with yard setback lines.
2. Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance, unless specifically approved by the Planning Commission.

3. Walls shall be constructed of face brick, pressure treated wood, or comparable nonporous facing materials on the exterior sides facing an affected zoning district.
4. Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.
5. Walls must be maintained in good condition by the property owner.
6. Curbing, bollards, or plant material shall be required where parking is adjacent to walls. Bumper blocks shall not be permitted.
7. The finished side or most visibly attractive side of a wall or decorative wood fencing shall face the exterior of the property line (adjacent view). Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed.

E. Berm standards

Required berms shall be constructed as landscaped earth mounds with a crest area at least three (3) feet width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Department. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). (See Figure 10-2). Free form naturalistic contouring and berm shaping is encouraged.

Figure 10 - 2



SECTION 10.04 Required parking lot trees and parking lot islands

A. Table of parking lot requirements

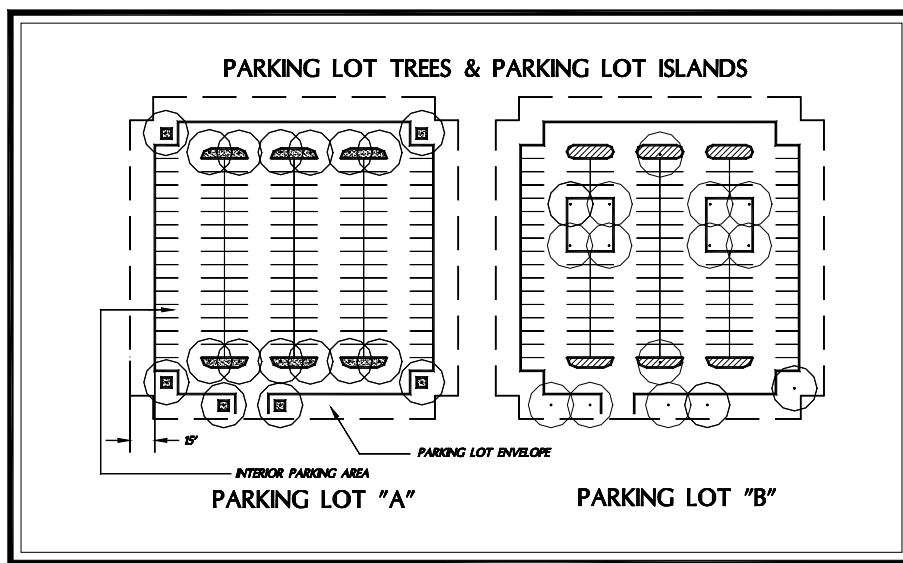
<b>TABLE 10-3 Parking Lot Requirements</b>	
<b>Zoning District</b>	<b>Number of parking spaces</b>
Multiple Family	1 canopy tree per 8 spaces
Commercial	1 canopy tree per 7 spaces
Industrial	1 canopy tree per 15 spaces

B. Tree location

All of the required parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending fifteen (15) feet from the edge of the parking lot. A minimum of two thirds (2/3) of the required trees shall be placed within the interior of the parking area. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within lot.

All parking lot tree calculations and interior parking lot tree requirements shall be rounded up.

**Figure 10 - 3**



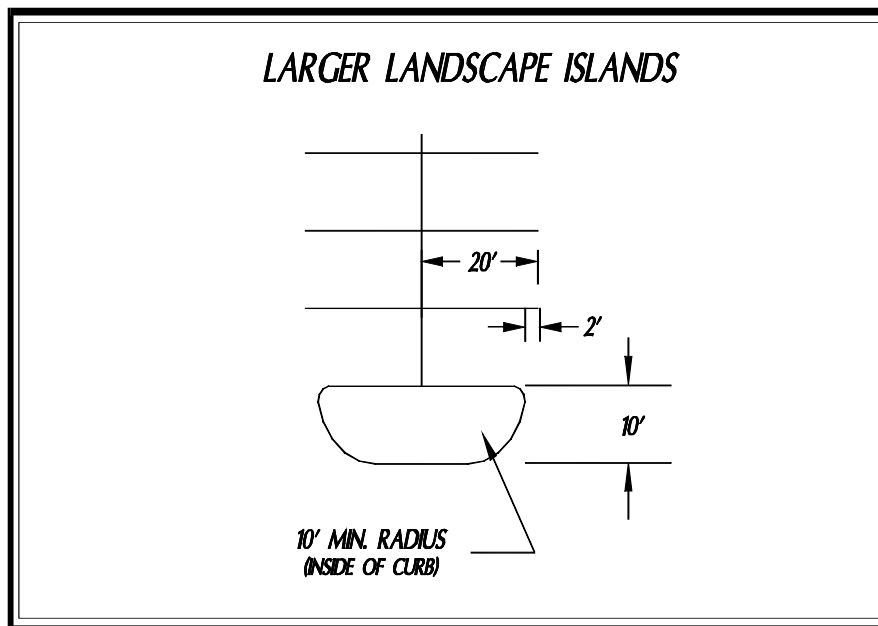
C. Tree base

Each tree shall be surrounded by an area of grass or living ground cover at least one hundred fifty (150) square feet in size to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

- D Required parking lot trees shall not be credited towards required green belt or buffer trees
- E Design of parking lot islands

All parking lot islands shall be curbed. Islands shall be at least one hundred fifty (150) square feet in area. Each island shall be at least ten (10) feet wide, with a depth two (2) feet shorter than the depth of the adjacent parking space. Islands shall have a minimum of ten (10) feet at the ends facing main aisles. A minimum radius shall be one (1) foot where island is not adjacent to main traffic aisle.

Figure 10 - 4



#### SECTION 10.05 Green belts required along the public right of way

A green belt shall be planted adjacent to the right of way of any public street. The green belt plantings shall be planted within the required setback. The Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards:

- A. The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

- B. The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or easements.
- C. The Planning Commission may approve substitution of evergreen trees for up to fifty (50) percent of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.
- D. Greenbelt trees should be arranged consistently with the existing character of the Township.
- E. Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty five (25) feet site distance triangle shall not be more than thirty (30) inches in height. (See Figure 4-2 in Section 4.06).

**SECTION 10.06 Existing tree preservation incentives**

The standards outlined below are intended to encourage the preservation of quality and mature trees on the subject parcel by providing credits, at Planning Commission approval, toward the required trees for green belts, buffer zones, within parking lots and ten (10) percent site landscape.

- A. All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.
- B. Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.
- C. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the Planning Commission. The Planning Commission pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the ordinance. To obtain credit consideration the preserved trees shall be of a high quality and at least two (2) inches caliper.
- D. Credit consideration for preserved trees shall be:

<b>TABLE 10-4 Credit Consideration for Preserved Trees</b>	
Preserved Tree Caliper*(inches)	Number of Trees to be Credited

12 inches and over	3
8 inches to 11.99 inches	2
2 ½ inches to 7.99	1

\*Caliper is the diameter of a tree trunk and shall be measured at a height six (6) inches above the existing grade up to and including four (4) inch caliper size and twelve (12) inches above the existing grade for larger sizes.

- E. To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils, construction equipment or other materials during or after construction within the tree dripline is prohibited.
- F. If preserved trees die within three (3) years after construction the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
- G. The minimum number of required trees shall not be reduced by less than fifty (50) percent through the use of approved tree credits, unless the Planning Commission during site plan review determines that existing vegetation intended to be preserved would provide landscaping, buffering or screening comparable to that required under this article.
- H. For a period of three (3) years following a site plan approval, special permission by the Planning Commission will be required for the removal of trees proposed to be preserved on the site plan. The Planning Commission may condition their removal on their being replaced with the number of trees that would have been required had the tree preservation credit not been provided prior to site plan approval.

**SECTION 10.07 Ten (10) percent site landscape requirement**

In addition to any buffer zone, parking lot trees, or green belts required by this article, in all developments other than single family detached and attached residences, ten (10) percent of the total site area excluding existing thoroughfare right of way shall be landscaped with plant materials. For the purpose of this section “total site area” will include land covered with buildings, parking, retention ponds and similar features as well as the land bordering these features needed to maintain these features. Preservation of quality and mature trees on the subject parcel is encouraged through the “existing tree preservation incentives” Section 10.06 of this Ordinance through credits towards the ten (10) percent site landscape requirement.

Required landscaping shall be provided adjacent to or within close proximity to the perimeter of the principal structure. Landscape design is encouraged to face or be visible from public thoroughfares and principal structures on public access ways. A minimum of two-thirds (2/3) of the required Landscaping must be located within the front or side yard set back to be counted.

- A. Plant material and planting design is encouraged to be ornamental in character and based on minimum standards for plant material type and spacing.
- B. Deciduous canopy trees and large evergreens will not be credited for ten (10) percent landscape requirements.
- C. Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape areas. Grass, lawn or sod will not be credited for principal structure landscape requirements.

### **SECTION 10.08 Residential Development Entry Landscaping**

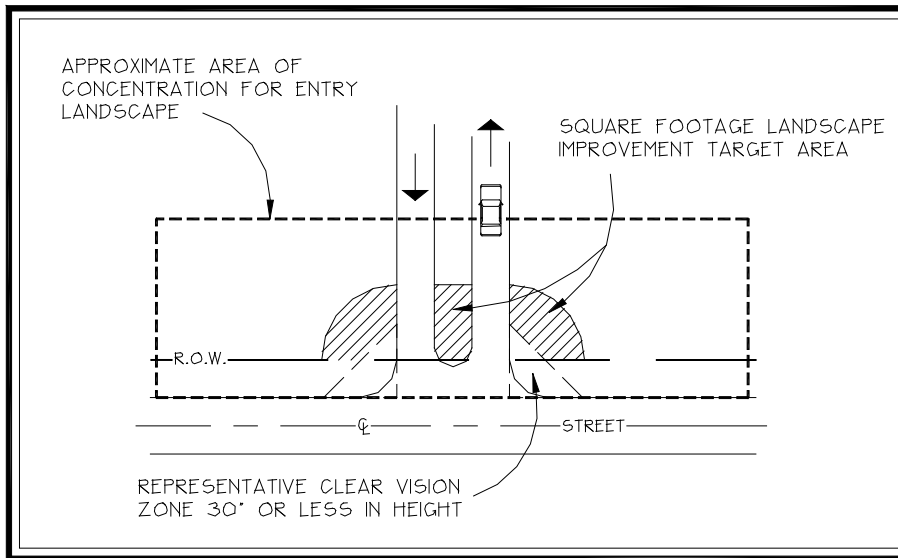
Landscaping shall be required at vehicular entry points for residential developments including subdivisions, condominium developments, multi-family developments, retirement communities and other developments.

- A. For residential developments which do not otherwise require landscaping as defined in Section 10.07 of this Ordinance, vehicular entry points shall require landscaping. This shall consist of a minimum of three hundred (300) square feet of landscaping which meets the standards in Section 10.07 A, B and C of this Ordinance. Landscaping shall be generally provided in the area delineated in the following illustration.
- B. For residential developments which require landscaping, landscaping for residential development entries shall be counted toward the ten (10) percent landscaping requirement in Section 10.07 of this Ordinance. Residential development entry landscaping shall meet the requirements contained in this article. Landscaping shall be generally provided in the area delineated in Figure 10-5.

Plant material and planting design is encouraged to be ornamental in character and based on minimum standards for plant material type and spacing listed in the ten (10) percent landscaping requirement in Section 10.07 of this Ordinance. Deciduous canopy trees and large evergreens will not be credited for ten (10) percent entry landscape requirements. Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape areas. Grass, lawn or sod will not be credited for entry landscape requirements.



Figure 10 - 5



### SECTION 10.09 Minimum standards for installation and maintenance

#### A. Installation

Landscaping shall be installed in a sound workman-like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

#### B. Material removal

Tree stakes, guy wires and tree wrap are to be removed by the applicant after one year.

#### C. Maintenance

Greenbelt areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.

### **SECTION 10.10 Compliance for pre-existing sites**

In any case where site plan review is required and the existing building and/or parking area is being increased by at least twenty five (25) percent over the originally approved site plan or the use 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 situations where the increase in the existing building and/or parking area is less than twenty five (25) percent over the original site plan, the requirement of new landscaping shall be equal to four (4) percent of compliance for every one (1) percent of increase in building or parking footprint. (example: a building or parking area increase of ten (10) percent requires a forty (40) percent compliance with the landscape standards). If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond fifty (50) percent of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.

### **SECTION 10.11 Enforcement**

A violation of any provision of this Section or non compliance with written notifications pertaining to this Section shall constitute a violation of this Ordinance under Article 7, Section 7.05.

### **SECTION 10.12 Plant material specifications**

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

**SECTION 10.13 Size and Spacing Requirements**

■ = Requirement

Size and Space Requirements																				
	Minimum Size Allowable								Minimum On-Center Spacing (In feet)											
	Height				Caliper		18"-2' spread	2" Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2.5"														
<b>Evergreens:</b>																				
Fir	■										■									
Spruce																				
Hemlock																				
Douglas Fir																				
<b>Narrow Evergreen Trees:</b>																				
Red Cedar	■															■				
Arbovitae																				
Juniper																				
<b>Large Deciduous Trees:</b>																				
Oak						■				■										
Maple																				
Beech																				
Linden											■									
Ash											■									
Ginko (male only)											■									
Honeylocust (seedless, thornless)											■									
Birch											■									
Sycamore																				

<b>Small Deciduous Trees (ornamental):</b>																	
Flowering Dogwood (disease resistant)																	
Flowering Cherry, Plum, Pear																	
Hawthorn (thornless)																	
Redbud																	
Magnolia																	
Flowering Crabapple																	
Mountain Ash																	
Hornbeam																	
Russian Olive																	
<b>Large Evergreen Shrubs:</b>																	
Irish Yew																	
Hicks Yew																	
Upright Yew																	
Spreading Yew																	
Pfitzer Juniper																	
Savin Juniper																	
Mugho Pine																	
<b>Small Evergreen Shrubs:</b>																	
Brown's Ward's Sebio Yews																	
Dwarf Spreading Juniper																	
Dwarf Mugho Pine																	
Euonymous varieties																	

<b>Large Deciduous Shrubs:</b>																	
Honeysuckle																	
Lilac																	
Border Privet (hedge planting)																	
Sumac (non-poisonous)																	
Buckthorn																	
Pyracantha																	
Weigela																	
Flowering Quince																	
Barberry																	
Cotoneaster (Peking & spreading)																	
Sargent Crabapple																	
Dogwood (Red Osier * Gray)																	
Euonymous varieties																	
Viburnum varieties																	
Tall Hedge (hedge planting)																	
<b>Small Deciduous Shrubs:</b>																	
Dwarf Winged																	
Regal Privet																	
Fragrant Sumac																	
Japanese Quince																	
Cotoneaster (Rockspray, Cranberry)																	
Potentilla																	

<b>Ground Cover:</b>																			
Periwinkle																			
Baltic Ivy																			
Euonymous varieties																			
Hall Honeysuckle																			
Pachysandra																			
<b>Vines:</b>																			
Euonymous varieties																			
Virginia Creeper																			
Baltic Ivy																			
Wisteria																			

*This article amended by Township Ordinance 606 adopted June 16, 2003.*

## **ARTICLE 11 DESIGN STANDARDS**

### **SECTION 11.01 Purpose**

The purpose of this article is to identify specific design standards required of specific types of uses, both uses permitted by right and those that require a special use permit. These design standards are in addition to zoning district regulations, general provisions and other requirements for uses and structures identified in this Ordinance.

