

Zoning Ordinance



**Mt. Morris Township
Genesee County, Michigan**

Zoning Ordinance

Mt. Morris Township, Genesee County, Michigan

Prepared by:

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**MT. MORRIS TOWNSHIP ZONING ORDINANCE
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MT. MORRIS TOWNSHIP
GENESEE COUNTY, MICHIGAN

AUTHORITY

An Ordinance enacted under Act 110, Public Act of 2006, as amended, known as the Michigan Zoning Enabling Act, governing the unincorporated portions of the Township of Mt. Morris, Genesee County, Michigan to regulate the proper use of land and resources, to regulate and restrict the location, size, and use of buildings, structures, and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to specify standards such as minimum area, setbacks, bulk and the maximum number of families that may be housed in structures to assure sufficient open space, sanitary conditions, safety and other protective measures; to regulate and limit the density of populations; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; establish a board of appeals; and impose penalties for the violation of this ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan, made and provided for the purpose of promoting and protecting the public health, safety, convenience, and general welfare of the inhabitants of the Township of Mt. Morris, provision is made herein for the conservation and protection of the land resource together with the full and equitable enjoyment of that resource, to secure the most appropriate use of land, to prevent undue crowding and congestion of the population, transportation systems and other public facilities, to support the economic need of the people of the Township through adequate provision for the utilization of natural resources and the development of commercial and industrial enterprise, to provide freedom and ease for the circulation of people and movement of goods throughout the Township as well as the access for public services to all citizens, to facilitate adequate and efficient provision of the transportation system, sewage disposal, water, energy, education, recreation, emergency services and other public services and facilities, to retain and improve the quality of life in the Township, and to promote and achieve the goals, objectives and future land use plan of the Comprehensive Plan.

ENACTING CLAUSE

The Township of Mt. Morris ordains:

**ARTICLE 1
TITLE AND PURPOSE**

SECTION 1.00 TITLE

This Ordinance shall be known as the "Township of Mt. Morris Zoning Ordinance, and may hereinafter be referred to as "this Ordinance".

SECTION 1.02 PURPOSE

This Ordinance is adopted so as to promote and protect the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to avoid overcrowding of population; to provide adequate access to light and air; to avoid or reduce congestion on public streets and roads; to guard against hazards to persons and/or property; to ensure that uses of the land shall be situated in appropriate locations and relationships; to facilitate provision of adequate transportation and recreational facilities; to ensure that meaningful educational opportunities will be available to all citizens of the Township; to protect the Township water supply; and to conserve the expenditure of funds for public improvements and services by promoting and encouraging a thoughtful and careful pattern and process of land utilization within each district and from one district to another in concert with recommendations contained in the Mt. Morris Township General Development Plan.

SECTION 1.03 RELATIONSHIP TO COMPREHENSIVE PLAN

This Ordinance has been developed and designed to implement the Mt. Morris Township Master Plan, and to ensure that the guidelines detailed in that Master Plan will be considered and adhered to as future decisions regarding requested zoning changes are made.

SECTION 1.04 INTERPRETATION

The provisions of this Ordinance shall be considered to be minimum standards and requirements within each District and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use or planned development approval where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.

SECTION 1.05 CONFLICTING REGULATIONS

- A. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.

- B. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare. Any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.
- C. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Board of Zoning Appeals to be more restrictive or impose a higher standard.

SECTION 1.06 COMPLIANCE

- A. No structure or part thereof shall be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained, nor shall any structure or land be utilized or be designed to be utilized unless in full compliance with the provisions of this Ordinance.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

SECTION 1.07 VESTED RIGHT

Nothing in this chapter shall be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein. All such uses, structures and activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare. Uses, buildings and structures that were nonconforming under the previous zoning ordinance gain no new rights through the adoption of the standards of this Ordinance unless such uses, buildings and structures become conforming or more conforming by the regulations of this Ordinance.

SECTION 1.08 CESSATION OF USE

Permanent or temporary, site plan review required. Any use which remains inoperative, closed, abandoned and/or in any other way ceases to operate for a period of time for the purpose that it was site plan approved for,

- a. greater than six (6) months or longer whether or not active permit remodeling is underway, and/or,
- b. greater than three (3) months for any other reason,

shall be required to apply for full site plan approval and shall be subject to the same review and requirements as if the use had never previously operated, and shall be subject to the zoning ordinance in effect at the time that the new site plan approval is applied for.

ARTICLE 2
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.00 CONSTRUCTION OF LANGUAGE

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

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future.
- C. Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The masculine gender includes the feminine and neuter.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "occupied for", and "maintained for".
- H. The word "building" includes the word "structure". The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- I. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- J. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either/or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

- L. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- M. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

SECTION 2.01 DEFINITIONS

Certain words used in this Ordinance are defined below. The words defined in this Article shall, for all purposes of this Ordinance and all Ordinances amending or supplementing this Ordinance, have the meaning customarily assigned to them.

ABUTTING: Properties having a common border with or being separated from such common border by an alley or recorded easement.

ACCESS: A means of vehicular approach or entry to or exit from property, from or to an approved County Road.

ACCESSORY USE, BUILDING OR STRUCTURE: A use, building or structure which is clearly or customarily incidental and subordinate to the principal use of the land, building or structure and is located on the same zoning lot as the principal use to which it is exclusively related.

ACRE: Forty three thousand, five hundred and sixty (43,560) square feet

ACREAGE TRACT OR ACREAGE LAND: Land or real estate that is not located in, or a part of, a recorded plat or a condominium plan.

ACTUAL CONSTRUCTION: The placement of construction materials in permanent position and fastened in a permanent manner.

ADULT CARE ORGANIZATIONS: A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act. No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

1. **Adult foster care facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

2. **Adult foster care small group home:** A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
3. **Adult foster care large group home:** A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.
4. **Adult foster care family home:** A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE: See "Adult Care Organizations".

ADULT REGULATED USES: As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- A. **Adult Book or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- B. **Group "A" Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless wait persons or employees.
- C. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by more than five (5) patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- D. Adult Model Studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bonafide art school or similar educational institution.
- E. Adult Motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or Specified Anatomical Areas" (as defined herein).
- F. Adult Motion Picture Arcade:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas".
- G. Massage Parlor or Massage Establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- H. Adult Outdoor Motion Picture Theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- I. Specified Anatomical Areas"** Portions of the human body defined as follows:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- J. Specified Sexual Activities:** The explicit display of one or more of the following:
1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

AGRICULTURE: The act or business of cultivating or using land or soils for the production of crops for the use of animals or humans and includes, but is not limited to, pasturage, floriculture, dairying, horticulture, viticulture, and livestock or poultry husbandry, but excluding such uses as feedlots and industrial poultry factories.

AIRPORT: A cleared and leveled area where aircraft can take off and land. Airports may include hard-surfaced or grass landing strips, a control tower, hangars, passenger terminals, and accommodation for cargo.

ALLEY: A public right-of-way shown on a plat or a private right-of-way which provides a secondary vehicular access to a lot, block or parcel of land.

ALTERATION: Any change, addition or modification to a structure 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."

ANIMALS, DOMESTICATED: All animals, including poultry and excluding household pets, normally found on a farm or raised for commercial purposes. Such animals shall be distinguished by size as follows:

- A. Large size animals, including horses and cattle.
- B. Medium size animals, including sheep, swine, goats and miniature horses.
- C. Small size animals, including rabbits, mink, dogs, cats, mice, rats, and snakes.
- D. Poultry, birds or fowl, including chickens, ducks, geese, turkeys, pigeons, parrots, and guinea hens.

ANIMALS, EXOTIC: An animal from a species which is not commonly domesticated, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive character or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. Exotic animals shall include but not be limited to the following:

- Poisonous or venomous animals including fish, toads, snakes, lizards, insects, scorpions, and spiders.
- Any constrictor snake over four (4) feet long.

- Piranha fish.
- Non-human primates.
- Alligators, crocodiles, and caimans
- Large cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard lion, lynx, mountain lion, panther, ocelot, tiger, wildcat, and hybrids with domestic species.
- Carnivores including but not limited to bear, wolves, fox, coyotes, jackal, weasel, wolverine, and hybrids with domestic species.
- Large animals typically kept in zoological gardens, not including barn yard animals.
- Animals that pose rabies risk.
- Birds of prey including but not limited to owls, hawks, and falcons.

ARCADE: Any establishment which provides on its premises three (3) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

ARCHITECTURAL ELEVATION: A geometrical projection of a building or other structure on a vertical plane.

AUTOMOBILE REPAIR - MAJOR: Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body frame, or fender straightening and repair; overall painting and vehicle rustproofing.

AUTOMOBILE REPAIR - MINOR: Any activity involving incidental repair to motor vehicles such as engine tune-ups, pump replacement, tire repair, electrical system repair, and radiator repair. Quick oil change, sales of accessories, tire rotation and lubricating facilities are included in this definition.

AUTOMOBILE SERVICE STATION: A building or structure used for the retail sale or supply of fuels, 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 storage, minor repair, vehicle washing, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing where the primary use of the premises is such high speed washing, or sales of new or used cars, trucks, or motorcycles.

BASEMENT: That portion of a building which is partly or wholly below grade but located so that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Illustration “Basement and Story”)

BED AND BREAKFAST INN: A private residence that is also the innkeeper’s residence; which provides sleeping accommodations for transient guests for compensation; and serves meals at no extra charge to overnight guests only.

BLOCK: The property bounded by a street or by a combination of streets and public land, unsubdivided acreage, stream or any other physical barrier to the continuity of a development.

BOARD OF APPEALS: The Township Zoning Board of Appeals, created pursuant to the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

BOARDING (OR ROOMING) HOUSE: A dwelling, other than a hotel or motel, where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement, but not for transients.

BOAT: Any watercraft powered by any motor or engine or sail.

BUILDABLE AREA: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering, built, used, designed, or intended for the shelter, or enclosure of persons, animals, chattel, or property of any kind.

BUILDING ENVELOPE: The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall. (See "Building Height Requirements" Illustration)

BUILDING LINE: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the required setback line.

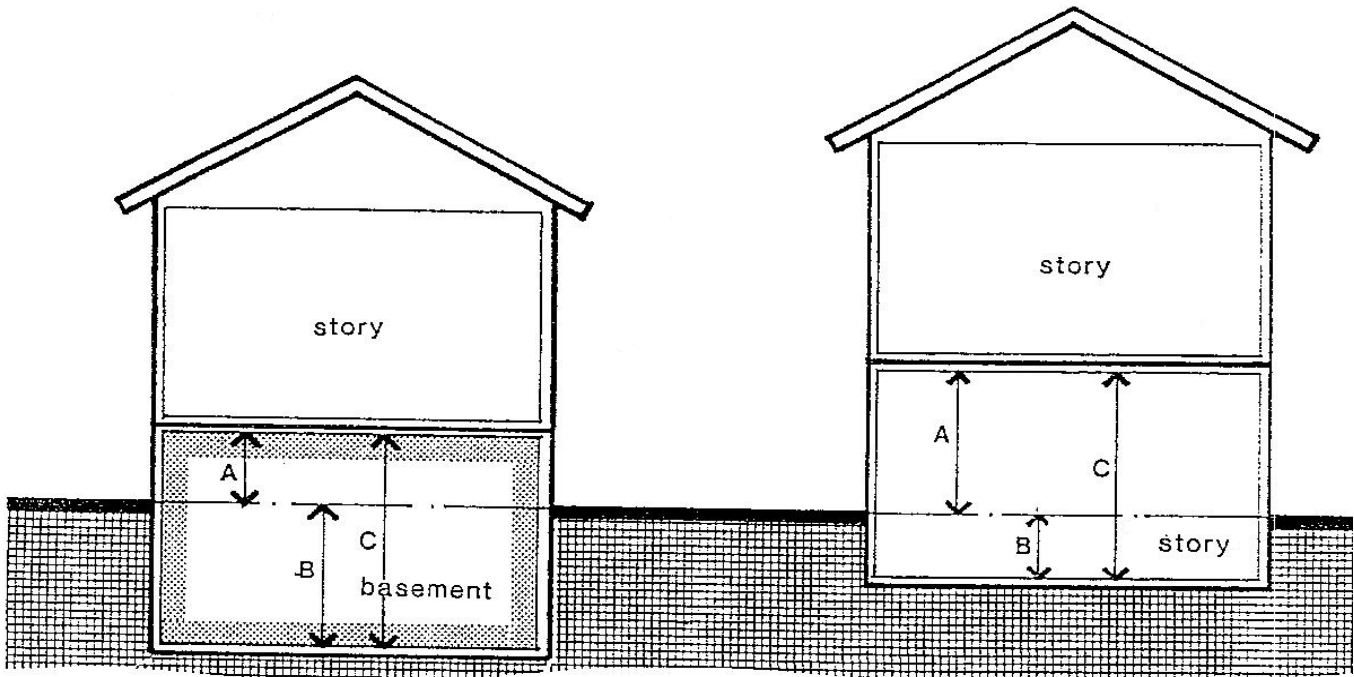
BUILDING OFFICIAL: The officer or other authority designated by the Township Board to administer and enforce the Building Code.

BUILDING, PRINCIPAL: See "Principal Building".

BUILDING, TEMPORARY: A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Examples of temporary buildings are trailers used on a construction site, buildings used to house environmental clean-up operations, and portable classrooms.

BUILT: See "Erected".

BUSINESS OR COMMERCIAL: Engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational or amusement enterprises.



'A' less than 'B'
'C' is basement

'A' greater than 'B'
'C' is story

Basement and Story

CALIPER: The diameter of a deciduous (canopy) tree measured one (1) foot above the surrounding grade for trees with a caliper over four inches, six (6) inches above surrounding grade elevation for trees with a caliper of four (4) inches or less.

CAMPGROUND: The uses and activities which take place on a lot or parcel of land for temporary short term recreation, resort or vacation purpose in accordance with the provisions of Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District or State Public Health Department.

CARETAKER LIVING QUARTERS: An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located. A caretaker's living quarters shall not exceed 650 square feet in gross floor area.

CEMETERY: Land used or intended to be used for burial of the human dead including columbaria, crematories, and mausoleums and dedicated for such purposes.

CEMETERY, PET: Land used or intended to be used for the burial of pets.

CHILD CARE ORGANIZATION: A facility for the care of minor children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations shall be further defined as follows:

A. Child care center or day care center: A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

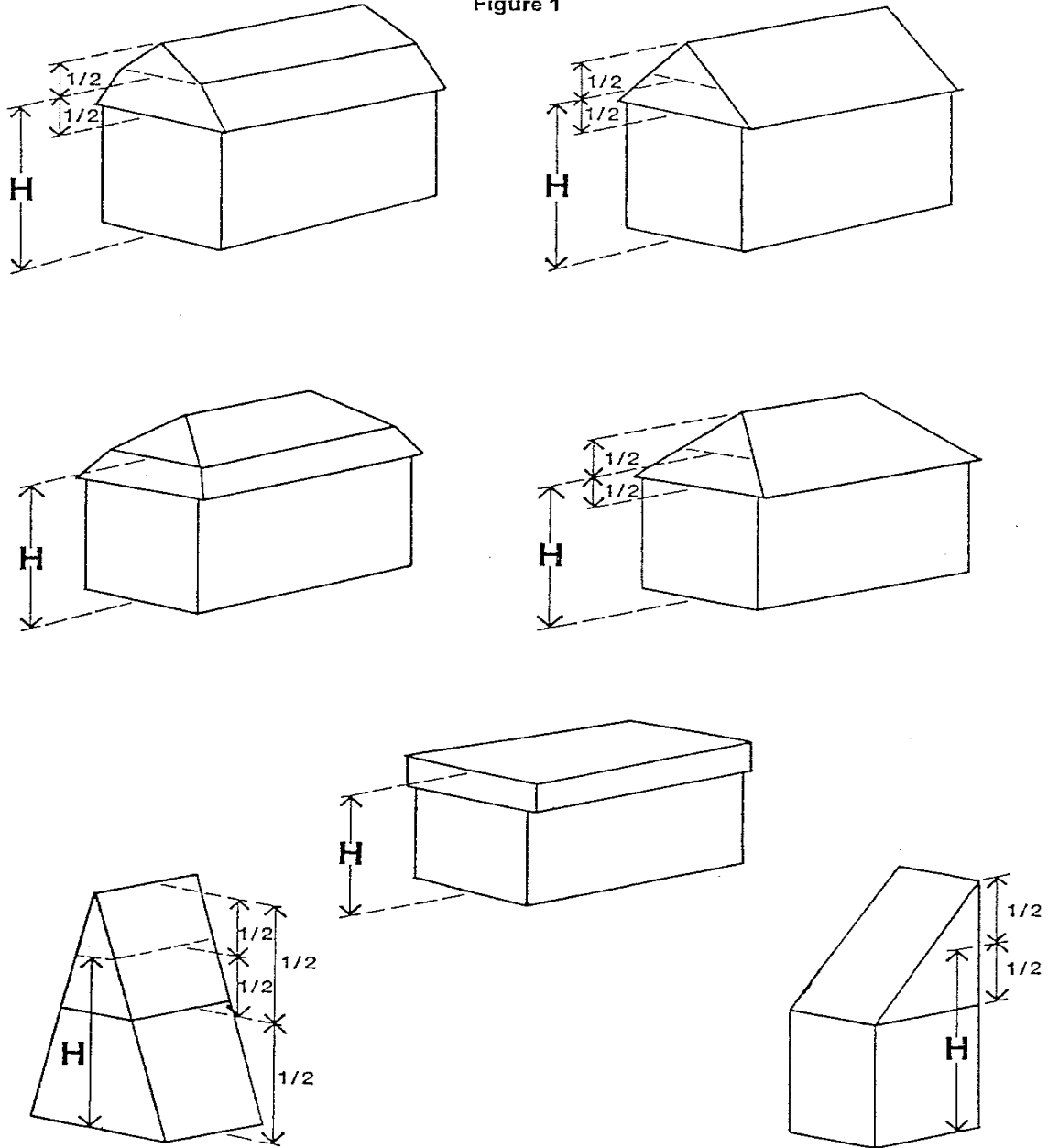
The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

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

C. Group day care home: A private home in which more than 6 but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Building Height Requirements

Figure 1



- D. Child caring institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- E. Foster family home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- F. Foster family group home:** A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

CHILD DAY CARE FACILITIES: See "Child Care Organization"

CHURCH: Any structure wherein persons regularly assemble for religious activities.

CHURCH, LARGE-SCALE: See "Institutional Uses, Large Scale".

CLINIC, MEDICAL: A building or structure used by physicians, dentists, osteopaths, chiropractors, and/or allied professionals for outpatient care of persons requiring such professional service(s).

CLINIC, VETERINARY: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

CLUB: 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, and open only to members and not the general public.

COLOCATION (of Wireless Communications Facilities): The location of two (2) or more of wireless communication facilities owned by different wireless communication providers on a common structure, tower, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the Township.

COMBINE OR COMBINATION: The act or product of creating a new lot from two or more smaller parcels of land.

COMMERCIAL: See "Business".

COMMISSION: The Planning Commission of Mt. Morris Township.

COMMON ON-SITE DISPOSAL SYSTEM: A privately owned on-site sanitary sewage system serving more than one residential unit, maintained by a private association of homeowners and approved by local and state health authorities.

COMMON ON-SITE WATER SYSTEM: A privately owned on-site water system serving more than one residential unit, maintained by a private association of homeowners and approved by local and state health authorities.

COMPOST: A mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning the land.

CONDOMINIUM: A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Michigan Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

- A. **Common elements:** Portions of the condominium project other than the condominium units.
- B. **Condominium act:** Shall mean Michigan Public Act 59 of 1978, as amended.
- C. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- D. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- E. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- F. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

- G. Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- I. Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- J. General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. 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 the condominium subdivision plan.
- M. Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

CONGREGATE OR INTERIM CARE HOUSING: A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special services, such as transportation and limited medical care.

CONSTRUCTED: See "Erected".

CONVENIENCE STORE: A retail store, typically one-story, designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic. Additionally, a convenience store may be licensed as a Specially Designated Merchant (SDM) to sell primarily beer and wine, and sometimes licensed as a Specially Designated Distributor (SDD) license to sell liquor. However, a convenience store shall devote less than fifteen (15%) percent of the usable nonresidential floor area for the storage and display of beer, wine and liquor. floor area for the storage and display of beer, wine and liquor.

CUL-DE-SAC: A short minor street with only one point of access to another non-cul-de-sac road and being permanently terminated at the other end by a circular vehicular turn-around. Roads and

streets that end in a “T” or “hammerhead” or other configuration other than a circle shall not be included in this definition.

CULTIVATION: Cultivation means to grow live marihuana plants under artificial or natural lighting.

DEAD END STREET: A street with only one point of access for vehicular traffic and not provided with a vehicular turn around at the other end.

DECK: An open horizontal structure attached to the principal building utilized for recreational and leisure activities.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest, or of a less fee interest, including an easement.

DENSITY: The number of dwelling units per acre of land.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT: Any man-made change to alter the existing land use of a parcel of land including but not limited to the construction, reconstruction, or relocation of buildings, structures or site improvements.

DISTRICT, ZONING: A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance, or within which certain lot areas, yards, open spaces, and other requirements are established or within which a combination of such aforesaid conditions are applied.

DIVIDE OR PARTITION: The splitting, separating or development of a parcel of land into parts by changing the boundaries and legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Land Division Act, Michigan Public Act 288 of 1967, as amended, or the Condominium Act, Michigan Public Act 59 of 1978, as amended.

DOCK: Any platform, boat hoist, pier, ramp or other structure any part of which is attached to the ground or any part of which is located within the waters of the lake or below the ordinary high water mark of a lake and which is intended or capable of being used for keeping, docking, mooring, launching, recovering or anchoring a boat.

DRAINAGE: The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

DRIVE-THRU FACILITY: Any building and/or structure constructed and/or operated for the purpose of providing goods or services to customers who remain in a motor vehicle during the course of the transaction.

DRIVEWAY: A private way intended to provide access to no more than two parcels or dwelling units.

DRIVING RANGE: A facility equipped with distance markers, clubs, balls, and tees for practicing golf drives.

DWELLING, MULTIPLE FAMILY: A building used or designed as a residence for three or more families for residential purposes living independently of one another, with separate housekeeping, cooking and bathroom facilities for each. Multiple family dwellings include the following:

- a. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- b. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

DWELLING, ROW: Any one of three or more attached dwellings in a continuous row, each such dwelling being designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one (1) family for residential purposes.

DWELLING, TEMPORARY: See "Temporary Dwelling".

DWELLING, TWO-FAMILY: A detached building designed for or occupied exclusively by two families for residential purposes living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex.

DWELLING UNIT: Any building, or part thereof, containing sleeping, kitchen and bathroom facilities designed for and occupied by one family. In no case shall a detached or attached garage, travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied, in part as a dwelling unit, the part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for purposes of this Ordinance.

EARTH-SHELTERED HOME: A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

EASEMENT: A grant by the property owner of the limited use of private land by the public, a corporation, or private person or persons for a specific public or quasi-public purpose or purposes.

ENCLOSED, LOCKED FACILITY: means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met: (i) The vehicle is being used temporarily to transport living marihuana plants from 1 location to another with the intent to permanently retain those plants at the second location; and (ii) An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marihuana plants belong or the individual designated through the departmental registration process as the primary caregiver for the registered qualifying patient.

ENGINEER, TOWNSHIP: The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

ERECT: Any physical operation on a site required for the construction, relocating, or reconstruction of a building or structure, including excavations, fill, drainage and the like.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or governmental agencies of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare, but not including office buildings, generating sources and facilities, or maintenance depots. Essential services shall not include storage yards, cellular telephone towers, gas sweetening plants, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

FACILITIES LICENSING ACT: means the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

FAMILY: means either of the following:

- A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building and Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

FARM: The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but not limited to, forage and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. To be considered a farm hereunder, the parcel shall contain ten (10) or more contiguous acres. For the purposes of this Ordinance, farms shall not include: establishments for keeping or raising fur-bearing animals, moose, deer, ostrich and similar exotic or game-hunting animals; private stables, commercial dog kennels, piggeries, greenhouses or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land of not less than 40 acres.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as “petting zoos” or “model farms” or “interpretative farms”.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, stump removal and/or processing snow removal businesses, lawn maintenance businesses, or any other activities other than those incidental to the bona fide farm.

FARM BUILDING: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of agricultural activities.

FARM MARKET: A building or structure for the display and retail sale of farm products, open for business no longer than nine (9) months per year.

FARMSTEAD: All buildings including dwelling(s) and adjacent service areas of a farm.

FAST FOOD RESTAURANT MENU-BOARD: A structure containing a large-scale version of the menu offered inside the restaurant with which the structure is associated and intended to facilitate placement of orders by persons using a drive-thru facility.

FEEDLOT: A commercial animal operation having cattle, horses, pigs, sheep, goats or other domesticated animals for concentrated feeding within a confined area.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

FENCE, DECORATIVE: An artificially constructed barrier of wood, metal or any other manufactured materials which is erected solely as a landscaping adornment, which does not function as a barrier to movement from one point to another and which serves no true enclosing function.

FINANCIAL GUARANTEE: A monetary based security that may be accepted by the Township as assurance that required improvements shall be installed consistent with the requirements of site plan approval or special land use approval or other types of approval as may be provided in this Ordinance. Such financial guarantee shall be in a form acceptable to the Township. In the event that the Township is requested to consider approval of a performance bond as a financial guarantee, the bond shall be prepared and supported by a bond company with offices and personnel in the State of Michigan.