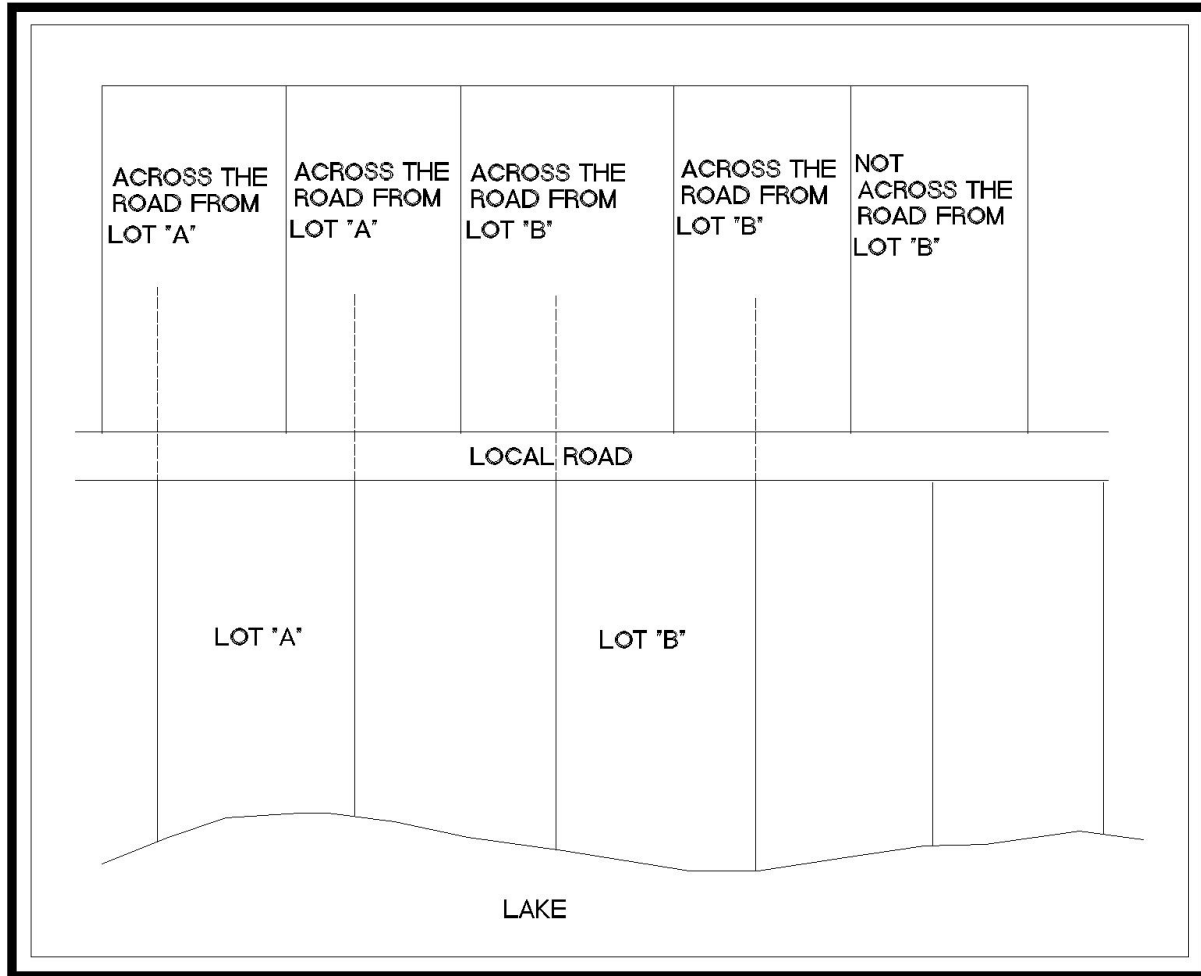
### **SECTION 11.01A Accessory buildings on a separate lot**

Accessory buildings on a separate lot are only permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5 R-6 and R-M zoning districts, and if so permitted are subject to the following restrictions and requirements:

1. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for the principal structure.
2. No detached accessory building shall be used for dwelling, lodging or sleeping purposes.
3. No detached accessory building shall be used for commercial purposes.
4. Accessory buildings shall only be permitted when used subordinate to an existing principal residential structure and only if the existing principal structure is located on a contiguous lot that is under common ownership. Local roadways do not negate contiguity for purposes of this ordinance. Other roadway types do negate contiguity for purposes of this ordinance.
5. The lot on which the accessory building will be built must be joined, for the purposes of zoning, with the lot on which the principal structure is built. This will be considered one zoning lot. The owner of the two lots being considered as one zoning lot must record deed restrictions (or other legal instruments) acceptable to the township attorney with the Register of Deeds Office requiring the two lots to be used and/or sold as one development site.
6. For the purpose of the zoning lot, the road separating the two parcels must be a local road as defined in the Townships Master Plan.
7. The lot on which the accessory building will be built must be contiguous to the property on which the associated principal structure is located. For purposes of determining whether contiguity exists when the lots are separated by a local road, the lot upon which the principal structure is located will generally be located directly across the local road from the lot being used for the accessory building. The contiguity requirement is met if the side lot lines of the lot upon which the principal structure is located, as extended across the local road, touch any portion of the lot across the local road on which the accessory building is proposed to be constructed.

For the purpose of determining whether contiguity exist across the local road see figure 11-1.

**Figure 11-1**



8. Detached accessory buildings shall not exceed nineteen (19) feet in height (see definition of building height).
9. Setbacks for accessory buildings in this section shall be determined by the Planning Commission at the time of site plan review.
10. No more than one (1) accessory building can be built on the lot that does not have the principal structure.
11. Total square footage of the accessory building on the lot that does not have the principal structure shall not exceed 1200 – 1400 square feet, which will be determined by the Planning Commission at the time of site plan review.
12. The accessory building's exterior material shall be the same or similar to the principal structure or to surrounding buildings and structures as determined by the Planning Commission.



13. The accessory building's exterior siding material shall not consist of steel, tarpaper, fiberglass, asphalt shingles or similar material.
14. In determining whether to approve the proposed special use permit the Planning Commission shall consider the following factors:
  - a. the proposed accessory building's impact on and consistency with the surrounding area;
  - b. the distance between the proposed accessory building and the other residential structures and accessory buildings in the area;
  - c. whether inconsistencies with or impacts on the surrounding area can be overcome by design elements of the proposed accessory building or its curtilage;
  - d. whether the construction of the accessory building would violate any applicable building and use restrictions of record; and
  - e. the magnitude of the hardship on the applicant based on the amount of room available for accessory buildings on the lot that includes the principle structure.
15. To compensate for potential inconsistencies with or impacts on the character of the surrounding area the Planning Commission may take any one or more of the following actions as condition(s) to approval of the application:
  - a. require specific design or construction elements be incorporated into the proposed accessory structure or its curtilage;
  - b. reduce the maximum size of or height allowed for the proposed accessory structure;
  - c. increase the required setbacks for the proposed accessory structure;
  - d. require buffering with landscape elements;
  - e. require any other design or construction element be modified as required by the Planning Commission to achieve compatibility and harmony with the surrounding area or to reduce or eliminate any negative impact on the surrounding area.

(Added: Ord. No. 804, 11-19-18)

### **Section 11.01B Animal shelter**

Animal shelters are permitted by right in the C-2, C-3, OS, M-1, M-2, and M-3 zoning districts and by special use permit in the AG, R-1, R-2 and R-3 zoning districts, provided:

- A. The minimum lot size shall be 5 acres
- B. The setback requirements shall be the same as those listed for Veterinary Clinics. All structures housing animals including outdoor pens or runs shall meet the minimum setback for principal structures for the district they are located in. The Planning Commission has the discretion to decrease the setbacks if they determine there is no impact to adjacent properties or increase the required setback if they determine it is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts.
- C. The site shall be treated as a Level 3 use for the purposes of complying with the buffering

requirements of Article 9 in the Zoning Ordinance; the Planning Commission may increase the required setback if they determine it is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts.

- D. The Planning Commission may establish limitation regarding hours of operation, number and types of animals housed, the extent of accessory operations including veterinary services provided on site and other operational characteristic of the use to ensure that the facility is consistent with the character of the surrounding area.

(Added: Ord. No. 687, 7-23-07)

## **SECTION 11.02 Architectural standards**

These standards are intended to encourage the realization and conservation of a desirable and aesthetic environment in the Charter Township of Fenton. Also they are intended to minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values.

### **A. Commercial and industrial standards**

The following standards shall be applied by the Planning Commission as part of site plan review.

1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, or glass (or comparable materials as required under the Fenton Township Design Standards).
2. The front facade of the building should address the main street with entrances, windows, and architectural features facing the street. No overhead door or docking bays shall face the street, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front facade and properly screened from public view. In the case where the side and/or rear facades are visible from a street, or if parking is located at the side or rear of a building, the facade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
3. Variation in architectural details will be encouraged to provide visual variation and interest.
4. Windows in commercial buildings in areas fronting on the main street or with entrances used by the public should cover at least thirty (30) percent of the front facade and be at eye level. Windows may be constructed from reflective glass for office uses but shall not be used for retail stores of any kind.
5. All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be

- screened from the public view in a manner that does not draw attention to the placement of the equipment
6. Lighting shall comply with the requirements of Section 4.12.
  7. Facade colors shall be of a low reflectance, subtle or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim may consist of brighter colors but neon tubing as a building accent is prohibited.
  8. Architectural Elements
    - a. Long, massive, unbroken or monotonous buildings shall be prohibited.
    - b. Building facades greater than one hundred (100) feet in length shall incorporate recesses and projections along at least twenty (20) percent of the facade.
    - c. Architectural interest shall be provided through the use of repeating patterns of changes in color, texture and material modules.
    - d. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest.
  9. All signs shall conform to the general design theme of the development and conform to the standards of the Township Sign Ordinance.
  10. Size and height of buildings should be compatible with the character and existing views of the surrounding areas as determined by the Planning Commission.
  11. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment.
  12. All loading and unloading areas as well as docking bays shall be maintained and kept free of trash or litter.

**B. Residential standards**

The following standards shall be applied by the Planning Commission as part of site plan review.

1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, glass, or comparable materials.
2. Variation in architectural details will be encouraged to provide visual variation and interest.
3. In the case where the side and/or rear facades are visible from a street, or if parking is located at the side or rear of a building, the facade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
4. All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment

5. Long, massive, unbroken or monotonous buildings shall be avoided.
6. All signs shall conform to the general design theme of the development and conform to the standards of the Township Sign Regulation Ordinance.
7. Size and height of buildings should be compatible with the character and existing views of the surrounding areas as determined by the Planning Commission.
8. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment.

C. Single family dwelling regulations

A one-family dwelling and any additions or alterations, thereto, erected or placed in the Township, other than mobile home park, shall conform to the following regulations in addition to all other regulations of this ordinance:

1. It shall comply with all pertinent building, construction and fire codes for single-family dwellings.
2. The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.
3. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and shall have a wall of the same permitted dimensions of the dwelling and 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, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. The roof shall have a minimum 4/12 pitch.
6. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

**SECTION 11.03 Adult foster care large group homes (13- 20 persons) and adult foster care small group homes (7- 12 persons)**

Adult foster care large group homes with thirteen (13) to twenty (20) adults and adult foster care small group homes with seven (7) to twelve (12) adults are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6 R-M and R-MH zoning districts provided:

- A. The facility will meet the residential density requirements for the zoning district it is located in based on one dwelling unit per six household members.
- B. The facility shall maintain a valid state license to operate as an adult foster care small or large group home.

**SECTION 11.04 Adult foster care family homes and adult foster care small group homes (1-6 persons)**

Adult foster care small group homes are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan.

**SECTION 11.05 Adult uses**

Adult uses are regulated to protect the community from the negative secondary affects of these uses, including increased crime from an excessive concentration of these uses, and the blighting affect these uses have on residential property values. Therefore, adult uses are permitted in the C-3 zoning district by special use permit provided the parcel on which the use is located is:

- A. Located at least two hundred (200) feet from a residential zoning district.
- B. Located at least one thousand (1,000) feet from another adult use.
- C. Located at least one thousand (1,000) feet from all churches, convents, temples and similar religious institutions.
- D. Located at least one thousand (1,000) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals.
- E. Located at least one thousand (1,000) feet from all child care organizations.
- F. Located at least eight hundred (800) feet from any golf course, driving range, miniature golf, indoor or outdoor recreation and amusement establishment or any other use catering to minors.
- G. Located within a freestanding building. A shared or common wall structure or a shopping

center is not considered to be a freestanding building.

- H. Located so that all access to the site is from a county primary roadway.
- I. In addition to the locational criteria above, the building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be viewed by any vehicle or pedestrian on a public right-of-way or from an adjacent land use and shall comply with the architectural design standards contained in Section 11.02 of this Ordinance.

#### **SECTION 11.05A Agricultural accessory residence**

An agricultural accessory residence shall be permitted by special use permit in the AG zoning district provided:

- A. The accessory dwelling unit shall comply with the requirement for minimum size contained in Section 3.27 of this Ordinance.
- B. A minimum of two (2) off-street parking spaces shall be provided for the accessory dwelling unit.
- C. The accessory dwelling unit shall be used only by employees of a working farm for the care and maintenance of the farm and/or livestock.
- D. The parcel on which the accessory dwelling is located shall be a minimum of 10 acres.
- E. There shall be no more than one (1) accessory dwelling unit per working farm.  
(added: Ord. No. 745, 1-9-12)

#### **SECTION 11.06 Agricultural roadside stands**

Agricultural roadside stands shall be permitted by special use permit in the AG and R-1 zoning district provided:

- A. A maximum of fifteen (15) percent of the area used for product display may be used to display products not grown on the site.
- B. Any building containing a roadside stand shall be at least fifty (50) square feet but not greater than two hundred fifty (250) square feet in size.
- C. Suitable trash containers shall be placed on the premises for public use.

#### **SECTION 11.07 Airports, private landing strips**

Airports, private landing strips are permitted by special use permit in the AG zoning district provided:

A. Site requirements

Lodges, schools, churches or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the landing strip or hanger, or within the flight path of planes landing or taking off.

B. Performance standards

All Federal and State aviation safety regulations shall be complied with.

### **SECTION 11.08 Animal production, intensive feedlot operations**

Animal production, intensive livestock operations shall be permitted by special use permit in the AG zoning district provided:

- A. The operation shall be located on a minimum of forty (40) contiguous tillable acres.
- B. All buildings, structures and confined areas intended to house or contain livestock shall be set back at least two hundred (200) feet from any side lot lines, one hundred (100) feet from any road, one thousand five hundred (1,500) feet from any existing church, school, residence or public building, and one thousand five hundred (1,500) feet from any land that is zoned R-3, R-4, or R-5.
- C. All buildings, structures and confined areas intended to house or contain livestock shall be located at least two thousand six hundred forty (2,640) feet (1/2 mile) from any other intensive livestock operation.
- D. Maximum animal unit limitations

No cattle or horse intensive livestock operation shall have more than three thousand (3,000) animal units. No swine, sheep or goat intensive livestock operation shall have more than two thousand five hundred (2,500) animal units. No poultry/fowl intensive livestock operation shall have more than two thousand five hundred (2,500) animal units.

- E. Animal waste shall not be applied to the soil within one thousand (1,000) feet from the boundary of any existing subdivision, or within three hundred (300) feet from any home or private well, except a home or private well on the parcel on which the intensive livestock operation is to be located or within three hundred (300) feet from any commercial building, or within three hundred (300) feet from any surface water.
- F. The intensive livestock operation shall be designed so as to meet the minimum standards included in the guidebook Generally Accepted Agricultural and Management Practices for Manure Management and Utilization as adopted by the Michigan Agriculture Commission and in the Agricultural Waste Management Field Handbook developed by the United States Department of Agriculture. Where standards in the two publications are conflicting or inconsistent, the strictest of the standards shall apply.
- G. The applicant shall prepare a Manure Management System Plan as part of the site plan application. The Manure Management System Plan is a coordinated combination of structural components and management practices necessary to control and use manure and other by-products from livestock production in a manner that minimizes adverse impacts on the environment. The Manure Management System Plan shall include the following components:
  - 1. A site plan meeting the requirements of Article 8 of this Ordinance.



2. A narrative describing the management of the waste addressing the six (6) basic procedures of waste management systems: production, collection, storage, transfer, treatment and utilization.
3. A narrative describing the soil, water, air, plan, and animal resource considerations. This shall include limitations and vulnerability that influenced management plan decisions and shall address any negative impacts the operation may have on neighboring properties.
4. A list of the component practices to be installed with a schedule for implementation of each component. Components shall include structural measures and management measures.
5. A preliminary waste utilization plan. For land application of waste, the preliminary plan should identify the land area needed.
6. Signature of the operator. This indicates that the operator has participated in preparing the plan and agrees to implement, operate and maintain the planned system.
7. Record keeping. The applicant shall agree to keep accurate records of the livestock farm operation to ensure that activities performed on the farm are consistent with those proposed on the Manure Management System Plan.

#### **SECTION 11.09 Automobile repair facilities**

Automobile repair facilities are permitted by right in the M-2 and M-3 zoning districts provided and by special use permit in the C-3 zoning district:

- A. The facility fronts on and its access is primarily gained from a county primary road.
- B. All work is performed completely within an enclosed building.
- C. Buildings housing intensive activities such as body work, frame straightening or other heavy repair activities shall be set back one hundred (100) feet from residentially zoned parcels.
- D. There shall be no outdoor storage of automobiles, parts or equipment.

#### **SECTION 11.09A Vehicle modification establishments**

Vehicle modification establishments are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The facility fronts on and its access is primarily gained from a county primary road.
- B. All work is performed completely within an enclosed building.

- C. There shall be no outdoor storage of vehicles, watercraft, motorcycles or aircraft or any parts or equipment therefor.

(Added: Ord. No. 708, 5-4-09)

### **SECTION 11.10 Automobile service stations**

Automobile service stations are permitted by special use permit in the C-3 zoning district provided:

- A. An automobile service station shall be located on a lot having a frontage along the county primary road of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
- B. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40') from any street lot line, and not less than twenty five (25) feet from any side or rear lot line adjoining a residentially zoned district.
- C. All driveways providing ingress to or egress from an automobile service station shall comply with Genesee County Road Commission standards.
- D. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- E. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- F. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
- G. All exterior lighting, including illuminating signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
- H. There shall be no outdoor storage of automobiles, parts or equipment.
- I. All underground storage tanks shall comply with state and federal laws concerning secondary containment, leak detection devices, etc.