FILLING: The deposit, spreading or dumping of any matter (e.g., earth materials, solid waste) into or onto the ground except common household gardening, farming and general ground care.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOODPLAIN: Any land area susceptible to being inundated by flood waters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- A. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year base flood.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

FLOODWAY: The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge flood waters without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA, USABLE RESIDENTIAL: The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

FLOOR AREA, USABLE NONRESIDENTIAL: The sum of the horizontal areas of each floor, measured from the interior face of exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area. For the purposes of computing required parking eighty percent (80%) of the sum gross floor area may be used. (See Illustration "Floor Area Terminology")

FRONTAGE: All property abutting one side of a road between intersecting or intercepting public roads, or between a road and right-of-way, waterway, or Township boundary. In the case of a waterfront lot, frontage shall be the distance between the two side lot lines of a lot or parcel of land, as measured between the two points at which the two side lot lines each intersect the ordinary high water mark of the lake or river.

GARAGE SALES/YARD SALES: The sale of used household or personal articles held on the seller's own premises.

GOLF COURSE OR COUNTRY CLUB: The premises upon which the game of golf is played, including clubhouses, pro-shop, parking lots, swimming pools, tennis courses, or other facilities or uses customarily incidental to a golf course or country club.

GRADE: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. (See Illustration “Grade”)

GROW FACILITY: means a commercial facility operated by Grower.

GROWER: means a person cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center.

HARD SURFACE ROAD: A road with a surface consisting of asphalt or concrete which meets the prevailing Genesee County Road Commission specifications and standards for subdivision streets.

HOME CARE CENTER: means a facility, located at a Primary Caregiver’s residence that is operated by not more than 1 Primary Caregiver.

HOME OCCUPATIONS: An occupation or profession conducted within a dwelling or on a residential lot by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence, and where such use does not:

- A. change the character or appearance of the residence,
- B. does not result in any signs or displays on the premises, except as specifically permitted herein, and
- C. does not require equipment other than what would commonly be found on a residential premises.

HOOP HOUSE: A unheated structure whose roof and sides consist of a plastic, fabric, canvas, aluminum or similar non-permanent material covering a plastic, metal or wood frame, which is used for the purpose of the cultivation of plants or for the storage of vehicles, boats, recreational vehicles or other personal property.

HOSPITAL, GENERAL: An institution providing human health services, licensed by Michigan Department of Health, primarily for inpatient and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff services. A general hospital includes 24 hour emergency care services, and in-patient/out-patient diagnostic and therapeutic services, and medical clinics. A general hospital may include a specialty hospital or hospitals.

HOTEL: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: Maid service; furnishing of linen; telephone, secretarial, or desk service; bellboy service.

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

IMPACT ASSESSMENT: The impact assessment is an explanatory document designed to specifically address the impact of a proposed use on the natural features, economic condition and social environment of the township. The purpose of the impact assessment is to fully explain the developer's choice of alternatives in developing a site and to enable careful attention to the proposal's effect on public costs and services, on existing and planned uses in the vicinity of the site. The impact assessment must explain and propose protective measures for the impact of the proposed development on the physical environment.

IMPERVIOUS SURFACE: Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of 5 percent or less. Impervious surface shall include pavement, buildings and structures.

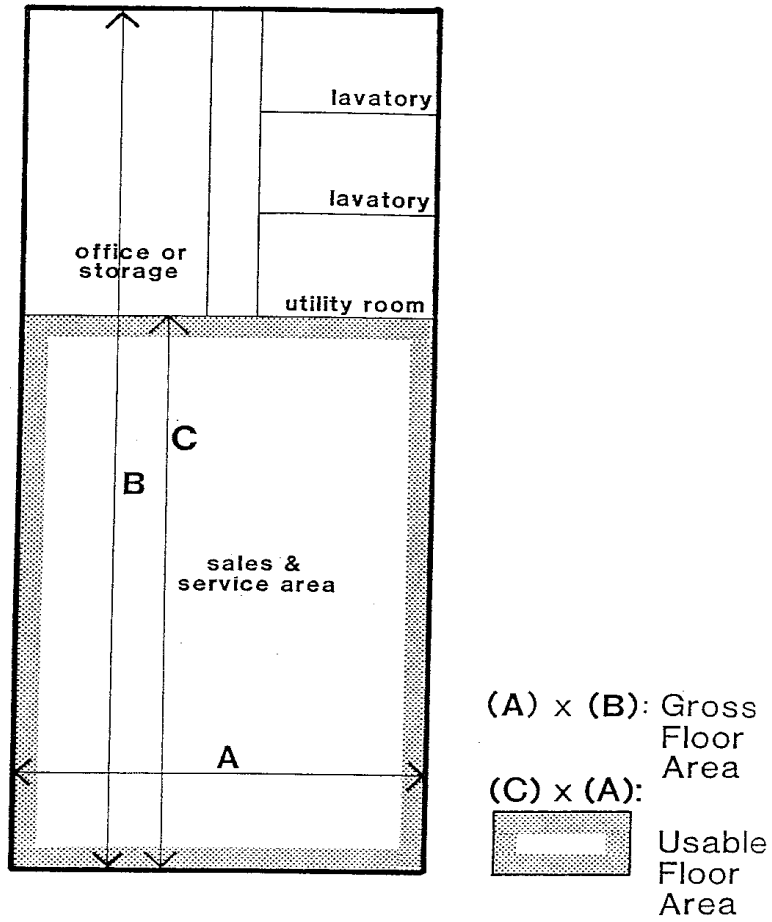
INDOOR SHOOTING RANGE: A sport shooting range as defined by MCL 691.1541(d) located inside a building.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

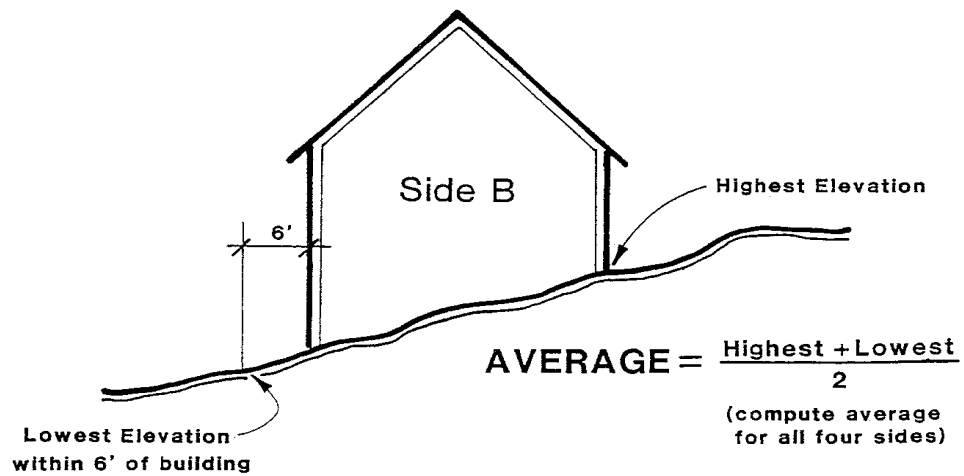
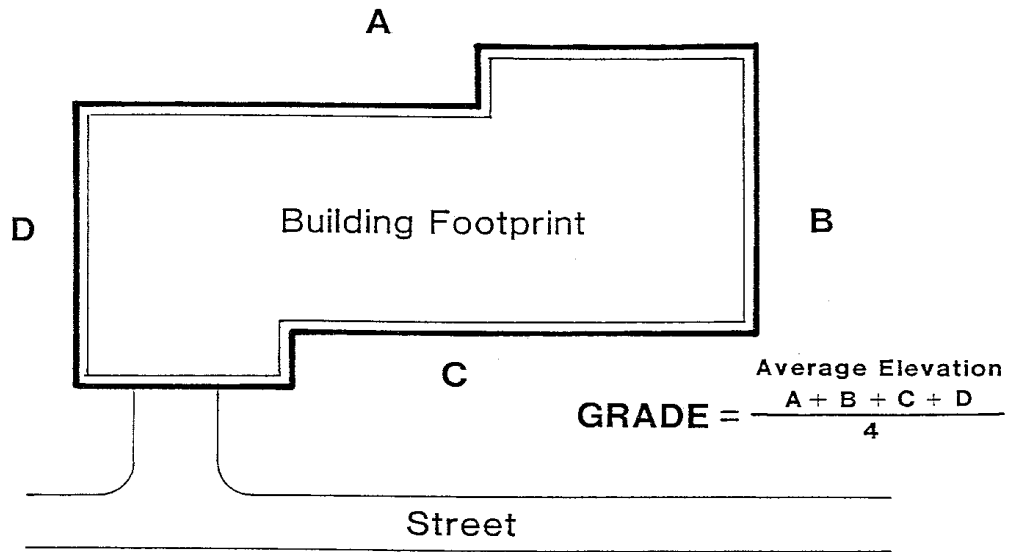
INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Floor Area Terminology



Grade



INFRASTRUCTURE: A system of permanent installations of utilities and roads designed to accommodate development.

INSTITUTION: A non-profit corporation or a non-profit establishment for public use.

INSTITUTIONAL USES, LARGE SCALE: Public, parochial and private schools, churches, libraries, community buildings, or municipal facilities which have either one or both of the following characteristics:

- A. Five hundred (500) or more parking spaces are required based on the parking requirements in the Zoning Ordinance.
- B. The seating capacity of the main area of assembly is one thousand five hundred (1,500) or more.

Large-scale institutions are distinguished by such features as: large size of assemblies and resultant traffic surges, large off-street parking lots, major institutional character or region-serving accessory facilities. Large-scale institutions have negative impacts on single family residential areas because of scale of buildings, parking, traffic and frequency of use, which are different from smaller institutional uses which have traditionally been compatible with single family areas. Because of these impacts, large-scale institutions are more compatible with multiple family or non-residential districts, subject to conditions, which minimize the impacts.

JUNK: For the purpose of this Ordinance, the term junk shall mean any motor vehicle, machinery, appliances, products or merchandise with parts missing and inoperable; or scrap metals or other scrap materials that are damaged or deteriorated.

JUNK OR SALVAGE YARD: These terms include automobile wrecking yards and any area of more than two-hundred (200) square feet used for the storage, keeping or abandonment of junk (as defined herein), including scrap metals or other scrap materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but they do not include uses established entirely within enclosed buildings, or farm machinery or historical vehicles stored out of view of the traveling public.

KENNEL: Any lot or premises on which more than three (3) dogs, cats or other domesticated household pets six (6) months or older are kept either permanently or temporarily, either for sale, breeding, boarding or training for remuneration.

KEYHOLING: The method for providing access to a body of surface water by means of a lot, parcel or easement for the owners and occupants of inland lots and parcels which do not abut the shoreline of a body of surface water and do not have riparian rights of access to the body of surface water.

LAKE OR POND: A natural or man-made body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants. A pond is a body of water of less than five (5) acres, but greater than two hundred (200) square feet. A lake is a body of water of five (5) or more acres.

LANDFILL: A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

LANDSCAPING: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

- A. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these Zoning Regulations.
- B. **Decorative Fence:** A fence that is not more than thirty (30) inches above the grade of the ground under the fence.
- C. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Genesee County, Michigan.
- D. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these Zoning Regulations.
- E. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- F. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- G. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- H. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.

- I. Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- J. Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- K. Planting:** A young tree, vine or shrub that would be placed on or in the ground.
- L. Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- M. Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- N. Sod:** An area of grass-covered surface soil held together by matted roots.
- O. Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Genesee County, Michigan.
 - 1. Deciduous Tree: A variety of tree that has foliage that is shed at the end of the growing season.
 - 2. Evergreen Tree: A variety of tree that has foliage that persists and remains green throughout the year.
- P. Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

LAND USE PERMIT: A permit issued by the Township Zoning Administrator or Deputy Zoning Administrator to a party or parties intending to initiate any work upon property or change any use of property in the Township. May also be referred to as a Zoning Permit.

LICENSE: means a license pursuant to the Mt. Morris Township Medical Marihuana Licensing Ordinance.

LIVESTOCK: Cattle, horses, sheep, swine, poultry or any other domesticated animal (as defined herein) or fowl which are being produced primarily for purposes of commercial gain.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading bulk merchandise or material; designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

LOT: An undivided tract of land which is vacant, occupied or intended to be occupied, by a main building and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. Such tract of land shall be of sufficient area to meet minimum requirements under this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot.

LOT AREA: The total horizontal land area within the boundaries of a lot or parcel, which may include private road easements or portions of private road easements immediately adjacent to or abutting the lot.

LOT, CONTIGUOUS: Lots or parcels of land adjoining each other.

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting street rights-of-way, recorded easement(s) or private road(s) wherein the interior angle of such intersection is not more than one hundred thirty-five (135) degrees.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (See Illustration “Corner, Interior, and Double Frontage Lots”)

LOT COVERAGE: The part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, and areas of impervious surfaces, including accessory buildings and structures. Decks, porches garden houses, sheds, paved driveways, parking areas, game courts, and other man-made impervious surfaces shall also be included in lot coverage.

LOT DEPTH: The horizontal distance from the front lot line to the rear lot line, measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE: An interior lot (that is, a non-corner lot) having frontages on two (2) more or less parallel streets as distinguished from a corner lot. (See Illustration “Corner, Interior and Double Frontage Lots”)

LOT LINES: The property lines bounding the lot as defined herein:

- A. Front Lot Line:** In the case of a lot abutting any public or private road the line separating such lot from such road right-of-way or recorded road easement.
- B. Rear Lot Line:** The lot line which is opposite and most distant from the front lot line of the lot. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Genesee County Register of Deeds or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Genesee County Register of Deeds.