### **SECTION 11.11 Automobile wash establishments**

Automobile wash establishments are permitted by right in the M-2 and M-3 zoning districts and by special use permit in the C-3 zoning district provided:

- A. The facility must be connected to the Township sanitary sewer system or be able to demonstrate that all water used for the operation is one hundred percent (100) recyclable.
- B. Any structures, vacuums or other machinery must be located at least one hundred (100) feet from a residence, or ninety (90) feet from the lot line of a vacant residentially zoned parcel.

### **SECTION 11.12 Automobile wrecking yards and junk yards**

Automobile wrecking yards and junk yards are permitted by special use permit in the M-3 zoning district provided:

- A. The use is located on a parcel at least ten (10) acres in size.
- B. Any area where whole vehicles, partially dismantled vehicles or parts are stored outside shall be surrounded by an eight (8) feet high obscuring fence meeting the requirements in Article 10 of this Ordinance.
- C. The development fronts on and is accessed primarily from a county primary road as identified in the Fenton Township Land Use Plan.
- D. Outdoor storage areas or areas where vehicle processing occurs shall be set back one hundred (100) feet from residentially zoned parcels
- E. In order to ensure there shall be no off-site discharge of materials from storm run-off including oil, anti-freeze, battery acids, etc or discharge into the ground or surface water, all fluids contained in junk vehicles located on the parcel designated as a wrecking or junk yard are to be drained before the vehicles are stored on site. The fluids shall be disposed of in compliance with state law.

### **SECTION 11.13 Bed and breakfast establishments**

Bed and breakfast establishments are permitted by special use permit in the AG, R-1, R-2, R-3, R-4 and R-5 zoning districts provided:

- A. Customers are limited to a maximum continuous stay of fourteen (14) days.
- B. The bed and breakfast establishment is limited to the residence only. Accessory buildings such as garages may not be converted into uses for the bed and breakfast establishment.
- C. The owner/operator shall reside in the establishment.
- D. There will be no change in the exterior appearance so that the establishment is out of character with other single family homes in the area in which it is located.
- E. Outdoor eating areas shall be illustrated on the site plans and shall only be allowed if they are adequately buffered from adjacent residences.
- F. Off-street parking areas for guests shall be located in the rear yard and shall be adequately

buffered from adjacent residences so that the parking area is not out of character with the surrounding homes.

### **SECTION 11.14 Billboard signs**

Billboard signs are permitted by right in the C-3 zoning district provided they meet the requirements of the Township Sign Regulation Ordinance.

### **SECTION 11.15 Boarding houses**

Boarding houses are permitted by special use permit in the R-M zoning district provided:

- A. The maximum occupancy shall be two (2) persons per bedroom, except for dormitories. Maximum occupancy of dormitories shall be based on fire code requirements and the maximum occupancy allowable without altering the character of the area.
- B. The boarding house establishment is limited to the residence only. Accessory buildings such as garages may not be converted into uses for the bed and breakfast establishment.
- C. The owner/operator shall reside in the establishment.
- D. There will be no change in the exterior appearance so that the establishment is out of character with other single family homes in the area in which it is located.
- E. Outdoor eating areas shall be illustrated on the site plans and shall only be allowed if they are adequately buffered from adjacent residences.
- F. Off-street parking areas for guests shall be located in the rear yard and shall be adequately buffered from adjacent residences so that the parking area is not out of character with the surrounding homes.

### **SECTION 11.16 Campgrounds, permanent**

Campgrounds, permanent are permitted by special use permit in the AG, C-2 and C-3 zoning districts provided:

- A. The campground is intended for seasonal occupancy or use.
- B. Minimum size of any campground shall be at least forty (40) acres.
- C. The overall density of the campground shall not exceed fifteen (15) camping sites per acre.

- D. Direct vehicular access to public roads is provided and the requirement of direct access is reasonable, the direct access will not impair pedestrian or vehicular traffic safety, and the access route shall minimize any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives.
- E. The campground shall have one (1) or more public telephones for each twenty (20) campsites.
- F. Tent camping shall have separate sites designated for tent use only.
- G. Individual electrical outlets for travel trailers, camping trailers, motor homes and truck campers shall be provided.
- H. On any single site only one (1) tent, travel trailer, camping trailer, motor home or truck camper shall be permitted.
- I. Public stations, housed in all-weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one such station per forty (40) sites.
- J. Toilet and bathing facilities shall be provided for each sex and housed in separate areas within a single building or separate buildings.
- K. Campgrounds that have more than sixty (60) sites shall provide a masonry building containing washer and dryer facilities. These facilities may be coin operated.
- L. Parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking space for only one (1) vehicle which may be remote from the tent sites provided it is connected by a trail or path. These parking spaces are intended for guests of the campground. Also, each campground must have an additional dust controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to fifty (50) percent of the sites shall be provided in the dust controlled area; each parking space shall be at least two hundred (200) square feet in area.
- M. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be at least two thousand five hundred (2,500) square feet. Each site shall be set back from any right-of-way or property line at least one hundred (100) feet.
- N. A common use area shall be provided in each campground at a ratio of not less than one thousand (1,000) square feet per twenty (20) sites. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation

equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least fifty (50) feet from any road or area used by motor vehicles.

- O. Each site used by travel trailers, camping trailers, motor homes or truck campers shall have direct access to a dust-controlled roadway of at least twenty (20) feet in width for two (2) lane traffic or twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads, or parking areas.
- P. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Act 171 of 1970, as amended, and the State Construction Code Act of 1972, Public Act 230 of 1972, as amended.
- Q. The term “campground” may include a “children’s camp” as defined in the Child Care Organizations Act or an “adult foster care camp” as defined in the Adult Foster Care Licensing Act provided the facility is properly licensed as such by the State of Michigan.

### **SECTION 11.17 Campgrounds, transient**

Campgrounds, transient are permitted by special use permit in the AG zoning district provided:

- A. The campground is intended for temporary occupancy or use.
- B. Minimum size of any campground shall be at least twenty (20) acres.
- C. The overall density of the campground shall not exceed fifteen (15) camping sites per acre.
- D. Direct vehicular access to public roads is provided and the requirement of direct access is reasonable, the direct access will not impair pedestrian or vehicular traffic safety, and the access route shall minimize any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives.
- E. The campground shall have one (1) or more public telephones for each twenty (20) campsites.
- F. Individual electrical outlets for travel trailers, camping trailers, motor homes and truck campers shall be provided.

- G. On any single site only one (1) tent, travel trailer, camping trailer, motor home or truck camper shall be permitted.
- H. Public stations, housed in all-weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one (1) such station per forty (40) sites.
- I. Toilet and bathing facilities shall be provided for each sex and housed in separate areas within a single building or separate buildings.
- J. Campgrounds that have more than sixty (60) sites shall provide a masonry building containing washer and dryer facilities. These facilities may be coin operated.
- K. Parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking space for only one vehicle which may be remote from the tent sites provided it is connected by a trail or path. These parking spaces are intended for guests of the campground. Also, each campground must have an additional dust controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to fifty (50) percent of the sites shall be provided in the dust controlled area; each parking space shall be at least two hundred (200) square feet in area.
- L. Each site shall contain a minimum of fifteen hundred (1500) square feet, except that the minimum size for sites specifically designated for tents shall be at least two thousand five hundred (2,500) square feet. Each site shall be set back from any right-of-way or property line at least one hundred (100) feet.
- M. A common use area shall be provided on each campground at a ratio of not less than one thousand (1,000) square feet of such area per twenty (20) campsites. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least fifty (50) feet from any road or area used by motor vehicles.
- N. Each site used by travel trailers, camping trailers, motor homes or truck campers shall have direct access to a dust-controlled roadway of at least twenty (20) feet in width for two-lane traffic or twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads, or parking areas.



- O. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Act 171 of 1970, as amended, and the State Construction Code Act of 1972, Public Act 230 of 1972, as amended.
- P. The term “campground” may include a “children’s camp” as defined in the Child Care Organizations Act or an adult foster care camp as defined in the Adult Foster Care Licensing Act provided the facility is properly licensed as such by the State of Michigan.

### **SECTION 11.18 Cemeteries**

Cemeteries are permitted by special use permit in the AG and R-1 zoning districts provided:

- A. Construction and operation of such facilities will not pose an undue health or safety risk to the surrounding properties.
- B. Minimum site area shall be at least twenty (20) acres.
- C. All buildings must be at least one hundred (100) feet from all property lines.

### **SECTION 11.19 Clubs**

Clubs are permitted by right in the C-2 and C-3 zoning districts and by special use permit in the AG and R-1 zoning districts provided:

- A. All club activities are to be undertaken indoors unless outside uses are approved by the Planning Commission.

### **Section 11.20 Communications towers and antennae**

Communications towers are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH and by administrative special use permit in the OS, C-1, C-2, C-3, M-1, M-2, and M-3 zoning districts and collocation of antennas on existing approved structures are permitted by administrative special use permit in all zoning districts except as otherwise noted in this section, provided:

- A. Applicability
  1. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally–licensed amateur radio station operator or is used exclusively for receive only antennas.
  2. AM Array. For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting

antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

## B. Towers

### 1. Administrative Review

The following modifications of existing approved towers may be approved by the Zoning Administrator after conducting an administrative review:

- a. Modification or reconstruction to accommodate collocation of an additional antenna so long as it is the same tower type, unless the Zoning Administrator allows reconstruction as a monopole.
- b. An existing approved tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna but may occur only one time per tower, provided the height complies with the regulations of this Ordinance.

### 2. Information Required

In addition to any information required for special use permit approval, including information required for site plans under Article 8 of this Ordinance, the applicant for a communication tower SUP shall submit the following information:

- a. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
- b. An inventory of existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Township and within one mile of the border thereof, including specific information about the location, height and design of each tower
- c. The separation distance from other towers described in the inventory of existing sites submitted pursuant to paragraph b above shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- d. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- e. A description of the suitability or lack thereof to use existing towers or other structures or alternative technology not requiring construction of new towers or structures to provide the services proposed by the applicant.
- f. A description of the feasible location(s) of future towers or antennas within the Township and surrounding area based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected and a proposed number of future antenna collocations.
- g. A statement verifying a "safe fall" zone for the tower, antenna or pole, including any and all attachments, shall be certified and sealed by a licensed engineer or architect and furnished with the application. Manufacturer's specifications of a safe fall zone may be substituted. No building, sidewalk, parking lot or other area in which pedestrian or vehicular traffic is anticipated shall be permitted within the safe fall area.

- h. In order to comply with Section 3514 (1) of the Michigan Zoning Enabling Act (PA 110 of 2006), an application for a special use permit for a cell tower must reviewed to determine if it is complete within 14 days of submission and a decision on the request must be made within 90 days of the date of the submission of the complete request or the request is assumed approved. If at any time the statutory time limits in Section 3514 (1) of the Michigan Zoning Enabling Act (PA 110 of 2006) are no longer in effect the normal time limits for SUP approval, if any, will apply.

3. Site requirements

a. General Standards

- 1) Wireless telecommunication towers shall be of a self-collapsing monopole or self-supporting lattice design, unless the Planning Commission finds that an alternative design will not adversely impact the surrounding area.
- 2) Proposed wireless telecommunication towers of the guyed or self-supporting lattice type shall be structurally designed to accommodate both the applicant's antennas and at least two (2) additional comparable antennas. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. The maximum number antennas permitted on a given tower shall be based on the engineers estimated capacity for that tower.
- 3) The maximum permitted height of a wireless telecommunications tower shall be two hundred seventy five (275) feet.
- 4) Accessory structures are limited to uses associated with the operation of the tower. Related unmanned equipment structure shall not contain more than three hundred twelve (312) square feet of gross floor area or be more than ten (10) feet in height.  
(Amended: Ord. No. 772, 10-6-14)
- 5) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- 6) Towers shall be constructed of metal treated with corrosive resistant material. Wood poles shall be impregnated with rot resistant substances.
- 7) Tower shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- 8) There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.
- 9) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

b. Availability of suitable existing towers

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- 1) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
- 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- 8) The Zoning Administrator/Planning Commission may require documentation by a qualified and licensed professional engineer to verify any of the above reasons

c. Tower Location

Subject to the setback and other requirements of this Section, a communication tower shall be located on a parcel of land in accordance with the following:

- 1) Communication towers up to one hundred (100) feet in height shall be located on a parcel of land at least one-quarter (1/4) acre in size.
- 2) Communication towers over one hundred (100) feet in height, but less than one hundred twenty five (125) feet in height shall be located on a parcel of land at least one-third (1/3) acre in size.

- 3) Communication towers over one hundred twenty five (125) feet in height, but less than one hundred seventy five (175) feet in height shall be located on a parcel of land at least one-half (1/2) acre in size.
- 4) Communication towers over one hundred seventy five (175) feet in height, but less than two hundred twenty five (225) feet in height shall be located on a parcel of land at least one (1) acre in size.
- 5) Communication towers over two hundred twenty five (225) feet in height, but less than two hundred seventy five (275) feet in height shall be located on a parcel of land at least two (2) acres in size.
- 6) The Planning Commission may approve a smaller minimum parcel size than would otherwise be required pursuant to (a) through (e) above for any communications tower, provided the applicant provides the Planning Commission written documentation demonstrating that the proposed tower requires no fall zone or that a parcel smaller than that required above is sufficient to meet fall zone requirements. Such documentation shall address the design standards of the proposed structure with respect to failure modes and shall be signed by a State of Michigan licensed professional engineer qualified to make such determination. The Planning Commission shall have complete discretion, but may consult such other experts as it deems necessary.
- 7) The Zoning Administrator or Planning Commission may require a performance guarantee to ensure removal of a tower at the time it is abandon

d. Tower setbacks

Towers shall conform with each of the following minimum setback requirements provided however that the Planning Commission may reduce the standard setback requirements if the applicant can demonstrate that a smaller setback would not pose a danger to adjacent property:

- 1) Tower must be setback a distance equal to the height of the tower from any adjoining lot line or structures on adjacent lots.
- 2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for principal structures.

e. Landscaping

The following requirements shall govern the landscaping surrounding all new towers or those modified under this section. These requirements apply to the entire tower compound including equipment shelters.

- 1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- 2) Landscaping shall consist of five (5) foot tall evergreens, staggered in at least two (2) rows at fifteen (15) foot spacing on center.

- 3) Greenbelt areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
- 4) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

f. Separation distance between towers

Separation distance between towers shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base. The separation distances (listed in linear feet) shall be as follows:

Existing Towers – Types			
	Lattice (ft.)	Guyed (ft.)	Monopole (ft.)
Lattice	5,000	5,000	1,500
Guyed	5,000	5,000	1,500
Monopole	1,500	1,500	1,500

g. Buffer requirements

- 1) Towers and antennas shall be designed to blend into the surrounding environment through the use of reasonable color and camouflaging architectural treatment except in instances where the color is dictated by Federal or State authorities such as the FAA.
- 2) The base of the tower and wire/cable supports shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; however the Planning Commission may waive such requirements, as it deems appropriate.

4. Performance Standards

All communication towers erected, constructed or located within the Township shall comply with the following requirements:

- a. Discontinuance and Abandonment: the holder of a Special Use Permit for a communications tower shall give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than twelve (12) consecutive months, the Zoning

Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within ninety (90) days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the Township may contract to remove the tower and assess all cost on the property taxes of the owner of the tower or use a performance guarantee that may have been required to do so.

- b. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- c. The system shall be certified by a licensed engineer to verify that the signal(s) being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment or with use of computers or other electronic devices in nearby structures.
- d. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered structural engineer and that the installation is in compliance with all applicable codes.
- e. All towers must meet the standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
- f. Antennae and metal towers shall be grounded for protection against a direct lightning strike and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- g. Towers shall be designed to withstand a uniform wind loading as prescribed in the building code.
- h. Tower shall not be artificially lighted unless required by the FAA. If required to be lighted, all option for lighting shall be presented to the Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.
- i. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the owner or operator of the antenna.