LOT, SUBDIVISION: A piece of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Genesee County Register of Deeds.

LOT, WATERFRONT: A lot which abuts, adjoins or is contiguous to a private or public body of water or live stream.

LOT WIDTH: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. (See Illustration, "Lot Width and Setbacks")

LOT, ZONING: A single tract of land which, at the time of filing for a land use permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy the Zoning Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record, or portions thereof. When used in this Ordinance, the term "lot" shall generally refer to a "zoning lot," unless otherwise specified.

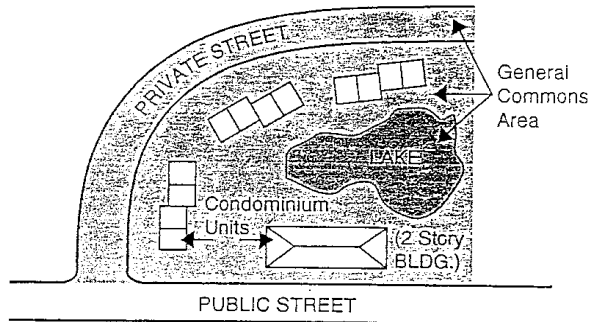
MAJOR ROAD OR THOROUGHFARE: A functional arterial street which has a hard surface roadway and which is intended to serve as a large volume trafficway for both the immediate area and the region and/or is an interstate highway, freeway, or primary highway as defined by Section 2 (d), (e), and (f) of Act 106 of the Public Acts of 1972, as amended.

MANSARD: A sloped roof or roof-like facade.

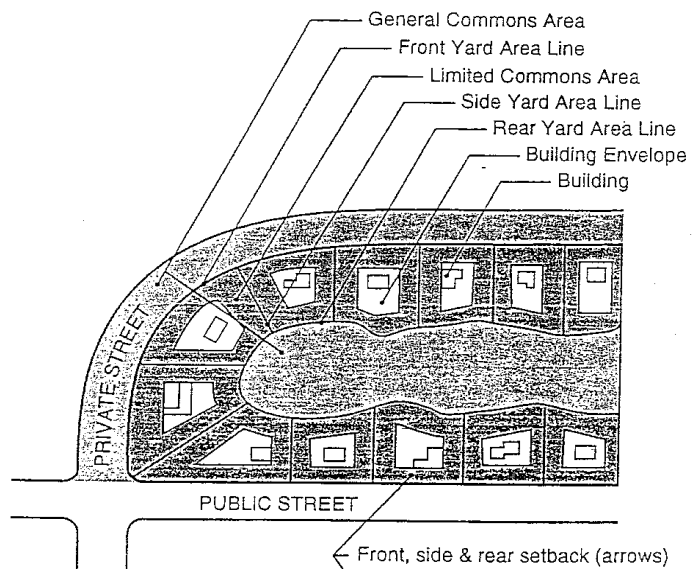
MANUFACTURED HOUSING: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a model to be combined with other elements to form a complete building on the site.

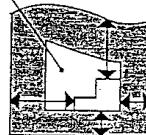
MARGINAL ACCESS ROAD: A road generally constructed parallel to a through road and designed to provide access to abutting properties so that these properties are separated from the through traffic in order to facilitate and regulate movement between and access to commercial parking lots along that through road, while protecting both the safety of motorists and the integrity of the adjoining through road by minimizing curb cuts (and associated turning movements) that complicate traffic flow patterns and create safety problems.



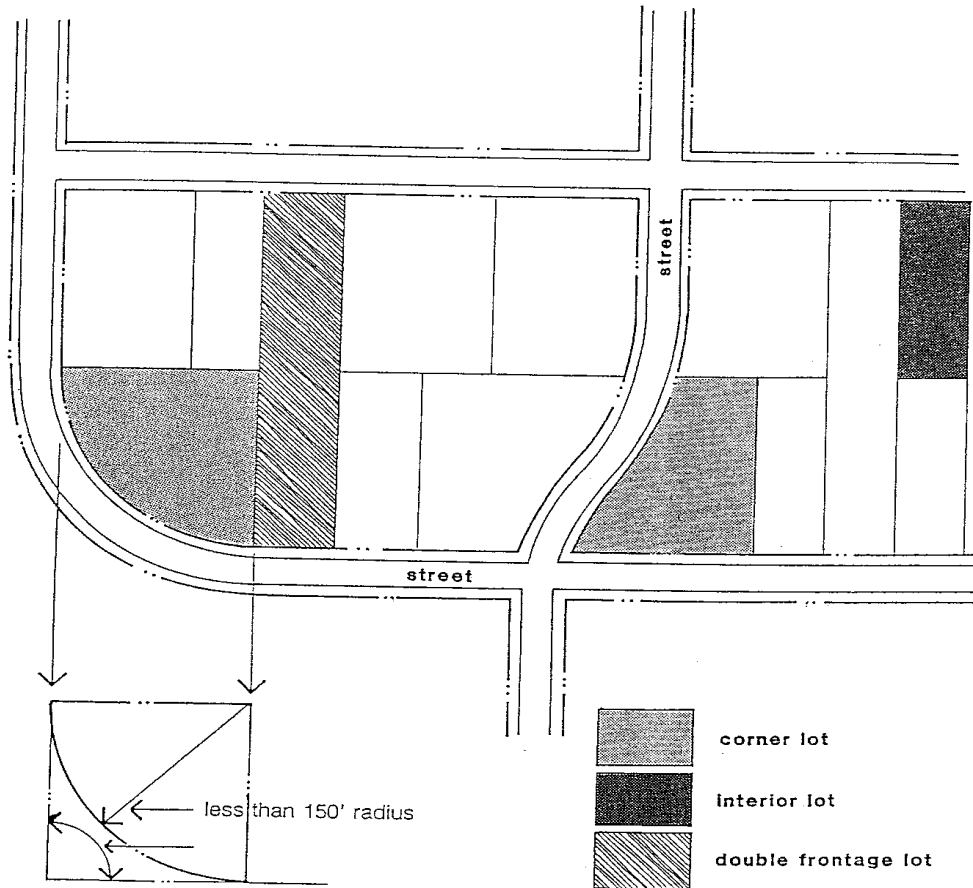
CONVENTIONAL CONDOMINIUM



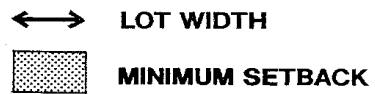
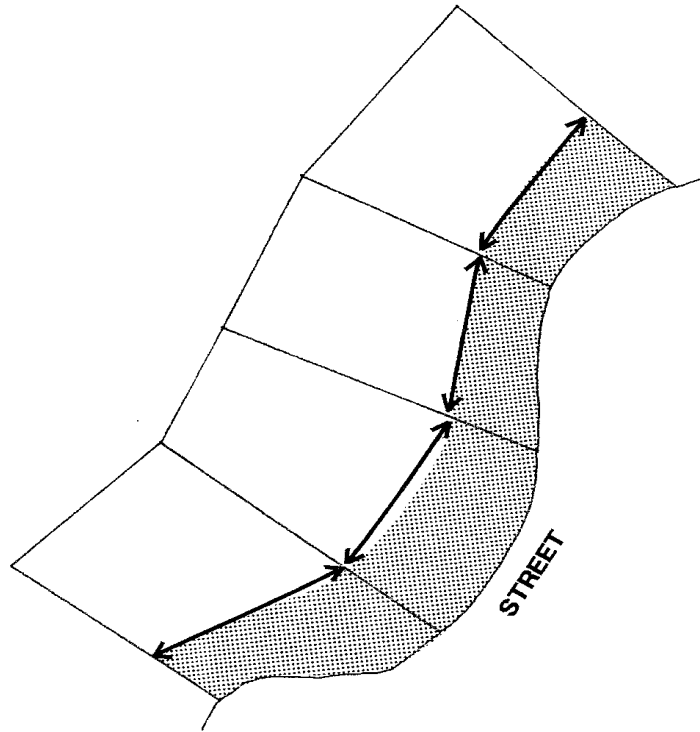
SITE CONDOMINIUM



Corner, Interior & Double Frontage Lots



Lot Width and Setbacks



MARIHUANA: Marihuana means all parts of the plant *Cannabis Sativa L.*, growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

MARQUEE: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

MASTER PLAN: The Master Plan is a document which is prepared under the guidance of the Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township. Also referred to as the General Development Plan or Comprehensive Plan.

MEZZANINE: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located. (See Illustration “Basic Structural Terms”)

MANUFACTURED HOME: A type of manufactured housing that is transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single family dwelling with or without permanent foundation, when connected to the required utilities. These utilities shall include the plumbing, heating, air-conditioning, and electrical systems contained within the structure. A manufactured home shall not include recreational vehicles, motor homes, campers, or other transportable structures designed for temporary use and which are not designed primarily for permanent residence. Manufactured homes are built to meet the standards established by the United States Department of Housing and Urban Development.

MEDICAL MARIHUANA FACILITY: means a Home Care Center, Patient Care Center, Safety Compliance Facility, Secure Transport Facility, Grow Facility, Processing Facility, or a Provisioning Center.

MEDICATE: means consuming, ingesting, absorbing, smoking, inhaling, eating, vaporizing, and drinking.

MOBILE HOME COMMISSION ACT: Act 96 of the Public Acts of 1987, as amended.

MANUFACTURED HOME PAD: That part of a manufactured home site designed and constructed for the placement of a manufactured home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home.

MOTEL OR MOTOR LODGE: A building or group of attached or detached buildings containing individual sleeping or living units for overnight guests with parking facilities conveniently located to each such unit. Accessory features such as a swimming pool, restaurant(s) and meeting room(s) may be included.

MULTI-PARCEL PROPERTY: means any development consisting of more than one Parcel of property including a Planned Commercial Development, Planned Development, Industrial Park, and Shopping Center as defined in Section 2.01 of the Township Zoning Ordinance.

NONCONFORMING BUILDING: A building or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

NONCONFORMING LOT: A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area, size, frontage, or dimensional requirements of the district in which the lot is located.

NONCONFORMING USE: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

NURSERY, PLANT MATERIAL: A space, building, structure or combination thereof utilized for the storage of live trees, shrubs or plants offered for retail sale on the premises. Products incidental to gardening and landscaping such as, fertilizers, garden tools may also be offered for retail sale.

NURSERY SCHOOL, DAY NURSERY, OR CHILD CARE CENTER: See “Child Care Organization”.

NURSING OR CONVALESCENT HOME: A facility with sleeping rooms, designed for older persons who need a wide range of health and support services, including personal nursing care and where such people are lodged and furnished with meals and nursing care for hire. Services provided are authorized and licensed by state and/or county authorities.

OCCUPANCY, CHANGE OF: The term "change of occupancy" shall mean discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

OIL OR GAS PROCESSING PLANT: A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

OPEN AIR BUSINESS USES: Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees and outdoor displays of structures, equipment and vehicles sold on the premises.

OPEN SPACE: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

OPEN SPACE, USABLE: A land area suitable for active recreation.

ORDINARY HIGH WATER MARK: The ordinary high water mark as that term is defined in Section 2 of the Inland Lakes and Streams Act of 1972.

OUTDOOR ENCLOSED, LOCKED FACILITY: means any Enclosed, Locked Facility that is not located inside of a Building and are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

OUTDOOR SHOOTING RANGE: A sport shooting range as defined by MCL 691.1541(d) not located inside a building.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

OUTLOT: A lot in subdivision which is restricted from use for building purposes, whether or not deeded to the Township but which is not dedicated as a street or public reservation or private park.

OWNER: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land; including anyone who has any form of ownership in real property as included in the definition of ownership.

OWNERSHIP: Shall include any and all forms of ownership in real property, including fee simple; easement; option to purchase; leasehold, if for more than one year; land contract, or any other definable legal form of ownership.

PATIENT CARE CENTER: means a Commercial facility established by one or more Primary Caregivers, not located at a Primary Caregiver's residence.

PARAPET: The extension of a false front or wall above a roof line.

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

PARK: A publicly or quasi-publicly owned primarily natural passive recreation area with woodlands, wildlife and other natural land areas and surface water features, but which may include incidental active recreation facilities; such as playfields, court games, playground apparatus, gardens, picnic areas, small zoos, boating and canoeing, bathing swimming facilities, and incidental buildings and structures in relation to the previous.

PARKING LOT: See "Off-Street Parking Lot"

PARKING SPACE: An area of not less than one-hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Maneuvering space planned for shall in no instance encroach upon any public right-of-way.

PARTY STORE: A retail store, typically one-story, designed, stocked and licensed as a Specially Designated Merchant (SDM) to sell primarily beer and wine, and sometimes licensed as a Specially Designated Distributor (SDD) license to sell liquor. A party store typically also sells soft drinks, snack food, tobacco products and similar convenience food goods intended for immediate consumption off-premises. However, fifteen (15%) percent or more of the usable nonresidential floor area in the store (including floor area covered by refrigerated coolers) is devoted to the display and storage of beer, wine and liquor.

PAVEMENT: Asphalt, brick, or concrete placed on a surface to be flat, hard and smooth so as to facilitate vehicular travel.

PERFORMANCE GUARANTEE: A financial guarantee to insure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, other pertinent regulations, and the approved plans and specifications of a development.

PERMIT, LAND USE: See “Land Use Permit”.

PERSONAL FITNESS CENTER: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional fitness instructors. As defined herein, “personal fitness center” shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym and shall not include establishments herein defined as massage parlors.

PERSON: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PET, FAMILY: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PHYSICAL IMPROVEMENT: means the improvement of real property using construction materials constructed in a manner which complies with Section 18.02 of the Township Zoning Ordinance.

PLANNED COMMERCIAL DEVELOPMENT: A structure or group of structures used for commercial purposes located on a lot(s) or parcels(s) which are developed in accordance with an overall plan and designed and built as an interrelated project. Uses contained herein share a common parking lot, common points of access to and from adjoining road(s) and responsibility for maintenance of landscaping, sidewalks and common use areas.

PLANNED DEVELOPMENT: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible. Planning Developments may be permitted through the processes outlined in the PD District. Uses contained therein shall share responsibility for maintenance of any on-site common water supply and wastewater disposal systems and other facilities used or held in common.

PLANNER, TOWNSHIP: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

PLANNING COMMISSION: The Planning Commission of Mt. Morris Township

PLAT: A map or chart of a subdivision of land which has been approved in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended.

POND: See “Lakes and Ponds”.

PORCH: A covered entrance to a building

PRE-EXISTSTING, NON-CONFORMING STRUCTURE: A structure lawfully existing at the effective date of this Ordinance, or amendments thereto, but which does not conform to the provisions of this Ordinance, or amendments thereto, in the District in which it is located.

PRE-EXISTING, NON-CONFORMING USE: A use which lawfully occupied a building, structure, or land at the effective date of this Ordinance, or amendments thereto, but which does not conform to the provisions of this Ordinance in the District in which it is located.

PRINCIPAL BUILDING: A building within which is conducted the main use of the lot upon which it is situated.

PRIMARY CAREGIVER: means an individual person who is at least 21 years old, who has agreed to assist with a patient's Medical Use of Marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a Registry Identification Card, which is not expired and has not been revoked.

PRINCIPAL PERMITTED USE: A use listed as a principal use permitted in the respective Zoning District pursuant to this Zoning Ordinance text and as designated on the adopted Zoning Map.

PROCESSING: means harvesting, trimming, drying, curing, preparing, measuring, weighing, extracting, reducing, cooking, baking, packaging, or storing of marihuana.

PROCESSING FACILITY: means a commercial facility where a Processor extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

PROCESSOR: means a Person who purchases marijuana from a grower and who extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

PROPERTY LINE: A line of record bounding a land holding, dividing and distinguishing that land holding from other land holdings as well as from public or private right-of-ways, recorded easements or public space.

PROVISIONING CENTER:

- A. Means a Commercial facility that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient’s registered primary caregiver;
- B. Includes any commercial property where marihuana is sold at retail to patients or caregivers.
- C. Does not include a non-commercial location used by a primary caregiver to assist a qualifying patient with the acquisition or medical use of marihuana.
- D. Does not include a Home Care Center.
- E. Dose not include a Patient Care Center.

PUBLIC SAFETY OFFICIAL: The Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

PUBLIC UTILITY: Any person, firm, or corporation, municipal department, commission or board duly authorized to furnish and furnishing under federal, state, or township regulations to the public; electricity, gas, steam, communications, telegraph, transportation, cable television, water or sewer service, and telephone lines (not cellular phone transmissions).

QUALIFYING PATIENT: a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a Registry Identification Card by the Department, which is not expired and has not been revoked.

RAVINE: An area constituting a “young valley” which adjoins a perennial or intermittent water course. It includes the bottom lands of the ravine as well as the side walls to a point where the slope is less than fifteen (15) percent.

RECOGNIZABLE AND SUBSTANTIAL BENEFIT: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include; long term-protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

RECREATION AREA: A primarily active daytime and evening recreation and athletics area organized for individual, team and spectator indoor and outdoor sports and athletic activities.

RECREATIONAL VEHICLE: A vehicle or a unit that is self-propelled or that is mounted on or drawn by another vehicle when said vehicle or unit is designed primarily for temporary living. Recreational vehicles include, but are not limited to, travel trailers, camping trailers, truck campers and motor homes.

RECREATIONAL VEHICLE PARK: A site on which campsites are established for occupancy by recreational vehicles, as defined herein, owned by individual members of the general public as temporary living quarters for purposes of recreation or vacation. This includes any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a temporary trailer park. (See also “Campground”)

RECYCLING CENTER: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

RECYCLING COLLECTION STATION: A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

REGISTRY IDENTIFICATION CARD: a document issued by the State Department of Community Health that identifies a person as a registered Qualifying Patient or registered Primary Caregiver.

RELIGIOUS EXERCISE: any exercise of religion, whether or not compelled by, or central to, a system of religious belief as set forth in the Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

RESALE SHOP: A facility for the sale of used men’s, women’s, and/or children’s clothes and accessories.

RESIDENTIAL DISTRICTS: As used in this Ordinance, those zoning districts which permit dwelling units as uses permitted by right. Residential districts are the RA, RE, R-1, R-2, R-2, R-3, MHP, and MF Districts.

RESTAURANT: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- A. Restaurant, carry-out: A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. Delicatessen: A restaurant that typically offers sandwiches and other foods and beverages. A delicatessen may include both carry-out and patron seating. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.
- C. Restaurant, drive-in: A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- D. Restaurant, drive-through: A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- E. Restaurant, fast food: A fast-food restaurant is a business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- F. Restaurant, standard: A standard restaurant is a business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- G. Bar/lounge/tavern: A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

RIDING ARENA: An area enclosed within a building or fence which is intended to be used as a place to ride horses.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

ROAD: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, lane, court, or any similar designation. As used in this Ordinance, the definition of “road” does not include driveways that are intended to provide access up to two parcels or up to two dwelling units.

ROAD, ARTERIAL: A road owned and maintained by the Genesee County Road Commission approximately located on a section line or quarter section line or a road owned and maintained by the Michigan Department of Transportation.

ROAD, COLLECTOR: A public road with the principal function to carry traffic between arterial roads, but may also provide direct access to abutting properties. A collector road is usually paved, other than an arterial road.

ROAD, HARD SURFACE: See "Hard Surface Road."

ROAD, LOCAL: A road with the principal function to provide access to abutting properties and is designed to be used or is used to connect the abutting properties with collector or arterial roads.

ROAD, PRIVATE: Any road that is privately owned and maintained and has not been accepted for ownership and maintenance by the Genesee County Road Commission or the State of Michigan, but which meets the private road construction requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance. Such road shall not only meet the construction standards adopted by the Township, but shall also be subject to a perpetual maintenance agreement to be reviewed and approved by the Township prior to construction.

ROAD, PUBLIC: Any road or portion of a road that has been dedicated to and accepted for maintenance by the Genesee County Road Commission or the State of Michigan.

ROADBED: The area of the roadway between the tops of the foreslopes.

ROADSIDE: The area within the right-of-way and outside the shoulder lines of a roadbed.

ROADSIDE STAND: A temporary use or structure designed and used for the display and/or sale of agricultural products produced on the premises upon which the stand is located and operated by the proprietor of the stand or his family. Such use shall not make into a commercial district land which would otherwise be agricultural, nor shall its use be deemed a commercial activity.

SAFETY COMPLIANCE FACILITY: a Commercial facility that receives marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, and who then returns the test results and returns the marihuana to the marihuana facility.

SECURE TRANSPORT FACILITY: a commercial facility stores marijuana and transports marijuana between marijuana facilities for a fee.

SERVICE DRIVE: Any private road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties. Also referred to as “Marginal Access Road”.

SETBACK, MINIMUM REQUIRED: The minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see “Yard”).

SHOPPING CENTER: A grouping of retail businesses and service uses on a single site with common parking facilities.

SHORELINE: The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

SHOULDER: That portion of the roadbed contiguous with the traveled way that is provided for the use of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

SIGN: Any device, structure, fixture or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons and which is visible from any public street, right-of-way, easement, sidewalk, alley, park or other public place. For definitions of particular types of signs, see Section 24.01 of this Ordinance.

SITE CONDOMINIUM UNIT: A piece of land, the dimensions and configuration of which are shown on a condominium plan recorded in the offices of the Genesee County Register of Deeds.

SITE PLAN: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether or not it meets the provisions of this Ordinance.

SLOPE: The degree of upward or downward inclination. For calculation of the slope of a pond, the vertical distance for each foot of horizontal distance measured from any edge of the pond. Pond slope shall be measured to the lowest point of the pond.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by a non-profit community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. Compliance with established and adopted standards shall be required, and a fee shall be paid to the Township for the processing of any paperwork related to the allowance of such an event.

SPECIAL/TEMPORARY LAND USES: A proposed use of land, which is inconsistent with a strict construction of defined uses within a given land use classification, which can be made substantially compatible with the otherwise permitted uses in the district, by way of the imposition of permanent case specific restrictions and additional development standards and requirements; or with an allowance of the use on a temporary basis, with the imposition of case specific restrictions and additional development standards and requirements. See Section 26.03

SPECIAL USE: A use which, due to its unique characteristics, cannot be properly classified as a permitted use in a particular zoning district or districts and which is subject to special approval by the Planning Commission and Township Board. A special use may be allowed only when there is a specific provision in the Ordinance. A special use is not considered to be a non-conforming use.

SPECIALIZED ANIMAL RAISING AND CARE: The raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird raising or similar operations.

STABLE, PRIVATE: A building or structure used or intended to be used only for the housing of horses belonging to the owner of the property for non-commercial purposes.

STABLE, PUBLIC: A building or structure used or intended to be used only for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable.

STORY: That portion of a building that is included between the surface of any floor and the surface of the floor immediately above it, or, if there is no floor above it, the space between the floor and ceiling or roof immediately above it. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling. (See Illustration “Basic Structural Terms”)

STORY, HALF: A space under a sloping roof which has the line of intersection roof decking and wall face not more than four (4) feet above the top floor level, for a distance of 66% or less of the full floor below it.

STREET: A right-of-way dedicated to the public, other than an alley, which affords traffic circulation and/or a principal means of access to abutting property. (See also “Road”)

STREET LOT LINE: A dividing line between the street and a lot, also known as the right-of-way line.

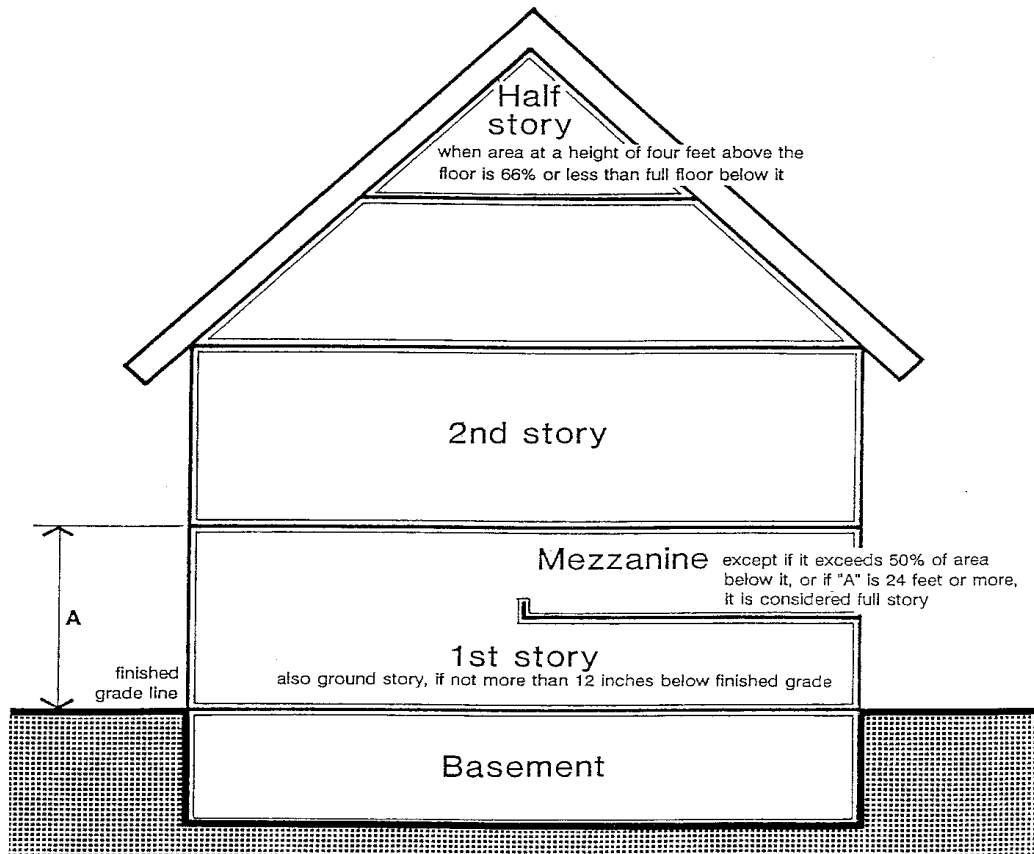
STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof, or changes by way of additions to the exterior when such changes require a building permit. (See also “Alterations”)

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a permanent location on the ground, except utility poles and live plant materials. Structures include, but are not limited to hoop houses, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs. (See “Building” and “Accessory Structure”)

SUBDIVISION: The partitioning or dividing of a tract or parcel of land for the purpose, whether immediate or future, of sale or lease of more than one year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, P.A. 288 of 1967. The meaning of the term “subdivision” shall not, however, apply to a property transfer between two (2) or more adjacent parcels if the property taken from one (1) parcel is added to an adjacent parcel.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not however include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Basic Structural Terms



SWIMMING POOL: Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold a water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

TAVERN/BAR/SALOON: See “Restaurant”

TEMPORARY BUSINESS LICENSE: A temporary business license may be issued by the Building Department for those activities to be conducted wholly within an approved commercial or business establishment for no more than seventy-two (72) consecutive hours. Such license shall be issued upon the filing of an application with the Township; payment of a license fee; and administrative review has been completed.