### C. Antennas

#### 1. Administrative Review

- a. The following collocation of antennas may be approved by the Zoning Administrator by issuance of an administrative special use permit:

- 1) Locating antennas on existing approved structures as an accessory use to any commercial, industrial, professional or institutional structures in any zoning district provided, the antenna does not extend more than thirty (30) feet above the highest point of the structure; the antenna complies with all applicable FCC and FAA regulations and building codes. Approval of a structure to be used as a mounting for an antenna in the first instance must comply with the procedures for approval of a tower in subsection B above.
  - 2) Locating antennas on existing approved towers (this includes the antennas' equipment shelter). Collocation of antennas by more than one carrier on existing towers is encouraged and therefore will take precedence over the construction of new towers.
- b. Approval of a proposed collocation of antennae on an existing approved tower that meets the criteria below is preempted under Section 3514 (1) of the Michigan Zoning Enabling Act (PA 110 of 2006), however the Zoning Administrator may require submission of the information necessary to determine a request meets that criteria from someone proposing a collocation:
- 1) The tower or other structure complies with the current zoning ordinance or previously received zoning approval
  - 2) The antennae will not increase the height of the structure by 20' or 10% of the structure, whichever is greater or increase the width of the structure to an extent greater than necessary to support the antennae.
  - 3) The ground area for support equipment will not increase by more than 2,500 sq. ft.
  - 4) The proposed antennae will comply with any conditions imposed previously on approval of the tower or the support equipment area.
2. Information Required
- In addition to any information required for special use permit approval, including information required for site plans under Article 8 of this Ordinance, the applicant shall submit the following information:
- a. The setback distance between the proposed antenna and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
  - b. The separation distance from communication towers described in the inventory of existing sites submitted pursuant Section B of this Ordinance shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - c. A notarized statement by the applicant as to whether the tower or other structure proposed can safely handle the weight of the proposed antenna.
  - d. In order to comply with Section 3514 (1) of the Michigan Zoning Enabling Act (PA 110 of 2006), an application for a special use permit for a antenna must reviewed to determine if it is complete within 14 days of submission and a decision on the request must be made within 60 days of the date of the submission of the complete request or the request is assumed approved. If at any time the statutory time limits in Section



3514 (1) of the Michigan Zoning Enabling Act (PA 110 of 2006) are no longer in effect the normal time limits for SUP approval, if any, will apply.

- e. Approval of the special land use may be expressly conditional only on the wireless communications equipment meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

### 3. Site requirements

#### a. General Standards

- 1) Accessory structures are limited to uses associated with the operation of the tower. Related unmanned equipment structure shall not contain more than three hundred twelve (312) square feet of gross floor area or be more than nine (9) feet in height.
- 2) There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.
- 3) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

#### b. Buffering requirements

- 1) Towers and antennas shall be designed to blend into the surrounding environment through the use of reasonable color and camouflaging architectural treatment except in instances where the color is dictated by Federal or State authorities such as the FAA.

### 4. Performance Standards

All communication towers erected, constructed or located within the Township shall comply with the following requirements:

- a. The system shall be certified by a licensed engineer to verify that the signal(s) being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment or with use of computers or other electronic devices in nearby structures.
- b. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered structural engineer and that the installation is in compliance with all applicable codes.
- c. (FCC).
- d. Antennae and metal towers shall be grounded for protection against a direct lightning strike and shall comply as to electrical wiring and connections with all applicable local statues, regulations and standards.
- e. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the owner or operator of the antenna.

(Amended: Ord. No. 687, 7-23-07; Ord. No. 759, 10-21-13)

### **SECTION 11.21 Crematory**

Crematories are permitted by right in the M-3 zoning district and by special use permit in the M-2 zoning district provided:

- A. All incinerator or cremation facilities must be within an enclosed building.
- B. All remains, prior to incineration, must be stored in an enclosed building.
- C. Stack heights must be elevated to a height necessary to insure that emissions from the stack do not result in excessive concentrations of any smoke in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself or nearby structures. If necessary height exceeds the maximum height allowed for the zoning district, the Planning Commission may allow a taller stack after a public hearing, as part of Special Use Permit review under Article 9 of this Ordinance.
- D. The setbacks for such stack from all abutting streets or adjacent parcels, shall be a distance equal to the height of such stack.
- F. All emissions shall comply with the performance standards in Section 4.19.

### **SECTION 11.22 Day care, adult (1 - 6 persons)**

Day care, adult (1-6 persons) are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2 and C-3 zoning districts provided:

- A. The facility is licensed by the State of Michigan.

### **SECTION 11.23 Day care, adult (7 - 12 persons)**

Day care, adult (7 - 12 persons) are permitted by right in the OS, C-1, C-2 and C-3 zoning districts and by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan.

### **SECTION 11.24 Day care, adult (13 or more persons)**

Day care, adult (13 or more persons) are permitted by right in the C-1, C-2 and C-3 zoning districts provided:

- A. The facility is licensed by the State of Michigan.

**SECTION 11.25 Day care centers, commercial**

Day care centers are permitted by right in OS, C-1, C-2 and C-3 zoning districts and by special use permit in the R-2, R-3, R-4, R-5, R-6 and R-M zoning districts provided:

- A. The center shall provide and maintain an outdoor play area with a minimum of one thousand (1,000) square feet, plus an additional one hundred (100) square feet for each child cared for over the age of ten (10). This play area shall not be in the front yard and must be fenced or otherwise enclosed on all sides and screened from adjacent properties with landscaping.
- B. An on-site drive shall be provided for drop offs/pick ups. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

**SECTION 11.26 Day care homes, family (1-6 persons)**

Family day care homes are permitted by right in AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility shall be licensed by the State of Michigan, and shall comply with all State requirements for a family day care home.
- B. There shall be fencing around any outdoor play areas.
- C. The building shall retain the appearance of a single family residence.
- D. The facility shall not exceed sixteen (16) hours of operation in a twenty four (24) hour period.

**SECTION 11.27 Day care homes, group (7-12 persons)**

Group day care homes are permitted by special use permit in the R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning district provided:

- A. The facility is licensed by the State of Michigan as a group day care home.
- B. Fencing is provided around any outdoor play areas.
- C. The building retains the appearance of a single family residence.
- D. The use does not exceed sixteen (16) hours of operation in a twenty four (24) hour period.

- E. The use is no closer than one thousand five hundred (1,500) feet to another licensed group day care home.

Per Section 206 (3) of PA 110 of 2006, the Michigan Zoning Enabling Act, these are the only standards that may be imposed.

(Amended: Ord. No. 668, 7-24-06)

### **SECTION 11.28 Drive-in and drive-thru establishments (excluding restaurant)**

Drive-in and drive-thru establishments are permitted by special use permit in the OS, C-1, C-2 and C-3 zoning districts provided:

- A. The minimum width of that portion of the lot fronting on a county primary road shall be one hundred (100) feet.
- B. The minimum separation of entrance and exit drives shall be sixty (60) feet.
- C. On corner lots, driveways shall be a minimum of sixty (60) feet from the intersection of the right-of-way lines.

### **Section 11.28A Entrance feature**

Entrance features are permitted by right as an accessory use in all zoning districts, provided:

- A. No temporary structures allowed.
- B. Landscaping for entrance features for residential developments must comply with Section 10.08 of the Zoning Ordinance.
- C. Signs incorporated into the entrance feature must conform with the Township Sign Ordinance
- D. Buildings such as gatehouses must be for decorative purposes and not for occupancy or storage.
- E. Buildings must comply with roadway setbacks established in the Township Sign Ordinance, such that no part of such structure extends over the public domain and shall be located or constructed so as to not obscure vision and contribute to hazardous conditions.
- F. Any associated fencing or gates must comply with Section 4.14 of the Zoning Ordinance.

- G. Entrance feature with structures must comply with Section 4.02 B of the Zoning Ordinance regarding height.

(Added: Ord. No. 687, 7-23-07)

### **SECTION 11.29 Equestrian residential development**

Equestrian subdivisions cater to those who want a subdivision environment with horse stables and riding areas as the central theme. Typically these subdivision have stalls or paddocks for the horses within a covered shelter area. Also, these subdivisions have a fenced riding area for the horses. Equestrian subdivisions are not public riding stables, services and facilities are only made available to those residents who live in the subdivision. Equestrian subdivisions are permitted by right in the PUD zoning district.

- A. Stable area and pasture area shall be located within the development so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties.
- B. All pasture and riding areas must be fenced so that no horses can leave these designated areas without the supervision of its owner.
- C. All manure shall be stored at least one hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies.
- D. All buildings utilized for the care of horses shall be kept a minimum of fifty (50) feet from adjoining property lines.
- E. Pasture area shall be a minimum area of five (5) acres for the first horse and one (1) acre for any additional horse.
- F. Fencing may be constructed from wood, chain link, masonry, metal and materials with the appropriate structural strength and safety required to restrain the horse. Fence posts of wood, metal, concrete or material with the appropriate structural strength.
- G. Fence height shall be no less than four and one half (4½) feet in height.

### **SECTION 11.30 Farmers markets, permanent**

Farmers markets, permanent are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The minimum area of a lot used for a farm market shall be at least ten thousand (10,000) square feet.
- B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.

- C. Suitable containers for rubbish shall be placed on the premises for public use.
- D. A structure for storage shall be permitted, provided the structure's area does not exceed two hundred (200) square feet.

**SECTION 11.31 Farmers markets, temporary**

Farmers markets, temporary are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The minimum area of a lot used for a farm market shall be at least ten thousand (10,000) square feet.
- B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
- C. Suitable containers for rubbish shall be placed on the premises for public use.

**SECTION 11.32 Foster family group homes**

Foster family group homes are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan as a foster family group home and complies with State requirements for a foster family group home.
- B. The building retains the appearance of a single family residence.

**SECTION 11.33 Foster family homes**

Foster family homes are permitted by right in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning districts provided:

- A. The facility is licensed by the State of Michigan as a foster family home.
- B. The building retains the appearance of a single family residence.

**SECTION 11.34 Fuel distribution facilities**

Fuel distribution facilities are permitted by special use permit M-2 and M-3 zoning districts provided:

- A. Minimum lot size shall be five (5) acres.
- B. Above ground storage tanks shall not be less than three hundred (300) feet from a property

line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications

- C. A Pollution Incidence Prevention Plan shall be submitted and approved as part of the special use permit.

### **11.34a FUEL TANKS**

Location of fuel services including above ground fuel tanks and storage with a capacity over 500 gallons related to marine, health care, aviation, agriculture, industrial and recreational uses shall be permitted subject to the following:

- A. Above ground storage tanks other than those holding water shall be located not less than fifty (50) feet from any lot line.
- B. Storage tanks other than those holding water shall be located not less than fifty (50) feet from surface water or designated wetland.
- C. Above ground storage tanks other than those holding water shall be located not less than one hundred (100) feet from public assemblage of 50 or more people.
- D. Above ground storage tanks other than those holding water shall be located not less than three hundred (300) feet from any school, church, hospital, and adult care.
- E. Above ground storage tanks shall be mounted on a solid concrete slab and provide secondary containment to prevent overturn and spilling, according to EPA specifications.
- F. A Pollution Incidence Prevention Plan shall be submitted and approved as part of the Special Land Use.
- G. Commercial fueling of marine vehicles for a marina shall be performed by employees of the marina.
- H. Such uses may not be considered as customarily incidental to other permitted or special land uses and shall require a separate special land use permit.

The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Environment, Great Lakes & Energy Department, Michigan State Police Fire Marshall, the EPA, local fire department, and Genesee County Health Department:

- A. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- B. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected

- on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- C. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities in excess of 250 gallons or 2,200 pounds per month.
  - D. Description of secondary containment measures proposed including design, construction materials and specifications, volume and security measures.
  - E. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

Nothing contained herein shall be deemed contrary to, or in abridgment of, the Right-to-Farm Act and the provisions of Michigan Law in that regard for Generally Accepted Agricultural and Management Practices (GAAMPs). The use of agricultural fuel tanks is regulated by the Michigan Right-to-Farm Act and the GAAMPs promulgated thereunder.  
(Ord. No. 11-1-2021)

#### **SECTION 11.35 Funeral homes or mortuaries**

Funeral homes and mortuaries are permitted by right in the OS, C-1, C-2 and C-3 zoning districts provided:

- A. The use shall have a minimum of one hundred fifty (150) feet of frontage on a county primary road.
- B. The parking area shall be designed to provide for efficient and sufficient stacking space for the organization of funeral processions.
- C. The minimum lot size shall be one (1) acre.

#### **SECTION 11.36 Greenhouses, retail**

Greenhouses, retail are permitted by right in the C-2 zoning district and special use permit in the AG zoning district provided:

- A. In the AG zoning district, a maximum of fifteen (15) percent of the area used for sales (both indoor and outdoor) shall be used to display products which were not grown or produced on site. This requirement shall not apply in the C-2 zoning district.
- B. No outside storage shall be permit in AG.

#### **SECTION 11.37 Halls**

Halls are permitted by right in the OS and C-3 zoning districts provided:



- A. The facility will be operated in compliance with the Fenton Township Amplified Sound Ordinance.
- B. No outdoor activities such as dancing, recreational activities or barbeques are allowed when adjacent to residentially zoned properties.

### **SECTION 11.38 Home occupations**

Home occupations are permitted by right as an accessory use in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R- M and R-MH subject to the provisions of the Fenton Township Home Occupation Ordinance.

### **SECTION 11.39 Horses, keeping of**

The keeping of horses shall be permitted by right as an accessory in the AG zoning district provided:

- A. Structures or pens used to house horses shall be a minimum of one hundred (100) feet from a neighboring residence, or ninety (90) feet from a vacant parcel zoned residential.

### **SECTION 11.40 Kennels, commercial (7 or more dogs)**

Kennels, commercial (7 or more dogs) permitted by special use permit in the AG, C-3 and M-2 zoning districts provided:

- A. The facility shall be licensed by the Genesee County Department of Animal Control.
  - B. Kennels housing dogs shall be a minimum of three hundred (300) feet from a residential zoning district.
  - C. All dog runs must be enclosed and have a concrete surface.
  - D. The applicant must identify an acceptable method of disposing of the animal waste.
- D.The facility shall meet the requirements of the Fenton Township Dog Control Ordinance.  
(Amended: Ord. No. 704, 12-8-08)

### **SECTION 11.41 Kennels, private (3-6 dogs)**

Kennels, private (3-6 dogs) are permitted by right as an accessory use in the AG and R-1 zoning district and by special use permit in the R-2, R-3 and R-4 zoning districts provided:

- A. All dogs within the facility shall be licensed by the Genesee County Department of Animal Control and the facility shall comply with operational standards of the County.
- B. Kennels (including dog runs) housing dogs shall be a minimum of fifty (50) feet from side or rear lot lines.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The facility shall meet the requirements of the Township Dog Control Ordinance.
- E. The Planning Commission may modify the requirements of subsection B and C based on the specific characteristics of the use requested.

#### **Section 11.41A Landscape Contractor**

Landscape contractors are permitted by right in the C-3, M-1, M-2 and M-3 zoning districts and by special use permit in the AG, and C-2 zoning districts, provided:

- A. The establishment complies with Section 4.04 "Commercial outdoor display sales or storage"
- B. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- C. Storage of all motorized equipment shall be on a paved surface.
- D. Retail sale of landscaping material is permitted.  
(Added: Ord. No. 687, 7-23-07; Amended: Ord. No. 732, 4-4-11)

#### **SECTION 11.42 Long term care facilities**

Long term care facilities are permitted by special use permit in the R-M, OS and C-2 zoning districts provided:

- A. The building shall not exceed a height of twenty nine (29) feet.
- B. No building shall be located closer than fifty (50) feet to any property line.
- C. Ingress and egress to the off-street parking area shall be directly onto a county primary road.
- D. The building shall be treated as a multi-family residence for the purpose of determining

the required landscaping.

### **SECTION 11.43 Manufacturing establishments, heavy**

Heavy manufacturing establishments are permitted by right in the M-3 zoning district.

- A. Outdoor storage of equipment, raw materials, semi-finished and finished is permitted, provided the material is screened in compliance with Article 10 of this ordinance.
- B. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred (100) feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road or street. Location of loading and unloading docks shall comply with the requirements of Section 11.02.A.2
- C. All operations shall comply with the performance standards in Section 4.19.

### **SECTION 11.44 Manufacturing establishments, light**

Light manufacturing establishments are permitted by right in the M-1 and M-2 zoning districts.

- A. Outdoor storage of equipment, raw materials, semi-finished and finished is permitted, provided the material is screened in compliance with Article 10 of this ordinance.
- B. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred (100) feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road or street. Location of loading and unloading docks shall comply with the requirements of Section 11.02.A.2
- C. All operations shall comply with the performance standards in Section 4.19.

### **SECTION 11.45 Manufacturing establishments, low Intensity**

These manufacturing operations are low impacting type operations that do not produce the negative effects that other manufacturing operations typically cause. Noise, dust, odor and any other negative impact does not occur from these operations. Typically these operations are of a “high-tech” nature. These uses are permitted by right in the C-3, M-1, M-2 and M-3 zoning districts and by special use permit in the C-2 zoning district.

- A. The portion of the required front, side and rear yard setbacks not occupied shall be

landscaped with lawn, shrubbery, trees, or suitable living plant materials. Landscaping shall be maintained in a living condition, free of litter, debris or dead and dying plant materials, in conjunction with Article 10.