TEMPORARY DWELLING: A structure to be used as a residence permitted by the Planning Commission to exist during a specified period of time.

TEMPORARY USES AND SEASONAL EVENTS: Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

TESTING: checking a sample of not more than 2 grams of marihuana by a professional Marihuana Testing Facility and producing a professional scientific report of laboratory test results.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests.

TOWER: A structure designed for purposes of transmission and signal relay by radio, television, public utility, microwave, public utility and/or cable television companies, when said structure is located so that both the structure itself and any supporting wires, cables, and/or anchors adhere to all minimum setback requirements.

TOWNSHIP: the Charter Township of Mt. Morris, Genesee County, Michigan.

TOWNSHIP BOARD: the Township Board of Trustees of the Charter Township of Mt. Morris, Genesee County, Michigan.

TOXIC OR HAZARDOUS WASTE: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increased in mortality, or
- B. an increase in serious irreversible illness, or

- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

TRAILER PARK: See “Recreational Vehicle Park”.

TRANSFERRING: the act of a caregiver providing his/her qualifying patient with medical marihuana.

TRAVEL TRAILER: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

TRUCK STOP: A facility designed to accommodate the convenience needs of truck drivers, including restaurants, restrooms, showers, fueling stations, and light truck repair and maintenance.

TRUCK TERMINAL: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for:

- a. Immediate distribution to other parts of the Township.
- b. Amalgamation for delivery in larger units to other intrastate or interstate destinations.
- c. Distribution or amalgamation involving transfer to other modes of transportation.

USE: See "Principal Permitted Use" and "Accessory Use".

UTILITY TRAILER: A small trailer that is designed to be pulled by an automobile, van or pick-up truck.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted.

VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment with provision of kennel facilities limited exclusively to short-term boarding which can be demonstrated to be incidental to medical treatment being rendered.

WALL, OBSCURING: Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

WAREHOUSE: A building used primarily for storage of goods and materials.

WASTE: Any useless or worthless by-product of an industrial process, refuse (e.g., paper tableware left after a picnic), excess material (e.g., unsold or uneaten prepared food at a restaurant), or discarded object (e.g., worn out enamel bathroom fixtures) that has no further utility to anyone and that must be disposed of in a fashion that will ensure that the public health and safety will not be endangered.

WETLANDS: Regulated wetlands are regulated by Michigan Public Act 203 of 1979, as amended, the Goemaere-Anderson Wetland Act. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following.

- A. Contiguous to a lake, pond, river or stream.
- B. Not contiguous to a lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to a lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

WHOLESALE SALES: The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

WINDMILL: A structure designed and constructed to be used to convert ambient wind to electricity or other form of energy.

WIRELESS COMMUNICATION FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

WIRELESS COMMUNICATIONS FACILITIES, ATTACHED: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance (See Illustration “Yard Terms”).

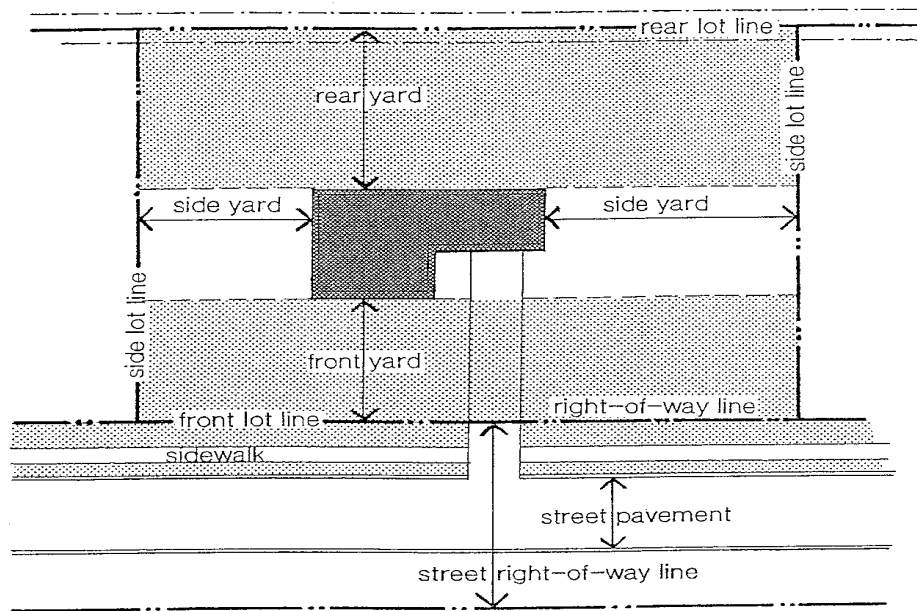
- A. **Yard, front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest lines of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage. For purposes of enforcing the provisions of this Ordinance, the front yard setback shall be measured from the nearest edge of the ultimate proposed right-of-way which may be greater than the existing road right-of-way.
- B. **Yard, rear:** An open space extending 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 principal building. On corner lots the rear yard may be opposite either street frontage but there shall be only one rear yard.
- C. **Yard, side:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

ZONING ADMINISTRATOR: An official of Mt. Morris Township or authorized representative charged with the responsibility of administering this Ordinance. As used in this Ordinance, the term “Zoning Administrator” shall include the Building Official, the Planning and Zoning Analyst and any other administrative representative designated by the Township Board to be responsible for enforcing provisions of the Zoning Ordinance.

ZONING BOARD OF APPEALS: See “Board of Appeals”.

ZONING PERMIT: See "Land Use Permit".

Yard Terms



**ARTICLE 3
ZONING DISTRICTS AND MAP**

SECTION 3.00 DISTRICT DESIGNATIONS

For the purpose of this ordinance, Mt. Morris Township is hereby divided into the following zoning districts:

DISTRICT		ARTICLE
RA	Rural Agricultural	4
RE	Rural Estate Residential	5
R-1	Single Family Residential	6
R-2	Single Family Residential	6
R-3	Single Family Residential	6
MHP	Manufactured Housing Park	7
MF	Multiple Family Residential	8
	(LDM - Low Density Multiple Family	8
	(MDM - Medium Density Multiple Family	8
	(HDM - High Density Multiple Family	8
OS	Office Service	9
C-1	Local Commercial	10
C-2	Community Commercial	11
C-3	Regional Commercial	12
C-4	Service Commercial	13
M-1	Light Manufacturing	14
M-2	Heavy Industry	15
PUD	Planned Unit Development	16

SECTION 3.01 BOUNDARIES OF DISTRICTS

The boundaries of the above described districts are hereby established as shown on the official Zoning Map, which is a map with all notations, references, and other information shown thereon shall be as much a part of this ordinance. Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets and roads or such lines extended, and the limits of the Township of Mt. Morris.

SECTION 3.02 ZONING MAP

The official zoning map shall be identified by the signature of the Township Supervisor, as attested to by the Township Clerk. A record is to be kept by the Township Clerk's office of all changes in district boundaries or locations lawfully made, to include the date of official action, district boundaries or location change description, and names of property owners involved. One (1) copy of the official zoning map and above mentioned record shall be maintained and kept up to date by the Township Clerk's office, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in Mt. Morris Township.

SECTION 3.03 INTERPRETATION

Where, due to the scale, lack of detail or illegibility on the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon the written application to, or upon its own motion, by the Zoning Board of Appeals.

SECTION 3.04 ZONING OF VACATED AREAS

Whenever any street, road or other public way within Mt. Morris Township shall have been vacated by official governmental action, the lands within the boundaries thereof attach to and become a part of lands adjoining such street, road, or public way. Moreover, these lands shall automatically and without further governmental action thenceforth acquire and be classified in the same zoning district as the property to which it attaches.

SECTION 3.05 ZONING OF FILLED LAND; USE OF WATERS

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this ordinance for such adjoining lands. Use of the surface of any lake or stream shall not be permitted for any purpose not permitted on the land from which the use emanates.

SECTION 3.06 DISTRICT AND USES

Land contained within any zoning district in Mt. Morris Township shall not be used for any purpose other than those uses specifically set forth in the zoning districts, except as otherwise permitted by Article 23 Nonconforming Uses.

SECTION 3.07 PERMITTED PRINCIPAL USES

Uses shall be permitted by right only if specifically listed as permitted principal uses in the various zoning districts. All other uses are prohibited. In addition, certain permitted principal uses shall be subject to specific additional requirements. The additional requirements are referenced and placed in Article 18 General Provisions.

SECTION 3.08 ACCESSORY USES AND BUILDINGS

Accessory uses are permitted as listed in the various zoning districts and only if such uses are clearly incidental to the permitted principal uses. Other accessory uses not listed may be permitted by the Planning Commission if customarily incidental to any principal use. Certain accessory uses shall be subject to additional restrictions. The additional requirements are referenced and placed in Article 18 General Provisions.

SECTION 3.09 SPECIAL LAND USES

Special land uses are permitted as listed. All special land uses are subject to the provisions in Article 19 Special Land Uses and Article 20 Site Plan Review.

ARTICLE 4
RA – RURAL AGRICULTURAL DISTRICT

SECTION 4.00 INTENT

The intent of the RA (Rural Agricultural District) is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district. Moreover, the intent also is to protect vital natural resources, including wetlands, inland lake water quality, groundwater supplies, fertile and stable soils, and significant stands of wood lots and vegetative cover. Lands in the RA District are not likely to be served with centralized public water and sewer facilities. Keeping of livestock must comply with Michigan’s Right to farm Act.

SECTION 4.01 PERMITTED PRINCIPAL USES

- A. Agricultural, including general farming, truck gardening, fruit orchards, greenhouses, nurseries, and the customary farm buildings, except commercial feeding operations and feedlots.
- B. Single family dwellings. See Section 18.24
- C. Essential Services excluding outside storage. (Site plan review is required for all essential services.)
- D. Stables for breeding, rearing, and housing of horses, mules and similar domestic animals. See Section 22.02 HH.
- E. State licensed child and adult care facilities providing care for less than seven (7) individuals.
- F. Home care centers. See Section 18.52

SECTION 4.02 ACCESSORY USES, BUILDINGS, AND STRUCTURES

- A. Buildings and structures customarily accessory to the operations of an agricultural enterprise.
- B. Buildings and structures customarily accessory to single family residential houses.
- C. Outdoor advertising signs related to the permitted agricultural enterprise, provided that all such signs shall conform to the requirements of this Ordinance.
- D. Swimming pools. See Section 18.20
- E. Home occupations. See Section 18.13
- F. Recreational vehicle storage – noncommercial. See Section 18.18

SECTION 4.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and special land use approval, consistent with the provisions of Articles 19 and 20 are required.

- A. Agribusiness: The accessory retail sale of produce, plants, trees, shrubs, and firewood when such retail activity is conducted in conjunction with an additional agriculture-related use permitted in this Article and when such retail use is clearly incidental to the principal use of the property. Not less than fifty (50%) percent of the products offered for sale during a growing season must be raised or produced on the same premises by the proprietor. See also Section 22.02 FF
- B. Churches, schools and other public facilities normally accessory thereto and subject to additional requirements in Section 22.02 K.
- C. Public and private cemeteries. See also Section 22.02 J
- D. Golf courses, country clubs, and golf driving ranges that may or may not be operated for profit; also subject to additional requirements in Section 22.02 W.
- E. Colleges, universities and other institutions of higher learning, public or private, offering courses in general, technical, professional, or religious education. See also Section 22.02 M
- F. Airports and aircraft landing fields. See also Section 22.02 C
- G. Feedlots; commercial feeding operations. See also Section 22.02 U
- H. Private and commercial recreational areas, institutional or community recreation centers, swimming pool clubs, all subject to additional requirements in Section 22.02 N.
- I. Dog kennels. See also Section 22.02 Q
- J. Campgrounds and day camps. Campgrounds must comply with the minimum licensing requirements of the State of Michigan and the additional Township provisions listed in Section 22.02 I.
- K. State licensed child and adult care facilities providing care for seven (7) to twelve (12) individuals as permitted by Section 22.02 B.
- L. Public utilities and wireless communications facilities such as; electrical receiving transforming stations; radio, wireless communications facilities, microwave relay and transmitting antenna; television broadcasting and receiving towers, dishes or antennas. See also Section 22.02 LL
- M. Hospitals.