- B. All principal operations shall be conducted within the confines of the enclosed structure. Outdoor storage of equipment, raw materials, semi-finished and finished is allowed in the M-2 and M-3 districts, provided the material is screened in compliance with Article 10 of this ordinance.
- C. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred (100) feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road or street. Location of loading and unloading docks shall comply with the requirements of Section 11.02.A.2
- D. All operations shall comply with the performance standards in Section 4.19.

**SECTION 11.46 Manufacturing, storage and/or distribution facilities (dangerous chemicals)**

Manufacturing, storage and/or distribution facilities handling dangerous chemicals are permitted by special use permit in the M-3 district provided:

- A. Any areas where dangerous chemicals are manufactured or stored shall be located at least two hundred (200) feet from the parcel boundary line. The Planning Commission may increase this setback in order to protect public safety based on quantity and characteristics of the chemicals.
- B. The facility shall have direct access to a county primary road or a state or federal highway.
- C. Adequate room for maneuvering of trucks shall be provided.

**SECTION 11.47 Medical care establishments, large**

Medical care establishments, large are permitted by special use permit in the OS and C-2 zoning districts provided:

- A. Maximum building height shall be twenty nine (29) feet.
- B. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.

- C. The proposed site shall have at least one property line abutting a county primary road.
- D. Front, side and rear yard minimum setbacks shall be fifty (50) feet.
- E. Parking setback shall be forty (40) feet in the front yard, twenty (20) feet for side and rear yards.
- F. Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping a minimum of six (6) feet in height.
- G. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customary hospital related uses shall be allowed.

#### **SECTION 11.48 Medical care facilities, neighborhood**

Medical care facilities, neighborhood are permitted by right by in the OS, C-1, C-2 and C-3 zoning districts and permitted by special use permit in the AG R-1, R-2, R-3, R-4 and R-5 zoning districts provided:

- A. The use may be established in a single family residential structure and shall retain the residential character of the area.

#### **SECTION 11.49 Museums**

Museums are permitted by special use permit in the OS, C-2 and C-3 zoning districts.

- A. Adequate parking shall be provided as listed in Article 6.
- B. All outdoor display, re-enactments or similar activities will be displayed or held in a manner that will not interfere with adjacent properties.

#### **SECTION 11.49A Open Space Developments**

Open Space Developments permitted in the AG, R-1, R-2, R-3, R-4 and PUD zoning districts shall comply with the following requirements.

- A. In order to calculate the density bonus, the applicant shall present a parallel plan which will demonstrate the maximum number of lots that could be developed on the site without clustering. In the case of a proposed PUD zoning, the minimum lot size and lot width to be used in preparing the parallel plan shall be based on the zoning district equivalent to the future land use designation of the parcel unless the parcel's current zoning district allows a higher density, in which case the parallel plan will be based on the current zoning

district regulations. The parallel plan shall comply with all of the applicable zoning requirements for a non-cluster development, and shall be deemed “buildable” by the Planning Commission in reviewing the plan. The number of lots shown on the parallel plan shall be the base number of lots used to calculate density and any applicable density bonus in the open space development.

- B. The applicant shall ensure permanent protection of any dedicated open space through an irrevocable conveyance that is found acceptable to the Planning Commission, in both form and content, such as recorded deed restrictions, covenants that run perpetually with the land, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended (M.C.L. 399.251). Such conveyance shall assure that the open space will be protected from all forms of development in perpetuity, except as shown on an approved site plan, and shall not be changed to another use. Such conveyance shall provide the following:
1. Indicate the proposed allowable use(s) of the perpetually preserved open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
    - a. Dumping or storing of any material or refuse;
    - b. Any activity that may cause the risk of soil erosion or threaten any living plant material;
    - c. Cutting or removal of live plant material except for the removal of dying or diseased vegetation;
    - d. Use of motorized off-road vehicles;
    - e. Cutting, filling or removal of vegetation from wetland areas; and/or
    - f. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  2. Require that the perpetually preserved open space be maintained by parties who have an ownership interest in the open space;
  3. Provide standards for scheduled maintenance of the open space; and
  4. Provide for maintenance to be undertaken by the Charter Township of Fenton in the event that the perpetually preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- C. In calculating open space, the following standards will be used.
1. Any proposed open space must be a minimum of fifty (50) feet wide in order to be considered open space, unless the Planning Commission determines that it is an integral part of the total open space for the development and is physically improved

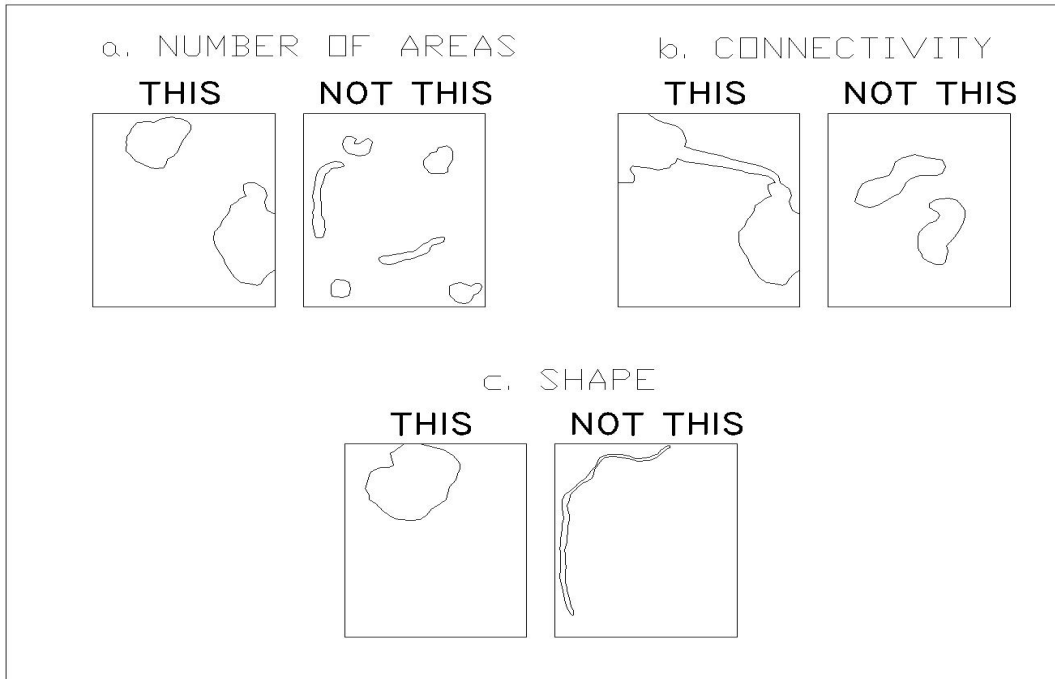
- in a manner that is readily identifiable as open space and distinguishable from the adjoining lots.
2. No individual areas less than one-half (1/2) acre may be counted in calculating open space.
  3. Detention/retention areas shall not be counted as open space unless, in the judgment of the Planning Commission, it meets one or more of the following criteria:
    - a. The area constitutes an improved landscaping feature;
    - b. The area promotes bio retention; and/or
    - c. The area otherwise advances the purpose of the open space requirement.
  4. Regulated wetlands, floodplains and submerged lands shall not be counted as open space. The location and size of wetlands shall be verified by the Michigan Department of Environmental Quality as required in Article 8 Site Plan Review and Section 3.21 Planned Unit Development.
  5. Golf courses shall not be included in the calculation of open space.
  6. Rights-of-way and existing easements that make the property they cross non-buildable shall not be included in the calculation of open space.
  7. The requirements listed above may be modified by the Planning Commission if the use of the open space as an amenity for the common benefit of the residents of the development or the general public is determined by the Planning Commission to warrant such consideration.
- D. The proposed site plan shall provide pedestrian access to all open space areas from all residential areas, connections between the following:
1. open space areas
  2. right-of-ways
  3. appropriate on- and off-site uses.
- Trails within the site shall be constructed of gravel, woodchip or other similar material, however the Planning Commission may require construction of paved bike paths through portions of the development or along any public right-of-way abutting the site as a requirement to qualify as open space.
- E. Any area to be used as open space must be contiguous to the property receiving the density bonus.
- F. All proposed lots must comply with the minimum lot size requirements of this Ordinance, which shall not include regulated wetlands, floodplains and submerged lands.
- G. Concept plans and site plans submitted for consideration as part of a proposed open space development must include an itemized table showing the following:
1. Each of the proposed open spaces, including their location, size and use.
  2. The total amount of all open space stated in acres.

3. The total amount of all open space stated as a percentage of net area.
4. The calculation of the net area of the site.

H. In reviewing proposed open space plans, the Planning Commission will consider:

1. Compliance with the general standards for site plan approval found in Section 8.06 of this ordinance.
2. In considering the appropriate portions of a proposed site to be preserved as open space, the Planning Commission will give priority to land with one or more of these characteristics:
  - a. Serves as a wetland buffer area.
  - b. Protects a floodplain.
  - c. Preserves a woodlot.
  - d. Protects an area of steep slopes/high erosion potential.
  - e. Preserves a historic structure or site.
  - f. Preserves a scenic vista.
  - g. Preserves the rural character of the community along roadways.
  - h. The requirements listed above may be modified by the Planning Commission if the use of the open space as an amenity for the common benefit of the residents of the development or the general public is determined by the Planning Commission to warrant such consideration.
3. In considering the size and shape of proposed open space, the Planning Commission will consider open space areas with the following characteristics:
  - a. The open space is divided into the minimum number of sites feasible
  - b. The open space connects to existing designated open space areas or potential open space areas on adjacent parcels
  - c. The open space, where possible, is relatively equal in width and depth, rather than long and narrow.





(Added: Ord. No. 637, 4-4-05)

### **SECTION 11.49B Outdoor speakers**

Outdoor speakers are permitted by special use permit in the OS, C-1, C-2, C-3, M-1, M-2, M-3 and PUD zoning districts provided:

- A. The applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or overhead soundproof structures.

(added: Ord. No. 747, 5-7-12)

### **Section 11.49C Public access launch sites**

Public access launch sites are permitted by special use permit in the R-4 and R-5 zoning district provided:

- A. The proposed public access launch site shall comply with the Township's Lake Activity Regulation Ordinance No. 418.
- B. The applicant shall provide the Planning Commission with both the environmental and recreation carrying capacity analysis of the body of water on which the facility for which a requested permit is proposed to be located.

C. The Planning Commission shall determine that the proposed uses at the public access launch site are compatible with the surrounding uses, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established.

D. The public access launch site shall not have a commercial appearance or be of a commercial character.

(Added: Ord. No. 725, 7-6-10)

### **SECTION 11.50 Radio and television stations**

Radio and television stations shall be permitted by right in the OS, C-1, C-2 and C-3 zoning districts provided:

A. All buildings shall be at least one hundred (100) feet from all property lines.

B. All masts, towers, aerials and transmitters shall be permitted by special use permit under the provisions of Section 11.20 of this Ordinance.

### **SECTION 11.51 Recreation: Commercial outdoor recreation establishments (excluding golf related uses)**

Commercial outdoor recreation establishments are permitted by right in the C-3 zoning district and by special use permit in the AG zoning district provided:

A. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission.

B. The site shall be located on a paved street which is classified county primary road or a state or federal highway.

C. No building or spectator seating facility shall be located within one hundred (100) feet of a property line and five hundred (500) feet from residential district.

D. The site shall be periodically cleared of debris.

### **SECTION 11.52 Recreation: golf courses, country clubs, par three golf courses**

Golf courses, country clubs and par three golf courses are permitted by special use permit in the AG, R-1, R-2 and R-3 zoning districts provided:

- A. The site shall have access directly onto a county primary road or state or federal highway.
- B. The site plan shall be designed to achieve a relationship between the roadway and any proposed service roads, entrances, driveways and parking areas which will contribute to pedestrian and vehicular traffic safety.
- C. Development features including the principal buildings, accessory structures and fairways, shall be designed and arranged to minimize any adverse affects upon adjacent property. All principal and accessory buildings, and storage or maintenance yards shall be at least two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the Planning Commission may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
- D. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.

#### **SECTION 11.53 Recreation: golf driving ranges, miniature golf courses**

Golf driving ranges are permitted by special use permit in the AG, R-1, C-2 and C-3 zoning districts and miniature golf courses are permitted by right in the C-2 and C-3 zoning districts provided:

- A. All traffic ingress and egress shall be from a county primary road or state or federal highway.
- B. Parking lots shall be setback at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
- C. Any lot line abutting a residential district shall comply with the requirements of Article 10.
- D. No building shall be constructed or located closer than two hundred (200) feet from the property line of any abutting residential lot.
- E. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
- F. Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.

- G. The Planning commission may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.
- H. Tee areas for a driving range shall be clearly distinguished by elevating the stations six (6) inches to one and one half (1-1/2) feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

#### **SECTION 11.54 Recreation: indoor commercial recreation**

Indoor commercial recreation uses are permitted by right in the C-2 and C-3 zoning districts provided:

- A. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any residential district or permitted use.
- B. All uses shall be conducted completely within a fully enclosed building.
- C. The buildings shall be sound-proof.

#### **SECTION 11.55 Recreation: private or public recreation clubs**

Private or public recreation clubs are permitted by right in the C-1 and C-2 zoning districts and by special use permit in the AG district provided:

- A. Any such site shall have a minimum eight (80) acres.
- B. The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.
- C. Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety.

#### **SECTION 11.56 Religious institutions**

Religious institutions are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2 and C-3 zoning districts provided:

- A. The site shall be adjacent to a county primary road as defined in the Fenton Township Land Use Plan and ingress and egress shall be limited to and directly upon said county primary road.

- B. A minimum site of three (3) acres shall be provided.
- C. The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, signage, or vehicle access drives.

**SECTION 11.57 Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor**

Rental and sales of automobiles, recreational vehicles and mobile homes, outdoor are permitted by right in the C-3 zoning district and by special use permit in the C-2 district provided:

- A. All servicing, repair and/or refinishing shall be carried out within a completely enclosed building.
- B. Sale of automobile parts shall be permitted provided such parts shall be stored within a completely enclosed building.
- C. No automobile shall be stored or dismantled on a site for the purpose of selling used parts.
- D. Buildings housing accessory uses such as body work, frame straightening or other heavy repair activities shall be setback one hundred (100) feet from residentially zoned parcels. All such work shall be performed completely within an enclosed building.
- E. Any areas used for outdoor storage of materials or inoperable vehicles will be adequately shielded from view by fencing, walls or landscaping, as determined by the Planning Commission.
- F. Sites used for outdoor rental and sales of automobiles, recreational vehicles and mobile homes shall include at least one permanent building for use as an office and which will include permanent restroom facilities.

**SECTION 11.58 Residential, apartments (in the upper floors of commercial buildings)**

Apartments in the upper floors of commercial buildings are permitted by right in the OS, C-1 and C-2 zoning districts provided:

- A. Each apartment shall comply with the requirement for minimum size contained in Section 3.27 of this Ordinance.
- B. A minimum of two (2) off-street parking spaces shall be provided per apartment.

**SECTION 11.59 Residential, mobile home parks**

Mobile home parks are permitted by right in the R-MH zoning district provided:

- A. Mobile home parks shall be developed to the standards established by the Mobile Home Park Commission.

**SECTION 11.60 Residential, mobile home subdivisions**

Mobile home subdivisions are permitted by right in the R-MH zoning district provided:

- A. Mobile home subdivisions must comply with the Subdivision Control Ordinance of the Township.

**SECTION 11.61 Residential, townhouses, patio or row houses**

Townhouses, and patio or row housing is permitted by right in the R-6 and R-M zoning districts provided:

- A. A structure shall have not more than eight (8) attached units.
- B. Each unit shall have a minimum of four hundred (400) square feet of landscaped open space.
- C. The distance between any two (2) buildings within a patio or row-housing or townhouse development shall be not less than thirty (30) feet or the height of the tallest building, whichever is greater.

### **SECTION 11.62 Restaurant, open front**

Open front restaurants are permitted by right in the C-3 zoning district and by special use permit in the C-2 zoning district provided:

- A. Waste containers shall be provided.
- B. Fences or landscaping shall be required to control blowing debris.
- C. All signs placed on the building shall be flat and interior signs visible to patrons through glass or an opening shall not exceed twenty five (25) percent of that area.
- D. Additional parking shall be provided based on the capacity of any outdoor seating or lounge areas.
- E. Outdoor eating areas shall be illustrated on a site plan and approved by the Planning Commission.
- F. Where the use abuts a residential district there shall be no outdoor amplification, such as speakers, unless the applicant demonstrates compliance with the Township Noise Abatement Ordinance.

### **SECTION 11.63 Restaurants with outdoor seating**

Restaurants with outdoor seating are permitted by special use permit in the C-2 and C-3 zoning districts provided:

- A. The principal building shall be setback at least one hundred (100) feet from a residential district. Existing buildings that are less than one hundred (100) feet from a residential district may request a waiver of this requirement if they can demonstrate compliance with the other requirements of this ordinance.
- B. The applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or overhead soundproof structures.

(Amended: Ord. No. 726, 7-6-10; Ord. No. 746, 5-7-12)

### **SECTION 11.63A Restaurants with live entertainment (not adult entertainment or dancing)**

Restaurants with live entertainment (indoor or outdoor) are permitted by special use permit in the C-2 and C-3 zoning districts provided:

- A. If a restaurant is permitted to have live entertainment, then the applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or

overhead soundproof structures.  
(added: Ord. No. 746, 5-7-12)

#### **SECTION 11.64 Retail establishments, convenience**

Retail establishments, convenience are permitted by right in the C-1, C-2 and C-3 zoning districts provided:

- A. These establishments must be adequately buffered from adjacent land uses according to the requirements in Article 10 of this Ordinance.
- B. Ingress and egress shall be positioned in such a manner that the potential for conflict points or potential for traffic or pedestrian accidents are limited.
- C. Only one driveway shall be permitted and shared access with an adjacent parcel may be required.
- D. All parking and loading shall be in the side or rear yard.
- E. Establishments that are open for 24-hours a day 7 days a week shall orient lighting so that the lighting remains onsite and does not illuminate adjacent property.

#### **SECTION 11.65 Retail establishments, large**

Retail establishments, large are permitted by right in the C-2 and C-3 zoning districts provided:

- A. Minimum lot area shall be four (4) acres.
- B. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a complete project covering the total area, with appropriate landscaping.
- C. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow.
- D. No part of any loading dock or other designated unloading/loading area shall be located closer than one hundred (100) feet from any property line adjacent to a residential district.
- E. No part of any parking access and/or service area may be located closer than seventy five (75) feet from any property line adjacent to a residential zoning district.
- F. Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.



- G. All retail establishments, large shall have direct access to a county primary road as determined by the Township Land Use Plan. No regular public access shall be made through a residential local street.

### **SECTION 11.66 Retail establishments, neighborhood**

Retail establishments, neighborhood are permitted by right in the C-1, C-2 and C-3 zoning districts provided:

- A. These establishments must be adequately buffered from adjacent land uses according to the requirements in Article 10 of this Ordinance.
- B. Ingress and egress shall be positioned in such a manner that the potential for conflict points or potential for traffic or pedestrian accidents are limited.
- C. Only one driveway shall be permitted and shared access with an adjacent parcel may be required.
- D All parking and loading shall be in the side or rear yard.

### **SECTION 11.67 Retirement communities, mixed use**

Retirement communities, mixed use are permitted by special use permit in the R-M zoning district provided:

- A. Uses permitted in a retirement community, mixed use include long term care facilities, assisted living facilities, independent living facilities, senior housing, extended care facilities, adult day care facilities, as well as recreational and service facilities primarily for the use of the residents.
- B. A retirement community, mixed use may be approved initially as a concept identifying density of dwelling units and arrangement of uses. Approval of the concept plan provides the applicant three (3) years to submit detailed site plans and receive approval for the various portions of the development.
- C. Permitted overall density of up to twelve (12) dwelling units or beds per acre, as determined by the Planning Commission.
- D. At least twenty (20) percent of the site must be retained as open space/recreation area.

### **Section 11.67A Sales & storage, low intensity**

Sales and storage, low intensity is permitted by right in the M-1 and M-2 zoning districts and by special use permit in the C-2 and C-3 zoning districts, provided:

- A. The maximum building size shall not exceed 50,000 square feet
- B. The Planning Commission may establish limitation regarding hours of operation, services provided on site and other operational characteristics of the use to ensure that the facility is consistent with the character of the surrounding area.
- C. Accessory uses may include offices and light service but no truck fleet parking, fueling or maintenance.

(Added: Ord. No. 687, 7-23-07)

### **SECTION 11.68 Service or repair establishments**

Service or repair facilities are permitted by right in the C-2 and C-3 zoning districts provided:

- A. No outdoor storage of material permitted.
- B. A location for the drop off and pickup of large items will be provided if determined necessary by the Planning Commission. If such a location is determined necessary, it shall not be located in the required front yard.

### **SECTION 11.69 Soil, sand, clay and gravel or similar removal operation, quarry excavation**

Soil, sand, clay and gravel or similar removal operation, quarry excavation is permitted by special use permit in the AG zoning district provided:

- A. The minimum site size shall be twenty (20) acres.
- B. Areas subject to removal shall not be closer than one hundred fifty (150) feet from boundary lines of the property or any natural or existing water body, watercourse or wetland.
- C. The processing plant shall not be located closer than two hundred fifty (250) feet from the boundary lines or no less than five hundred (500) feet from any dwelling unit.
- D. The applicant shall present a reclamation plan as part of the site plan. The reclamation plan shall include final surface landform of the site.
- E. The Planning Commission may require additional fencing, berming and landscaping to ensure safety and reduce the negative impacts of the operation.
- F. The Township shall require a performance bond prior to beginning excavation for reclamation in the amount of five thousand (5,000) dollars per acre for the active mining

areas, or previously mined areas that have not been reclaimed.

### **Section. 11.69a Solar Energy Systems**

#### **A. Purpose**

The purpose of this Article is to facilitate the construction, installation and operation of Solar Energy Facilities (SEFs) in Fenton Township in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this Article to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

#### **B. Supplementary Definitions.** For purposes of this article the following terms shall have the following meanings:

- 1) "Applicant" means the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this Article.
- 2) "Landowner" means the persons or entities possessing legal title to the Parcel(s) upon which a SEF is located.
- 3) "Parcel" means all land within a legally established parcel.
- 4) "Protected Lands" means, for the purpose of this section only, lands containing resources that are protected or regulated by established regulatory standards of local, state, or federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
- 5) "Review Authority" means Fenton Township.
- 6) "Solar Energy Facility (SEF)" means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- 7) "Solar Electric System (SES)" means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- 8) "Uses Allowed" means one of the following:
  - a) Direct Use – a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
  - b) Primary Use – a SEF that is devoted to solar electric power generation primarily for use off-site.

#### **C. Applicability**

- 1) This Article applies to the construction of any new SEF within the Township.

- 2) A SEF legally established or permitted prior to the effective date of this Article shall not be required to meet the requirements of this Article, however:
  - a) Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Article. Only the modification or alteration is subject to this Article;
  - b) Substantial conformance review determinations are not major amendments to a project's existing permits; and
  - c) Routine operation and maintenance or like-kind replacements do not require a permit.

**D. Parcel Line Setbacks**

The following setbacks from the Parcel line to the closest part of the SEF structure, such as panels, racking, or inverters, shall be established as shown in Table 1. Fencing, roads, landscaping, and utility interconnection infrastructure may occur within the setback.

**1) Table 1. Setbacks**

	<b>Direct Use</b>	<b>Primary Use</b>
<b>Setback from All Property Lines</b>	Shall conform to the setbacks per zoning for that district.	75 feet

**E. Height**

For ground mounted systems, height restrictions will be measured from finished grade below each module in the event the site has topographic changes.

**2) Table 2. Height Limits**

<b>Type</b>	<b>Height</b>
Ground Mounted	19'
Roof Mounted	5' above roof surface

**F. General Requirements (apply to all SEF Uses unless otherwise noted)**

- 1) Building Permits Are Required–
  - a) Nothing in this Article modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
  - b) A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the setbacks in Table 1.
  - c) The Building Permit shall include review by local permitting departments including, but not limited to, the local Fire Authority, for Health and Safety Requirements.
- 2) Supplemental Information Required for Primary Use SEF's-

- a) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
  - b) On site power lines between solar panels and inverters shall be placed underground, unless site conditions or a utility does not allow.
  - c) If the solar energy facility consists of storage or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor storage and battery storage have been met.
  - a) A copy of the Project's interconnection application with the utility.
  - b) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
  - c) A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, estimated number of panels, and angles of orientation.
  - d) An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
  - e) For ground mounted SEF, a description of the ground covering of native Michigan plantings beneath the solar panels (i.e. grass, plantings) and a plan for maintaining the groundcover to the extent feasible and compatible with the climate and pre-project landscaping of the property the site.
- 3) Off-Site Facilities – When the SEF is located on more than one Parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.
- 4) Glare – Any glass, plastic, or metal panels must not produce excessive glare that is visible from the street or any neighboring home.
- 5) Septic System Avoidance – The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the County Health Department.
- 6) Conform to Development Standards for Underlying Zone – The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein;
- 7) Abandonment
- a) A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Township or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF, unless otherwise approved by the Township.
  - b) Upon determination of abandonment or other violation(s), the Township shall notify the party (or parties) responsible that they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty five (365) days of notice by the Township.
  - c) If the responsible party (or parties) fails to comply, the Township may remove the SEF Primary Use SEFs shall be removed in accordance with the Decommissioning Plan required to be provided in Section 27.08.5, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.

- d) Facilities deemed by the Township to be unsafe and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the Planning and Building Departments shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.

G. Solar Energy Facilities- Direct Use

- 1) **General Requirements.** Direct Use Solar Energy Facilities are ground mounted SEFs that provide energy primarily for on-site use, or rooftop systems that provide energy for any use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a SEF. In addition to the General Requirements in Section 27.06 the following standards shall apply to all Direct Use SEFs, notwithstanding the development standards for the underlying zone:
  - a) Lot Coverage – Rooftop systems can be any size, ground mounted systems allowable lot coverage varies by the underlying zoning district.
  - b) Setbacks – Ground mounted structures shall conform to the setbacks per zoning for that district.
  - c) Height Limits – Facilities shall conform to the height limits of Table 2, unless demonstrated by a structural engineer to meet public safety standards.
  - d) Floodplain - A Direct Use SEF shall not be located in a Floodplain.
- 2) **Biological Resources.** The protection of high value biological resources is an important consideration. Direct Use SEF projects shall demonstrate that they have completed due diligence so as to minimize impacts on rare species or features protected by local, State, or Federal Agencies. If approvals are required, the Applicant shall obtain them from the applicable agency prior to construction.

H. Solar Energy Facilities- Primary Uses

- 3) **General Requirements.** Primary Use SEFs are required to obtain to a Special Use Permit. In addition to the General Requirements in Section 27.06 the following standards shall apply to all Primary SEFs, notwithstanding the development standards for the underlying zone:
  - a) Maximum Lot Coverage –Lot coverage for ground mounted structures shall be limited by the setbacks shown in Table 1.
  - b) Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 1. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided;
  - c) Height Limits – Facilities shall conform to the height limits of Table 2;
  - d) Grading - Grading within the Township shall be minimized whenever possible.
  - e) Permit Validity- An applicant for a Primary Use SEF shall have up to two (2) years to obtain a building permit and start construction of its use, with options for extension from the Township when progress and need has been demonstrated.
- 4) **Biological Resources** – The protection of high value biological resources is an

important consideration. Primary Use SEF projects shall demonstrate that they have completed due diligence as to minimize impacts on rare species or features protected by local, State, or Federal Agencies. If approvals are required, the Applicant shall obtain them from the applicable agency prior to construction.

- 5) Soil Stabilization, Erosion Control and Ground Water Management – For Primary Use SEFs, the following requirements shall apply:
  - a) To the extent feasible and compatible with the climate and pre-project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Township.
  - b) A storm water management plan showing existing and proposed grading and drainage demonstrating the project is in compliance with applicable storm water regulations.
  - c) A maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required, prior to issuance of a building permit.
  - d) After construction is completed as-built surveys for the project must be prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency's engineer for review and record keeping. The surveys shall show that the as-built conditions are substantially the same as those submitted for building permit.
- 6) Visibility
  - a) Through the Special Use Permit process the Planning Commission may evaluate screening and buffering requirements on a site by site basis to assure the proposed SEF is appropriately screened due to adjacent land uses and existing vegetation. When it is properly demonstrated that there exists no need to buffer due to existing natural vegetation or lack of impact due to adjoining land uses, such as but not limited to crop productions, wood lots, etc., screening and buffering requirements may be excused; provided, however, that Solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer in a residential area shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 8 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 8 feet. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed. The Planning Commission has the authority to reduce the buffer requirements based on site conditions.
  - b) All Areas - Additionally, all ground mounted facilities shall:
    - 1) If lighting is required for site access or safety, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent Parcel or the night sky;
    - 2) Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, warning signs, and the facility owner;
    - 3) Be sited behind existing vegetation, when possible (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to help screen the project; and
    - 4) Be enclosed by a fence, barrier, barbwire, or other appropriate means as determined by National Electric Code (NEC), as amended. Fences

or barriers shall work to incorporate wildlife friendly design, when identified as appropriate.

5) Decommission Plan

a) The SEF project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

b) Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within twelve (12) months of the end of project life or facility abandonment.

c) The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the type of surety to be provided prior to construction.

d) Surety:

1. The owner(s) and/or operator of the SEFS shall post a surety in a form acceptable to the Township, such as security bond, irrevocable letter of credit, escrow, or other form deemed acceptable by the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs, prior to issuance of a building permit. The cost of decommissioning shall be reviewed between the operator and the Township Board every five (5) years to ensure adequate funds are allocated for decommissioning; the surety shall be appropriately adjusted to reflect the current decommissioning estimate.
2. The surety shall be established and maintained with a company licensed in the State of Michigan and/or a Federal- or State-chartered lending institution acceptable to the Township.
3. The company providing the surety shall provide the Township with 90 days' notice of the expiration of the surety. Lapse of a valid security bond is grounds for the actions defined in *subpart 5* below.
4. In the event of sale or transfer of ownership and/or operation of the SEFS, a surety shall be maintained throughout the entirety of the process.
5. If at any time during the operation of the SEFS or prior to, during, or after the sale or transfer of ownership and/or operation of the SEFS the surety is not maintained, the Township may take any action permitted by law to revoke the special use permit and to order a cessation of operations and order removal of the structure and reclamation of the site in accordance with the decommissioning plan.
6. The Township shall have access to surety for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner(s)/operator within twelve (12) months of the end of the project life or facility abandonment as defined.
7. The Township is granted right of access to the site, pursuant to reasonable notice, in the event that decommissioning is not completed by the owner(s)/operator within twelve (12) months of the end of the project life or facility abandonment as defined.

(Ord. No. 838, 6-20-2023)

**SECTION 11.70 Stables and/or riding academies**



Stables and/or riding academies are permitted by right in the AG and R-1 zoning district provided:

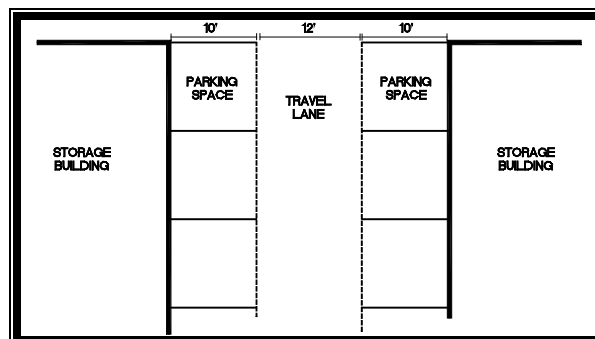
- A. The establishment is on a parcel of land ten (10) acres or more in size.
- B. All structures including stables, but not including fences for paddock areas or tracks, as well as loading areas and wash down areas shall be one hundred (100) feet from a neighboring residence or ninety (90) feet from the lot line of a vacant parcel zoned residential.

### SECTION 11.71 Storage facilities

Storage facilities (excluding outdoor storage) are permitted by right in the C-2 and C-3 zoning districts; storage facilities (with outdoor storage) are permitted by special use permit in the C-2 and C-3 zoning districts provided:

- A. Minimum parcel area for the entire development is four (4) acres.
- B. Access to the facility shall be from a county primary road.
- C. All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.
- D. Maximum building height shall be nineteen (19) feet.
- E. Parking for the storage leasing office and a caretaker's residence shall meet the parking requirement in Article 6 of this Ordinance's parking regulations. A ten (10) foot wide parking strip shall be required in front of each row of storage units and a twelve (12) foot wide travel lane provided between buildings (see Figure 11-1).

Figure 11 - 1



### SECTION 11.72 Temporary buildings

Temporary buildings for use incidental to construction work for a period not to exceed one (1) year are permitted by administrative special use permit in AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2, C-3, M-1, M-2 and M-3 zoning districts provided:

- A. The building shall not be located on the property for more than one (1) year.
- B. An extension of up to one (1) year may be granted by the Zoning Administrator.
- C. A maximum of two (2) buildings may be permitted for a development site.
- D. If one (1) of the buildings is used as an office, on-site sanitary facilities are required.
- E. A mobile home, motor home or camper may be used as a temporary residence during the repair of a home damaged by fire, flood or similar accident provided:
  - 1. A mobile home shall have a decorative skirt around the base of the home to screen the piers and chassis.
  - 2. The temporary home shall be connected to the sewer and water systems providing service to the home that was damaged in the fire.
  - 3. The temporary home shall comply with required setbacks for a principle structure and will be located in a way as to minimize the structures impact on adjacent parcels. If the structure cannot comply with the setback requirements, it may be allowed by the zoning administrator, provided the applicant gets approval in writing from the owner that the temporary home would encroach upon. This provision does not prohibit the applicant from applying for a variance to permit a temporary encroachment.