- N. Livestock sales
- O. Facilities for a single farm caretaker and his immediate family and seasonal farm workers directly associated with the operation of a farm as defined in Article 2.
- P. Ground Mounted Solar Energy Collector Systems. See Section 18.53
- Q. Outdoor Shooting Ranges. See Section 18.54.
- R. Hoop Houses. See Section 18.55

SECTION 4.04 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 5
RE - RURAL ESTATE RESIDENTIAL DISTRICT

SECTION 5.00 INTENT

The intent of the RE (Rural Estate Residential District) is to provide areas of the Township for orderly low-density residential growth, continued agricultural use, and other compatible uses which typically occupy large open land areas. The standards in this district are intended to assure that permitted uses peacefully coexist in a very low-density setting, while preserving the rural-like features and character of certain portions of the Township. Low-density residential development is further intended to protect the public health in areas where the soils are not suitable for septic system use, to protect public safety by limiting the increase in traffic on public roads.

It is intended that developments in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

SECTION 5.01 PERMITTED PRINCIPAL USES

- A. Single family detached dwellings. See also Section 18.24.
- B. Publicly owned parks and other public open space.
- C. Public buildings and uses.
- D. Essential services excluding outside storage. (Site plan review is required for all essential services.)
- E. State licensed child and adult care facilities providing care for less than seven (7) individuals.
- F. Manufactured homes on private parcels, subject to conditions outlined in Section 18.24(I).
- G. Home care centers. See Section 18.52.

SECTION 5.02 PERMITTED ACCESSORY USES

- A. Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 18.02.
- B. Swimming pools. See also Section 18.20.
- C. Recreational vehicle storage - noncommercial. See also Section 18.18.
- D. Permitted home occupations meeting the standards and conditions of Section 18.13.

SECTION 5.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 19 and 20 are required.

- A. Churches and schools. See also Section 22.02.K.
- B. State licensed child and adult care facilities providing care for seven (7) to twelve (12) individuals as permitted by Section 22.02.B.
- C. Private swimming clubs. See also Section 22.02.N.
- D. Stables and riding arenas. See also Section 22.02.HH.
- E. Horses, donkeys, mules, or cows (pigs/swine prohibited); sheep or goats; fowl (excluding roosters); miniature equines; and rabbits. See also Section 22.02.HH.
- F. Hoop Houses. See Section 18.55

SECTION 5.04 GENERAL REQUIREMENTS FOR RE USES

- A. Except single family dwellings, site plan review is required for: any proposed land subdivision including site condominiums; any development that includes waterside, wetlands, or streambank properties; any permitted land use other than single family dwellings.
- B. Any development that proposes to generate more than three hundred (300) vehicle trips per day as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers, is required to be sited on and have direct access to an arterial or collector road.
- C. Keeping of livestock must comply with Michigan’s Right to Farm Act.

SECTION 5.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 6
R-1, R-2 AND R-3 - SINGLE FAMILY RESIDENTIAL DISTRICTS

SECTION 6.00 INTENT

The intent of the R-1, R-2 and R-3 (Single Family Residential Districts) is to provide areas in the Township for the construction and continued use of single family dwellings within stable neighborhoods. It is intended that the principal use of land shall be single family dwellings, but each district has different minimum area, density, and placement requirements to provide different housing types to accommodate the varied needs of the population. The regulations in this Article are intended to promote development that preserves the physical characteristics of the land and natural environment as much as possible, thereby retaining rural-like features of the Township where such features have been previously retained. It is further the intent of this district to prohibit multiple family, office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single family dwellings in the districts.

SECTION 6.01 PERMITTED PRINCIPAL USES

- A. Single family detached dwellings. See also Section 18.24.
- B. Publicly owned parks and other public open space.
- C. Public buildings and uses.
- D. Essential services excluding outside storage. (Site plan review is required for all essential services.)
- E. State licensed child and adult care facilities providing care for less than seven (7) individuals.
- F. Manufactured homes on private parcels, subject to conditions outlined in Section 18.24(I).
- G. Home care centers. See Section 18.52.

SECTION 6.02 PERMITTED ACCESSORY USES

- A. Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 18.02.
- B. Swimming pools. See also Section 18.20.
- C. Recreational vehicle storage - noncommercial. See also Section 18.18.
- D. Permitted home occupations meeting the standards and conditions of Section 18.13.

SECTION 6.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 19 and 20 are required.

- A. Churches and schools. See also Section 22.02.K.
- B. State licensed child and adult care facilities providing care for seven (7) to twelve (12) individuals as permitted by Section 22.02.B.
- C. Private swimming clubs. See also Section 22.02.N.
- D. Two-family dwellings or duplexes may be permitted in the R-2 or R-3 Districts when the Planning Commission determines that such dwellings shall be compatible with other neighboring uses. Additionally, such dwellings shall only be permitted on those lots where all required yard setbacks can be provided without need of variance from those yard setback provisions.
- E. Chickens (excluding roosters); fowl; and rabbits may be permitted in the R-1 District. See also Section 22.02.HH.
- F. Hoop Houses. See Section 18.55

SECTION 6.04 GENERAL REQUIREMENTS FOR R-1, R-2 AND R-3 USES

- A. Except single family dwellings, site plan review is required for: any proposed land subdivision including site condominiums; any development that includes waterside, wetlands, or streambank properties; any permitted land use other than single family dwellings.
- B. Any development that proposes to generate more than three hundred (300) vehicle trips per day as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers, is required to be sited on and have direct access to an arterial or collector road.
- C. Keeping of livestock must comply with Michigan’s Right to Farm Act.

SECTION 6.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 7
MHP - MANUFACTURED HOME PARK DISTRICT

SECTION 7.00 INTENT

The MHP (Manufactured Home Park District) is intended to provide for the location and regulation of manufactured home parks. It is intended that manufactured home parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses. It is further the intent of this district to prohibit multiple family, office, business, commercial or industrial use of land, and to prohibit any other use which would substantially interfere with development, or continued use, of the land for manufactured home parks in the district.

SECTION 7.017.01 STATUTORY PROVISIONS

Regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Michigan Manufactured Housing Commission Rules govern all manufactured home parks in the Township. When regulations in this Article exceed the state law or the Michigan Manufactured Housing Commission Rules, the higher standards of this Ordinance are intended to insure that manufactured home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Township's residents. The higher standards incorporated herein have been approved by the Michigan Manufactured Housing Commission in accordance with the Manufactured Housing Commission's requirements.

SECTION 7.02 PERMITTED USES AND STRUCTURES

In all areas zoned MHP, Manufactured Home Park District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal uses:

- A. Manufactured home parks after site plan review and approval as specified in these provisions.
- B. Private swimming pools and swimming pool clubs.
- C. Private noncommercial recreational facilities, such as a neighborhood center, a nonprofit swimming pool club, or similar facility.
- D. State licensed child and adult care facilities providing care for less than seven (7) individuals.
- E. Essential services, subject to the other related definitional and use provisions of this Ordinance.
- F. Uses and structures accessory to the above, subject to the provisions in this Article. Permitted accessory uses and structures include, but are not necessary limited to parks, open space, and recreation facilities for the use of residents and their guests; one (1) office building for the exclusive purpose of manufactured home park business; utility and storage buildings for use of residents; garages and carports; and signs.

SECTION 7.03 PERMITTED USES AFTER SPECIAL APPROVAL

Uses indicated below may be permitted in the MHP District, subject to review and approval by the Township Planning Commission in accordance with the Special Use Approval procedures established in Article 20 of this Ordinance.

- A. Public, parochial and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
- B. Religious institutions including churches, synagogues, and temples.
- C. Bed and breakfast establishments.
- D. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
- E. Cemeteries.
- F. State licensed child and adult care facilities providing care for seven (7) to twelve (12) individuals as permitted by Section 22.02 B.
- G. Municipal buildings and uses which do not require outside storage of materials or equipment.
- H. Public or private golf courses, including country clubs.

SECTION 7.04 DEVELOPMENT STANDARDS

A. Site Plan Review

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, preliminary plans shall be submitted to the Township for review by the Planning Commission. The preliminary plans, prepared in accordance with the provisions shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

1. Application Filing

Any person requesting any action or review under the provisions of this Ordinance shall file an application on the forms provided by the Township. The information required shall be typed or legibly written on the form or on separate sheets attached to the form. Not less than twelve (12) copies of the preliminary plan shall accompany the form.

2. Processing and Review

Applications accepted by the Township shall be submitted to appropriate Township staff and consultants for their written reviews and recommendations. The application shall be submitted along with all recommendations to the Planning Commission. Official receipt of the application is the time the complete plan arrives or is delivered to the Township Hall.

The staff may advise and assist the applicant in meeting Ordinance requirements but shall have no power to approve or disapprove any application or in any way restrict an applicant's right to seek formal approval thereof.

3. Planning Commission Action

The Planning Commission shall review all applications at a public meeting. The Planning Commission may consider all recommendations of the staff and consultants. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives a completed application with a complete plan. All applications that the Planning Commission has been charged with the authority to approve under the provisions of this Ordinance shall be approved, denied, or approved subject to conditions. The Planning Commission may table an application for further study or to obtain additional information, provided that final action is taken within the sixty (60) day review period.

4. Filing Fees

All applications shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the Township Board, in accordance with Section 24 of Public Act 184 of 1943, as amended. The filing fee shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application and shall deny any new permits.

Any deposit toward the cost of review shall be credited against the expense to the Township. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application. A schedule of the current filing fees and deposit requirements is available in the office of the Township Clerk and the Building Department.

5. Disclosure of Interest

The full name, address, telephone number, and signature of the applicant shall be provided on the application.

If the application involves real property in the Township, the applicant must be the fee owner, or have identified legal interest in the property, or be an authorized agent of the

fee owner. A change in ownership after the application is filed shall be disclosed prior to any public hearing or the final decision on the application.

a. Required Disclosure when Applicant is not Fee Owner

If the applicant is not the fee owner, the application shall indicate interest of the applicant in the property, and the name and telephone number of all fee owners. An affidavit of the fee owner shall be filed with the application stating that the applicant has authority from the owner to make the application.

b. Required Disclosure when Applicant is a Corporation or Partnership

If the applicant or fee owner is a corporation, the name and addresses of the corporation officers and registered agent shall be provided, and if a partnership, the names and addresses of the partners shall be provided.

c. Required Disclosure when Applicant or Owner is a Land Trust

If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be provided.

6. Records

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

B. Minimum Requirements

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements.

1. Parcel Size for Overall Park

The minimum parcel size for manufactured home parks shall be fifteen (15) acres.

2. Minimum Site Size

Manufactured home parks shall be developed with an average site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured home park residents. This open space shall be in addition to the open space required under the Manufactured Housing Commission rules in effect at the time the proposal is submitted.

3. Setbacks

Manufactured homes shall comply with the following minimum distances and setbacks:

- a. For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
- b. Ten (10) feet from any on-site parking space of an adjacent manufactured home site.
- c. Ten (10) feet from any attached or detached accessory structure of an adjacent manufactured home.
- d. Fifty (50) feet from any permanent building.
- e. One hundred (100) feet from any baseball, softball or similar recreational field.
- f. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road within the manufactured home park.
- g. Seven (7) feet from any parking bay.
- h. Seven (7) feet from a common sidewalk.
- i. All manufactured homes, accessory buildings and parking shall be set back not less than twenty (20) feet from any manufactured home park boundary line, except that a minimum setback of fifty (50) feet shall be provided from existing right-of-way lines of abutting streets and highways.
- j. Fifty (50) feet from the edge of any railroad right-of-way.

4. Maximum Height

Buildings in the MHP district shall not exceed two (2) stories or twenty-five (25) feet. However, storage sheds shall not exceed one story and the height of the manufactured home they are intended to serve.

5. Roads

Roads shall satisfy the minimum dimensional, design, and construction requirements of the Manufactured Housing Commission Rules except as follows:

- a. The main entrance to the development shall have access to a public thoroughfare or shall be connected to a public collector or arterial road by a hard-surfaced road in an easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.
- b. All roads shall be hard-surfaced and may be constructed with curbs and gutters.