Approval for a temporary home is good for one year or until issuance of a certificate of occupancy of the repaired home, whichever is less.

(Amended: Ord. No. 647, 7-5-05)

### **SECTION 11.73 Temporary outdoor uses**

Temporary outdoor uses including seasonal sale of Christmas trees and outdoor gatherings are permitted by administrative special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, C-1, C-2, C-3, M-1, M-2, M-3 and PUD zoning districts provided:

- A. All permits shall be assigned an expiration date by the Zoning Administrator.
- B. All structures, poles, wires, lighting, signs or other shall be removed by the expiration date of the permit.
- C. All structures and items on display or being stored shall comply with the setback requirements for the district in which they are located.
- D. The site plan shall identify an adequate number of portable toilets and other sanitary facilities for the proposed use.
- E. The site plan shall identify an adequate number of off-street parking spaces for the proposed use.

- F. The operator of the use shall keep the site free from litter and debris.
- G. Seasonal outdoor sales of Christmas trees shall comply with the following:
  - 1. Outdoor sales, including Christmas trees, shall not be permitted in the R-2, R-3, R-4, R-5, R-6, R-M, R-MH, OS, M-1, M-2 or M-3.
  - 2. Unless Christmas trees sales are accessory to the principal use of the site, a permit shall be obtained from the Zoning Administrator to allow temporary use of the site for such sales.
  - 3. Christmas tree sales shall not be permitted in residentially zoned districts.
  - 4. All Christmas trees, as well as poles, lights, wires, or other items incidental to the sale of trees shall be removed from the premises by December 31<sup>st</sup> of the subject Christmas season.
  - 5. Christmas trees on display for sale shall comply with the minimum setback requirements for the district in which the sales lot is located.

#### **SECTION 11.74 Theaters, indoor**

Theaters, indoor are permitted by right in the C-2 and C-3 zoning districts, provided:

- A. Access shall be from a county primary road.
- B. Wrought iron fencing may be placed along the frontage to direct pedestrians to safe crossing points, if the Planning commission determines the need.
- C. The subject site shall be located with access to an existing traffic signal, or placed such that installing a traffic signal will not significantly impact through traffic flow.
- D. The principal building and parking lot shall be setback at least fifty (50) feet from any adjacent residential district. This setback shall be landscaped with at least the amount of plant materials specified in Article 10.

#### **SECTION 11.75 Theaters, outdoor**

Theaters, outdoor are permitted by special use permit in the C-3 zoning district, provided:

- A. A site plan shall be approved by the Planning Commission which sufficiently illustrates proposed access, buildings, utilities, adequate drainage, lighting and other technical aspects.
- B. Outdoor theaters shall abut, and have all access from a county primary road.

- C. The area shall be designed to prevent the movie screen from being viewed from residential areas or adjacent major roadways. All lighting used to illuminate the area shall be installed and confined within, and directed onto the premises of the outdoor theater site. Landscaping shall be provided to screen automobile headlights off-site.

### **SECTION 11.76 Veterinary clinics**

Veterinary clinics are permitted by right in the C-3 zoning district and by special use permit in the AG, R-1, OS, C-1 and C-2 zoning districts, provided:

- A. The use shall be operated by a licensed or registered veterinarian.
- B. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be set back at least one hundred (100) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.
- C. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- D. Any indoor boarding shall be limited to that incidental to treatment or surgery.
- E. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
  - 1. Walls are soundproofed to a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,
  - 2. Doors must be solid core,
  - 3. Ventilation must be forced air,
- F. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
- G. A caretaker's quarters may be permitted.

### **SECTION 11.77 Veterinary hospitals**

Veterinary hospitals are permitted by right in the C-3 district and by special use permit in the AG and C-2 zoning districts, provided:

- A. Minimum lot size shall be five (5) acres.
- B. The principal and all accessory buildings or structures used for the treatment and holding of animals shall be set back at least two hundred (200) feet from the front property line

and at least five hundred (500) feet from any property line abutting a residential district or use on the same side of the street.

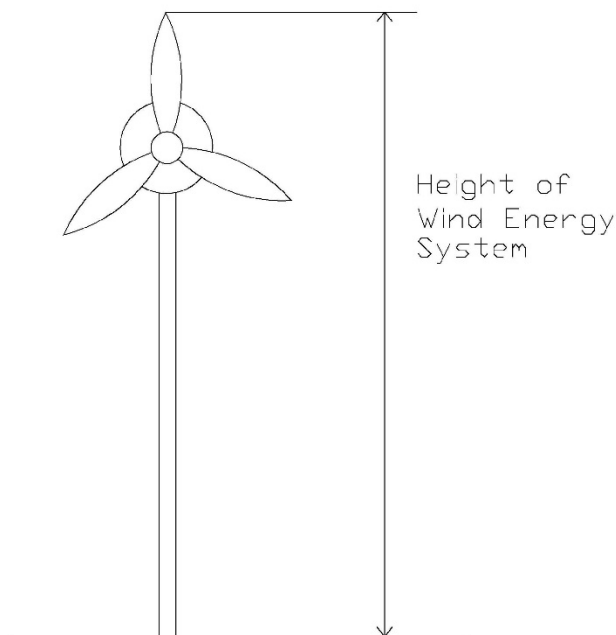
- C. Outdoor enclosures or runs visible to adjacent residential districts shall be screened with fully obscuring fences, walls and/or landscaping (for landscaping, the full obscuring affect must be achieved within three years of planting).
- D. A caretaker's quarters may be permitted.

**SECTION 11.78 Wind energy systems and anemometer tower, on site**

On site wind energy systems and Anemometer Tower are permitted by right in the AG, R-1, R-2, R-3, R-M, R-MH, C-1,C-2, C-3, M-1 , M-2 and M-3 and PUD districts as an accessory use, provided:

- A. The system is designed to primarily serve the needs of a home, farm, or small business.
- B. Shall have a tower height of sixty-six (66) feet or less.
- C. Property Set-back: The distance between an on site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position (See figure 11-1). The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

Figure 11-1



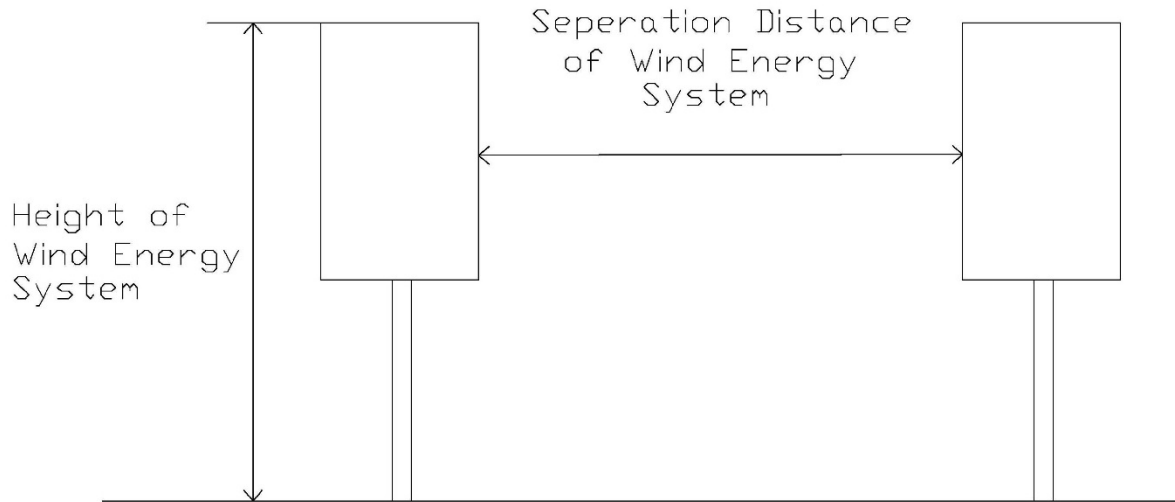
- D. Sound Pressure Level: On-site wind energy systems shall not exceed 55 dB(A) at the property

line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

- E. Construction Codes, Towers, & Interconnection Standards: On site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*). An interconnected on site wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- F. Safety: An on site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
- G. In addition to the siting and design requirements listed above, the structure mounted wind energy systems shall be subject to the following:
  - 1. Height: The height of a structure mounted wind energy system shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - 2. Setback: The setback of the structure mounted wind energy system shall be a minimum of twenty-five (25) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the structure mounted wind energy system is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
  - 3. Location: The structure mounted wind energy system shall not be affixed to the wall on the side of a structure facing a road.
  - 4. Quantity: No more than three (3) structure mounted wind energy system s shall be installed on any parcel of property.
  - 5. Separation: If more than one structure mounted wind energy system is installed, a distance equal to the height of the highest structure mounted wind energy system must be maintained between the furthest outward extension of any moving part of each structure mounted wind energy system.

(Added: Ord. No. 717, 12-21-09)

Figure 11-2



**SECTION 11.79 Wind energy system, utility grid; wind energy system over sixty-six (66) feet high, on site, and anemometer towers over sixty-six (66) feet high**

Utility grid wind energy system, on site wind energy system over sixty-six (66) feet high, and anemometer towers over sixty-six (66) feet high are permitted by Special Use Permit in the AG, M-2, M-3 and PUD districts, provided:

- A. Anemometer Tower setback shall be the greater of the following distances:
  - 1. The setback from property lines of the respective zoning district; or
  - 2. A distance equal to the height of the tower from property lines.
- B. Utility Grid and On-site Use Wind Energy System setback shall be greater of the following distances:
  - 1. The setback from property lines of the respective zoning district; or
  - 2. A distance equal to the height of the tower including the top of the blade in its vertical position from property lines.
- C. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the set-back and placement requirements applicable to public utilities.
- D. Sound Pressure Level: The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary,. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- E. Post-Construction Permits: Construction Codes, Towers, and Interconnection Standards: The project shall comply with all applicable state construction and electrical codes and local building permit requirements.
- F. Pre-Application Permits:
  - 1. Utility Infrastructure: The project shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations. The

minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

2. Environment:

a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.

- i. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq.*) (including but not limited to:
  - ii. Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq.*),
  - iii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq.*),
  - iv. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq.*),
  - v. Part 303 Wetlands (M.C.L. 324.3030 1 *et seq.*),

G. Performance Bond: Performance Bond, pursuant to Section 8.09 of this Ordinance shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.

H. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

I. The following standards apply only to utility grid wind energy systems. The applicant shall provide the following studies, prepared by a Michigan licensed professional within their respective discipline per the professional laws of that discipline:

1. Visual Impact Analysis: Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.  
The applicant shall avoid state or federal scenic areas.
2. Avian and Wildlife Impact Analysis: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact Analysis.
3. Shadow Flicker Analysis: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
4. Decommissioning Plan: A Planning Commission approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
5. Complaint Resolution Plan: A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.



6. Electromagnetic Interference Analysis: No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

(Added: Ord. No. 717, 12-21-09)

## **ARTICLE 12 CONDOMINIUMS**

### **SECTION 12.01 Intent**

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

### **SECTION 12.02 Review requirements**

In order to ensure compliance with this Ordinance, all condominium developments shall follow the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in Article 8 Site Plan Review, all applicants for condominium site plan review shall submit the following information.

- A. Copy of the proposed condominium master deed and all amendments.
- B. A copy of the proposed condominium subdivision plan as defined in Article 2 (at the time of final engineering approval).
- C. A copy of the proposed condominium association by-laws and organizational articles.

### **SECTION 12.03 Zoning ordinance standards**

#### **A. Lot Size**

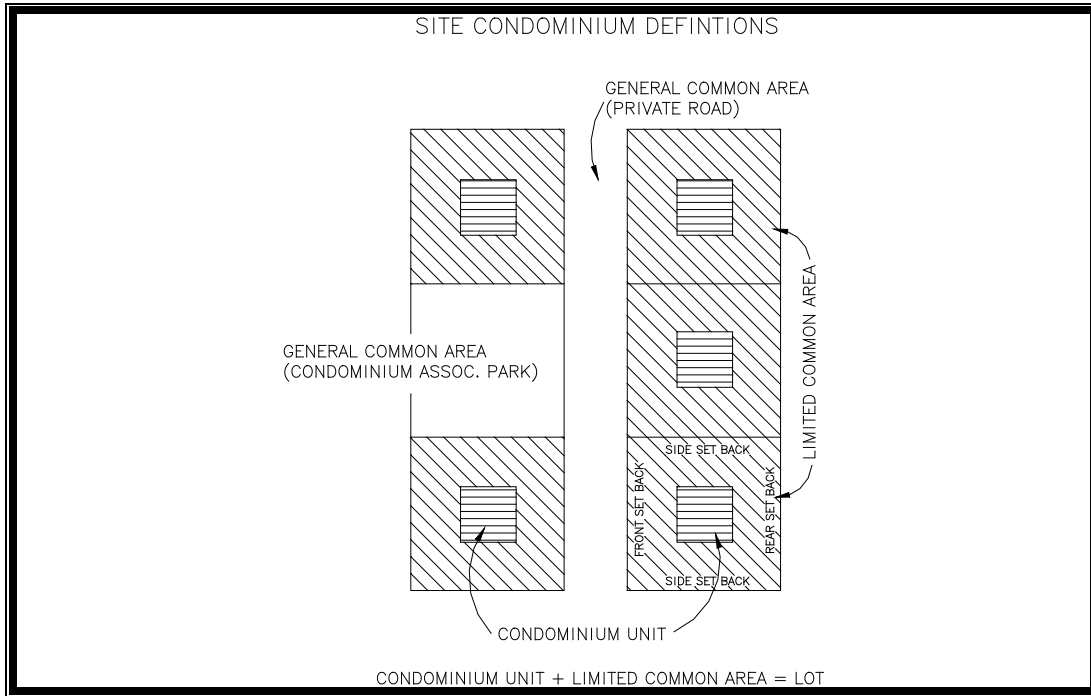
In conventional condominium development, as defined in Article 2, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site, just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common elements are considered equivalent to a "lot", and must meet the minimum lot size requirements for the zoning district in which the parcel is located.

#### **B. Setbacks**

In conventional condominium development, as defined in Article 2, the buildings must be set back from the sites boundaries as required in the zoning district where the parcel is located. For site condominium developments the setbacks shall be from the outer edge

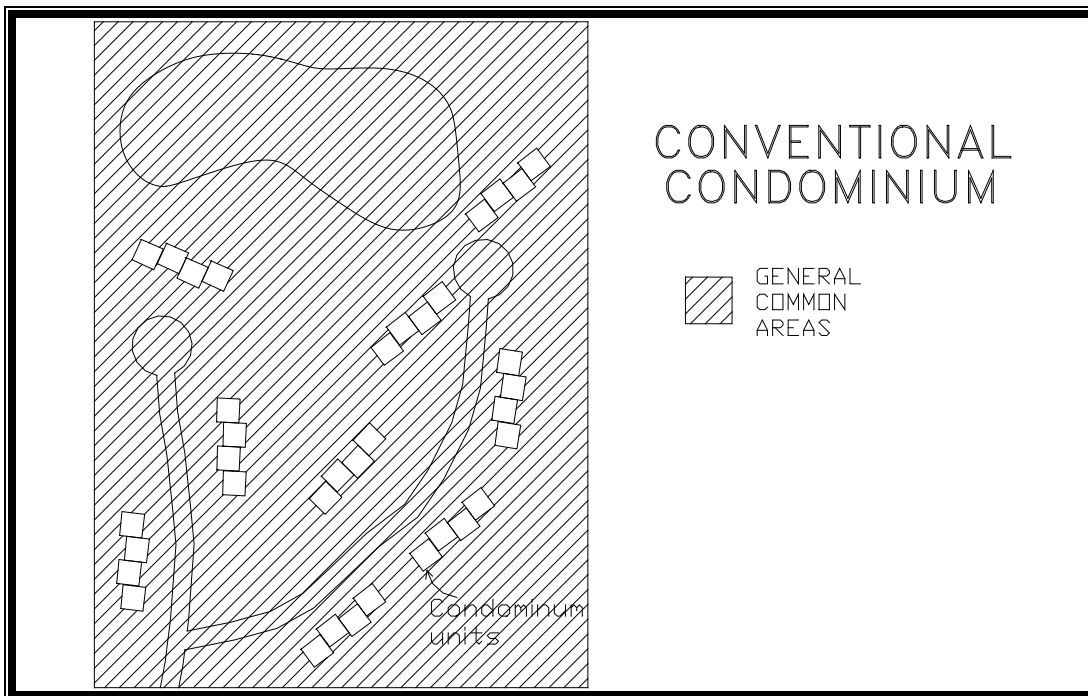
of the "lot" consisting of a condominium unit and their associated limited common elements, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

**Figure 12 - 1**



(See definition - Article 2)

**Figure 12 - 2**



(See definition - Article 2)

### **SECTION 12.04 Condominium design requirements**

Conventional and site condominium developments shall comply with all applicable design standards in this Ordinance. Infrastructure, including streets, utilities and sidewalks shall comply with the Fenton Township Infrastructure Standards adopted by the Township Board.

### **SECTION 12.05 Survey requirements**

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, (PA 59 of 1978). Site condominiums shall comply with the following requirements which are intended to ensure that monumentation is equivalent to the monumentation requirements of a subdivision plat:

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least half ( $\frac{1}{2}$ ) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the site plan and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least half ( $\frac{1}{2}$ ) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this Ordinance shall be monumented in

the field by iron or steel bars or iron pipes at least half ( $\frac{1}{2}$ ) inch diameter and eighteen (18) inches long, or other markers approved by the Township.

- H. The Township Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition the proprietor deposits with the Township cash, certified check, or irrevocable bank letter of credit payable to the Township, whichever the proprietor selects, in an amount not less than one hundred (100) dollars per monument and not less than four hundred (400) dollars in total, except that lot corner markers shall be at the rate of not less than twenty five (25) dollars per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed within the time specified as required. If the proprietor defaults, the Township shall promptly require a surveyor to locate the monuments and markers as certified on the site plan, as required by this Ordinance. The Township shall be reimbursed for the cost of such work by the proprietors deposits. Additionally, in the event the Township incurs costs in excess of the amount deposited, such costs will be charged against the proprietor.

#### **SECTION 12.06 Recorded master deed**

Prior to issuance of a building permit, the applicant shall provide the township with a copy of the recorded master deed, including all amendments and attachments along with two (2) copies not to exceed 11" x 17" and two (2) copies at least 24" x 36" of the condominium plan (Exhibit B). The Zoning Administrator shall review these documents to ensure that they comply with the approval granted by the Planning Commission. The applicant shall also provide a digital copy of the drawing in a format designated by the Township.

**ARTICLE 13**  
**ZONING BOARD OF APPEALS**

**SECTION 13.01 Creation of Zoning Board of Appeals**

A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in this section of the ordinance, inclusive of Act 110 of the Public Acts of 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of seven (7) regular members, and may include two (2) alternate members all of whom shall be appointed by the Township Board following recommendations by the Township Supervisor.

(Amended: Ord. No. 668, 7-24-06)

B. The first member shall be a member of the Township Planning Commission.

C. The remaining regular and any alternate members of the Zoning Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals. An employee or contract employee of the Township Board may not serve as a member of the Township Zoning Board of Appeals. The total amount allowed the Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

D. The terms of each regular member shall be for three (3) years, however the terms of office shall be staggered so that not more than two (2) or less than one (1) appointment shall expire in any given year. A successor shall be appointed no later than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the terms. The term of the Township Planning Commission representative and Township Board representative (if there is one) shall be defined in the resolution appointing them, but shall not extend beyond their term on the Planning Commission or Township Board respectively.

E. The Township Board may appoint not more than two (2) alternate members of the Board

of Appeals to serve for a three (3) year term. An alternate member of the Zoning Board of Appeals shall serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meetings, or is absent from or will be unable to attend meetings for a period of more than thirty (30) days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall be called to serve by the chairman of the Zoning Board of Appeals or the Acting Chairperson in the absence of the Chairperson, when the absence, unavailability or conflict of interest of a regular member becomes known to the Chairperson or Acting Chairperson.

- F. The Zoning Board of Appeals shall not conduct business unless a majority of the regular or alternate members of the Zoning Board of Appeals are present.

### **SECTION 13.02 Meetings**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, and at such times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals shall adopt rules of procedure for the operation of the Board and the conducting of hearings.

### **SECTION 13.03 Powers of the Zoning Board of Appeals**

The Zoning Board of Appeals shall have the authority to:

- A. Grant variances from the requirements of this Ordinance.
- B. Interpret the zoning ordinance and the zoning map.
- C. Hear appeals of administrative decisions including approval or denial of site plan or special use permits.
- D. Permit a legal non-conforming use of land or structures to be changed to another non-conforming use under the procedures contained in Sections 5.04 and 5.05 of this Ordinance.

### **SECTION 13.04 Variances**

The Zoning Board of Appeals shall have the power to authorize reductions in ordinance requirements including building setbacks, lot size and width, building height and parking requirements. The Zoning Board of Appeals may not authorize a use variance. In consideration of all variances, the Zoning Board of Appeals shall review each case individually as to its compliance with each of the following standards:

- A. The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.
- B. The variance is the minimum necessary to provide adequate relief to the applicant and is not so large that it is unfair to similarly situated property owners who managed to comply with the requirements or make do with a smaller variance.
- C. The problem is due to circumstances unique to the property and not to general conditions in the area.
- D. The problem that resulted in the need for the variance was not a self-created hardship. In this instance "self-created" includes actions by the current owner or past owners of the property.
- E. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

### **SECTION 13.05 Interpretation**

- A. The Zoning Board of Appeals shall have the power to interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning Map, after recommendation from the Township Planning Commission. In interpreting the location of zoning district boundaries, the Zoning Board of Appeals shall use the rules of interpretation identified in Section 3.02 of this Ordinance. The Zoning Board of Appeals shall also have the authority of interpreting whether or not a specific use is permitted within a specific zoning district. In carrying out this interpretation, the Zoning Board of Appeals may not interpret a specific use as being included in a broader class of uses if that specific use is listed separately in other zoning districts.
- B. The authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law.



### **SECTION 13.06 Appeals and special approvals**

An appeal may be taken to the Zoning Board of Appeals by any person, legal entity, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator or a decision by Planning Commission regarding a site plan or special use permit. Such appeals shall be taken within twenty one (21) days of the posting of the minutes of the meeting at which the action to be appealed was taken, or in the case of a zoning administrator's decision, within twenty one (21) days of receipt of the written decision. Such appeals shall be made by filing with the Zoning Administrator and with the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown.

### **SECTION 13.07 Procedures**

#### **A. Applications**

Application for variance, appeal, interpretation or changes in non-conforming uses shall be submitted to the Township Zoning Administrator at least thirty (30) days prior to the Zoning Board of Appeals meeting at which it will be heard. The application shall consist of a completed application form and other information determined necessary by the Zoning Board of Appeals.

#### **B. Notice**

Notice of the hearing of an appeal, variance, or other matter before the Zoning Board of Appeals shall comply with Section 9.05B of this Ordinance except for the provisions of that section dealing with notice to residents and property owners within three hundred (300) feet. Those requirements shall only be applied to notices on Zoning Board of Appeals matters when the matter involves a specific parcel.

#### **C. Zoning Board of Appeals decision**

1. Following the hearing on an issue brought before them the Zoning Board of Appeals may only reverse an administration decision or grant an applicants request by a majority vote of the members of the Zoning Board of Appeals, that is, by at least four (4) votes.

2. In making a decision on an appeal of an administrative decision, the Zoning

Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as necessary to meet the intent of this Ordinance and shall have all the powers of the officer or board from whose decision the appeal was taken.

3. In making a decision on a request, the Zoning Board of Appeals shall state the basis for their decision.

D. Record of review

A record of the decision shall be filed with the Township Zoning Administrator, including:

1. A copy of the submitted application.
2. A copy of any meeting minutes related to the application.
3. A copy of any other relevant records related to the application.

E. Appeal of special use permit decision

Any person aggrieved by the decision of the Zoning Board of Appeals in granting or denying a request may appeal the decision to Circuit Court.

**SECTION 13.08 Time limits**

A. Deadline to commence construction/use

A building permit for a project with a Zoning Board of Appeals approved variance shall be filed with the Township Building Inspector within one (1) year from the date of Zoning Board of Appeals approval of a variance. If a building permit is not filed within one (1) year, Zoning Board of Appeals approval of the variance shall expire. In cases where construction is not required, the approved use of land or buildings must have commenced within one (1) year.

B. Deadline for completion

A project with a Zoning Board of Appeals variance approved shall be completed within the time frame of the building permit issued.

**SECTION 13.09 Conditions**

A. The Zoning Board of Appeals may place conditions on an affirmative decision when such conditions:

1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Would protect the natural environment and conserve natural resources and

- energy.
  - 3. Would ensure compatibility with adjacent uses of land.
  - 4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Zoning Board of Appeals shall ensure that:
- 1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated.
  - 2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

### **SECTION 13.10 Performance guarantees**

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Zoning Board of Appeals may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Zoning Board of Appeals requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning permit. The Township shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning

Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.

- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
  
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements, and the right to charge administrative costs related to the performance guarantee. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to ensure completion of an improvement associated with the proposed project prior to the Township's special approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

## **ARTICLE 14 AMENDMENTS**

### **SECTION 14.01 Initiating amendments**

- A. A proposal for an amendment to the text of this Ordinance may be initiated by any person by the filing of a petition meeting the requirement outlined below requesting consideration of the amendment, the application for a text amendment, and either the necessary fees for such text amendment or a copy of the proposed text change with the Zoning Administrator.
1. The petition required above shall be signed by a number of registered electors residing in the Township, equal to at least ten (10) percent of the total votes cast for all candidates for governor in the last general election at which a governor was elected. All signatures shall be collected no more than sixty (60) days prior to the submission of the application for amendment. The petition shall include the proposed text amendment.
- B. Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s)) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Zoning Administrator:
1. An application for rezoning.
  2. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
  3. The necessary fees for such zoning change.
  4. A copy of the deed to the property.
  5. A sewer capacity report prepared by the Township Engineer.
- (Amended: Ord. No. 638, 4-4-05; Ord. No. 646, 7-5-05)
- C. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Township Board, Planning Commission or Zoning Board of Appeals, upon filing with the Township Zoning Administrator a resolution duly adopted identifying the proposed amendment.

### **SECTION 14.02 Procedures**

- A. The Township Clerk shall give notice of the time and place of the Planning Commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Township.
1. The notice shall be published not less than fifteen (15) prior to the date of the hearing.
  2. The notice shall include:
    - a. Describe the nature of the request.

- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - c. State when and where the request will be considered
  - d. Indicate when and where written comments will be received concerning the request and the places and times at which the proposed amendment may be examined prior to the meeting.
  
- B. The Clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question as well as all the owners of property within three hundred (300) feet of the parcel as identified in the most recent tax roll of the Township and to the occupants of all structures within 300 feet of the property, not less than fifteen (15) days before the hearing. If the portion of the general common area of a condominium falls within the three hundred (300) feet radius notice will be sent to the condominium association. Notice shall also be given in similar fashion to each public utility company and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the Township for the purpose of receiving the notice. An affidavit of mailing shall be maintained.

(Amended: Ord. No. 668, 7-24-06)

- C. The Township shall also give notice to the Planning Commission of any adjacent City or Township within three hundred (300) feet of the proposed rezoning.
  
- D. At the public hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
  
- E. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:
  - 1. In the case of a proposal to amend the zoning ordinance text the Planning Commission must find:
    - a. The change is necessary to clarify a provision of the ordinance, or
    - b. The change is necessary to correct a mistake in the ordinance, or
    - c. The change is necessary to implement a goal or policy of the Township Land Use Plan, or
    - d. The change is necessary to improve administration of the

ordinance or to better serve the community.

e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Township Land Use Plan or that a mistake in the plan, or changes in conditions or township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

2. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:

a. The requested amendment is in compliance with the Township Land Use Plan or that a mistake in the plan, or changes in conditions or township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

b. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Land Use Plan.

3. In addition to the findings required in paragraph 2 above, the Planning Commission must find that there is adequate sewer capacity for the uses that would be permitted as a result of the rezoning, based on a sewer capacity report.

(Amended: Ord. No. 638, 4-4-05)

F. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Township Board for their consideration.

G. Following receipt of the Planning Commissions report, the Township Board shall grant a hearing on a proposed ordinance provision to a property owner in the Township, who by certified mail addressed to the Township Clerk indicates a desire to be heard on the matter. In such a case the Township Board may request the Township Planning Commission to attend the meeting.

H. At the next regularly scheduled Township Board meeting following receipt of the Planning Commissions report, the Township Board shall hold a first reading of the proposed amendment and shall offer the public an opportunity to comment on the proposal. The Township Board shall then schedule the proposed amendment for a second reading.

I. At the second reading of the proposed zoning ordinance amendment the Township Board may take the following actions on a zoning amendment.

1. Approve the request by a majority vote of the Township Board's membership.
  2. Deny the request.
  3. Hold a public hearing on the matter before the decision. Notice of a public hearing held by the Township Board, shall be published in a newspaper of general circulation in the Township, between five (5) and fifteen (15) days prior to the meeting. The Planning Commission shall be requested to attend any public hearings.
  4. Consider changes to the proposed amendment.
- J. If the Township Board desires to make any changes to the amendment as submitted by the Township Planning Commission's, it shall refer the matter back to the Planning Commission for a second report within a time period specified by the Township Board. The Planning Commission reviews the proposed changes and may choose to agree with the change, keep the original recommendation or propose a different change.
- K. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The notice shall include:
1. A summary of the regulatory effect of the amendment or the actual text of the amendment.
  2. The effective date of the ordinance. This date may be as few as seven (7) days after the publication of the ordinance.
  3. The place and time where a copy of the ordinance may be purchased or inspected.
- L. If within seven (7) days after publication of an amendment to the ordinance, the Township Board is presented with a notice of intent to file a petition opposing the amendment from a registered elector residing in the Township, a petition may be filed with the Township Clerk within thirty (30) days following publication of the ordinance. If a petition signed by a number of registered electors residing in the Township, equal to not less than ten (10) percent the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, is filed with the Township Clerk, a referendum on the ordinance amendment shall be held.

### **SECTION 14.03 Conditional Rezoning**

#### **A. Intent**

It is recognized that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may



voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. Approval of a conditional rezoning does not guarantee approval of any special use permit which may be required as part of the conditional rezoning project, and review of the special use permit must follow the procedures outlined in Article 9 before development can begin.
5. Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 13 before development can begin.
6. Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article 8 before development can begin.
7. The offer of conditions may be amended during the process of rezoning, provided that any amended or additional conditions are offered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

C. Planning Commission Review

After public hearing and consideration of the factors for rezoning set forth in Section 14 of this Ordinance, the Planning Commission may:

1. Recommend approval of the conditional rezoning
2. Recommend approval of the conditional rezoning with changes
3. Recommend denial of the conditional rezoning

Provided, however, that any recommended changes to the offer of conditions are acceptable to and offered by the owner.

D. Township Board Review

After receiving the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall consider the factors for rezoning set forth in Section 14 of

this Ordinance. Should the Township Board propose amendments to the proposed conditional rezoning, and the amendments are acceptable to and offered by the owner, then the rezoning application shall be referred back to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

E. Approval

1. If the Township Board finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions provided said conditions conform to this section. The Statement of Conditions shall be incorporated into the ordinance adopted by the Township Board.
2. The Statement of Conditions shall:
  - a. Be prepared as a notarized Affidavit signed by the owner.
  - b. Contain a legal description of the land being rezoned.
  - c. Acknowledge that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this section.
  - d. Include any diagram, plans or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions.
  - e. Include the notarized signatures of all owners of the subject land, state they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The zoning map shall also include a listing of all lands rezoned with a Statement of Conditions.

F. Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to the Statement of Conditions.

G. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the site plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one year unless another time period is specified in the ordinance rezoning the subject land. These time limitations may upon written request be extended by the Township Board if:

1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

All applicable project completion deadlines in this ordinance related to site plans, special use permits and variances shall apply.

#### H. Reversion of Zoning

If approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

#### I. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner's written request, the Township Clerk shall record with the Genesee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

#### J. Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G or during any extension granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.

#### K. Township Right to Rezone

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101, et seq.)

#### L. Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

(Added: Ord No. 663, 7-10-06)

**ARTICLE 15**  
**VALIDITY, REPEAL OF PRIOR ORDINANCE, VESTED RIGHT, ENACTMENT AND**  
**EFFECTIVE DATE**

**SECTION 15.01 Validity**

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**SECTION 15.02 Repeal of prior ordinance**

The Zoning Ordinance adopted by the Township of Fenton on June 9, 1971, 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 occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

**SECTION 15.03 Vested right**

Nothing in this ordinance 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 modifications as may be necessary to the preservation or protection of public health, safety and welfare.

**SECTION 15.04 Enactment and effective date**

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Fenton, Genesee County, Michigan at a meeting thereof, duly called and held on the 18<sup>th</sup> day of March, 2002, and is ordered to be given publication in the manner prescribed by law. This Ordinance shall become effective seven (7) days after final enactment and publication.