- c. In order to assure a Clear Vision Zone, as described in paragraph 7.04 B 5 e below, is provided at an intersection with a County road and to assure that all construction in a public road right-of-way is performed in accordance with adopted County standards, entryway details, including road section specifications, storm water drainage, landscaping and signage shall be subject to the review and approval of the Genesee County agencies. Additionally, all public road improvements proposed as part of the manufactured home development design shall be built to the standards of the public authority that will own and maintain the road.
- d. Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing park, may be permitted, and may be located in a required yard, except as provided in this Section. Such entranceway structures shall be designed to maintain a Clear Vision Zone as described in paragraph 7.04 B 5 e below and to permit unobstructed access by all emergency equipment and shall comply with all codes and ordinances of the Township and County. Sight distance shall be approved by the Genesee County Road Commission. The structure shall also be approved by the Mt. Morris Township Building Department.
- e. The clear vision zone is an unobstructed triangular area described as follows: The area formed at the intersection of two road right-of-way lines where the two (2) sides of the triangular area are twenty-five (25) feet long measured along abutting public rights-of-way lines, and the base of the triangle is a line connecting the two end points of the triangle's sides; also, the area formed at the intersection of a road right-of-way line and a driveway where the two (2) sides of the triangle are ten (10) feet long measured along the abutting public rights-of-way line and the edge of the driveway, and the base of the triangle is a line connecting the two end points of the triangle's sides.

6. Parking

Parking spaces for individual manufactured homes, community facilities in the park, visitors and employees shall be provided as follows:

- a. All manufactured home sites shall be provided with two (2) parking spaces, per Manufactured Housing Commission Rules.
- b. In addition, a minimum of one (1) parking space for every three (3) manufactured home sites shall be provided for visitor parking located convenient to the area served. Visitor parking spaces shall be counted and designated separately from all other parking spaces, including those spaces required for employees and any community facility.
- c. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time, except within a covered building.

- d. If the owner of the manufactured home park shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured home park, common areas for the storage of that equipment shall be provided by the owner within the park. Such storage shall be limited to use only by residents of the manufactured home park. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured home park. Such storage area shall be screened from view from existing residences adjacent to the manufactured home park in accordance with the screening provisions described in Section 7.04 B 10 below. Park owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.

7. Sidewalks

Consistent with the overall design and development of residential areas in the Township, concrete sidewalks with a minimum width of three (3) feet shall be provided on the street side of each manufactured home lot in the manufactured home park. In addition, a five (5) foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured home park fronts. Such sidewalk shall be located within the road right-of-way or easement, beginning one (1) foot inside the right-of-way or easement line.

8. Accessory Buildings and Facilities

Any accessory buildings and facilities constructed within the park shall be designed and serviced consistent with the following requirements:

- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents and employees of the park.
- b. Site-built buildings within a manufactured home park shall be constructed in compliance with the Mt. Morris Township Building Code and shall require all applicable permits. Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes shall comply with the Mt. Morris Township Building Codes. Site plan approval shall be required prior to construction of any on-site building within a manufactured home park, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the Township prior to construction, in accordance with the adopted building code of the Township.
- c. Each manufactured home shall be permitted one detached storage shed or detached garage. The installation of any such shed or garage shall comply with codes and ordinances of Mt. Morris Township and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor

storage on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the manufactured home development. A storage shed shall not exceed a floor area greater than one-hundred and forty-four (144) square feet. A carport or garage shall not exceed five-hundred and seventy-six (576) square feet.

9. Open Space

Open space shall be provided in any manufactured home park containing fifty (50) or more manufactured home sites. The open space shall comply with the following requirements:

- a. A minimum of two percent (2%) of the park’s gross acreage shall be dedicated to well drained, usable open space, provided that a minimum of twenty-five thousand (25,000) square feet of open space shall be provided.
- b. Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of wetlands and similar limited use areas.

10. Landscaping and Screening

A landscape and screening plan shall be incorporated in the preliminary plans submitted for site plan review to the Township Planning Commission. The plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured home park. The landscape and screening plan shall be drawn to the same scale used for preparation of the site plan.

a. Perimeter Screening

All manufactured home parks shall be screened from existing adjacent residences by either a six (6) foot screen wall or a densely planted landscaped screen.

- i. **Screen Wall Option** – If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back in the manufactured home park from the property line a sufficient distance to resolve such concerns.
- ii. **Landscape Screen Option** – If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings not more than ten (10) feet apart that can be reasonably expected to form a complete visual barrier, at least six (6) feet above ground level, within two (2) years of

planting. Deciduous plant materials may supplement the evergreen materials, provided that visual screening, consistent with these requirements, shall be maintained throughout the year.

b. **Landscaping Adjacent to Road**

A landscaped berm measuring two and one-half (2 ½) to three (3) feet in height shall be constructed along the public roads on which the manufactured home park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical rise for each four (4) feet horizontal run. Landscaping adjacent to the road shall comply with the following requirements, consistent with landscaping required for other types of development in Mt. Morris Township:

<u>Type</u>	<u>Requirements</u>
Deciduous street tree (such as, Red or Norway Maple, Linden, Ash)	One (1) per forty (40) lineal feet of road frontage
Deciduous or evergreen shrubs	One (1) per three (3) lineal feet of road frontage

c. **Site Landscaping**

A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured home sites.

d. **Parking lot Landscaping**

Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planed per parking lot landscaped area.

11. Signs

Signs shall be permitted in accordance with the following regulations and other safety provisions of this ordinance. However, in order to avoid visual obstructions, signs above a height of thirty (30) inches from the established street grades shall not be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal line connecting at points from the intersection of the street right-of-way lines.

a. Each manufactured home shall be permitted either:

- i. Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line, or,

- ii. One (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be setback a minimum of ten (10) feet from any property or right-of-way line.
- b. Management offices and community buildings in a manufactured home park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.
- c. This provision shall be interpreted as referenced in Section 7.04 B 5 e.

12. Trash Dumpsters

If proposed, trash dumpsters shall comply with the following requirements:

- a. Dumpsters shall be setback a minimum distance of fifty (50) feet from the perimeter of the manufactured home park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle.
- b. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
- c. Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

13. Canopies and Awnings

Canopies and awnings may be attached to any manufactured home and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Article and shall require a building permit.

14. Water & Sanitary Sewer Service

All manufactured home parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Michigan Department of Environmental Quality. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

15. Storm Drainage

The manufactured home park shall be equipped with storm drainage facilities so as to dispose of all storm drainage surface water in such a way as to prevent the drainage of water onto adjacent property or toward buildings. All storm water drainage improvements shall be subject to the review and approval by the Michigan Department of Environmental Quality (MDEQ) in accordance with the MDEQ Manufactured Home Park Standards.

16. Telephone and Electric Service

All electric, telephone, cable TV, and other lines within the park shall be underground.

17. Fuel Oil and Gas

Any fuel and gas storage shall be located in underground tanks, at a safe distance from all manufactured home sites. All fuel lines leading to manufactured home sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

18. Operational Requirements

a. Permit

It shall be unlawful for any person to operate a manufactured home park unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act No. 96 of 1987, as amended. The Building Official shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Consumer and Industry Services. Additionally, no manufactured home unit shall be placed on a lot in an approved manufactured home park until a building permit has been obtained to approve the manufactured home setup on the lot.

b. Violations

Whenever, upon inspection of any manufactured home park, the Building Official finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last know address of the park owner or agent.

c. Inspections

The Building Official or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured home park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein. No manufactured home dwelling shall be occupied until a certificate of occupancy for that dwelling is obtained from the Building Official.

d. **License**

A manufactured home park shall not be operated until a license has been issued by the Michigan Department of Commerce. Buildings constructed on-site, such as a management office or clubhouse, shall require a Township Building Permit prior to construction and a Certificate of Occupancy prior to use.

19. Sale of Manufactured Homes

The business of selling new or used manufactured homes as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured home park has been achieved. Thereafter, new or used manufactured homes located on sites within the manufactured home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the manufactured home park, provided the park's regulations permit such sale.

20. School Bus Stops

School bus stops shall be located in an area that is acceptable to the school district and the manufactured home park developer.

21. Mailbox Clusters

The United States Postal Service may require that manufactured home parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured home park road with a public road.

ARTICLE 8
MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 8.00 INTENT

The MF multiple family residential district is designed to provide for multiple-family dwellings and related uses. The MF district also serves the basic need for an apartment type of housing unit in an otherwise low density single family community. MF districts, because of their more intensive and extensive demands on community services, will be situated near proposed urban-like concentrations and an arterial road, as determined in the Mt. Morris Township Master Plan.

SECTION 8.01 PERMITTED PRINCIPAL USES

Site plan review shall be obtained prior to the establishment of any use in the multiple family district. The review is required to find proper relationships and mitigate adverse effects from multiple family uses upon adjacent properties, service roads, driveways, parking areas, open space and accessory buildings and uses to determine the exact permissible density to be allowed, subject to predesignation on the corresponding zoning map.

A. LDM – Low Density Multiple Family

- a. Duplexes; and,
- b. Townhouses,

with a density no greater than two (2) units per acre, and a building height of no greater than one (1) story.

B. MDM – Medium Density Multiple Family

- a. Duplexes;
- b. Townhouses; and,
- c. Condominiums,

with a density no greater than four (4) units per acre, and a building height of no greater than two (2) stories.

C. HDM – High Density Multiple Family

- a. Duplexes;
- b. Townhouses;
- c. Condominiums; and
- d. Apartments

with a density of no greater than eight (8) units per acre, and a building height of no greater than two and one half (2 ½) stories.

D. Single family detached dwellings.

- E. Essential services excluding outside storage.
- F. State licensed child and adult care facilities providing care for less than seven (7) individuals.

SECTION 8.02 PERMITTED ACCESSORY USES

- A. Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 18.02
- B. Swimming pools. See also Section 18.20
- C. Recreational vehicle storage – noncommercial. See also Section 18.18
- D. Permitted home occupations meeting the standards and conditions of Section 18.13.

SECTION 8.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 20 and 21 are required:

- A. Convalescent homes.
- B. State licensed child and adult care facilities providing care for seven (7) to twelve (12) individuals as permitted by Section 22.02 B.

SECTION 8.04 GENERAL REQUIREMENTS FOR LDM, MDM, AND HDM USES

Multiple-family dwellings are subject to the following conditions:

- A. The proposed use shall have one (1) property line abutting a paved arterial road. All ingress and egress drives shall be directly onto or from the paved roadway surface.
- B. The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main buildings. Uses considered hereinafter as accessory uses include temporary sales, or leasing offices, parking structures, swimming pools, recreation areas and other similar uses.
- C. Landscaping shall be provided as defined in Section 18.32.
- D. Waste water disposal facilities and water system shall meet all requirements of and be approved by the appropriate health authorities.

SECTION 8.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any Proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 9
OS - OFFICE SERVICE DISTRICT

SECTION 9.00 INTENT

The OS Office Service District is primarily for office buildings. The Office Service District classification will be applied as a transitional use zone between residential uses and those uses which would be incompatible in direct contact with residential districts. The OS District is intended to provide for low-rise style traditional office buildings. The OS District is established to accommodate uses such as certain basic personal services, banks and public owned offices, subject to the limitations contained below.

Site plan review, as defined in Article 20, shall be required for all uses in the OS District.

SECTION 9.01 PERMITTED PRINCIPAL USES

- A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, clerical, stenographic, drafting, and similar office occupations.
- B. Medical offices, including clinics, specialty stores that principally dispense products relating to medical facilities such as pharmacies, medical supply or home health care equipment. Such specialty stores must occur in conjunction with a medical office use. Video rental businesses are excluded from this category of use and not permitted.
- C. Banks, credit unions, savings and loan associations and similar uses.
- D. Personal service establishments including barber shops, beauty shops and health salons; and business services such as mailing, copying and data processing.
- E. Essential services excluding outside storage.

SECTION 9.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to permitted principal uses. See also Section 18.02.

SECTION 9.03 SPECIAL LAND USES

Due to unique characteristics of special land uses, site plan review according to Article 20 and issuance of a special land use permit according to Article 19 are required.

- A. Mortuary establishments, when adequate off-street vehicle assembly area for funeral processions is provided. Furthermore, such assembly area shall be in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
- B. Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, electrical transformer stations, substations or gas regulator stations.

- C. Animal hospital and veterinarian clinics.
- D. Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.02.B.
- E. Public, private or parochial schools. See Section 22.02.GG.
- F. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.

SECTION 9.04 GENERAL REQUIREMENTS FOR ALL OS USES

- A. The site shall have at least one (1) property line abutting a paved arterial road.
- B. All vehicular ingress and egress to the site shall be to and from an arterial or collector road.
- C. The minimum distance of any principal or accessory building from any adjacent residential district boundary line or street right-of-way lines shall be fifty (50) feet.
- D. The outdoor storage of goods or materials shall be prohibited.
- E. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited.
- F. Parking shall conform to requirements of Article 21.

SECTION 9.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 10
C-1 - LOCAL COMMERCIAL DISTRICT

SECTION 10.00 INTENT

The C-1 Local Commercial District as herein established, is designed to provide a district where local service and convenience shopping facilities can be optimally located to best serve neighborhoods of the Township. These regulations are meant to discourage strip or linear development because of its detrimental characteristics, and instead, to encourage stable and desirable development in a cluster or planned pattern.

The following regulations shall apply in all C-1 districts. Buildings, structures, or premises, except as otherwise provided in this section, shall not be erected, altered or used except for one or more of the specified uses. Site plan review, as defined in Article 20 shall be required for all uses in the C-1 District.

SECTION 10.01 PERMITTED PRINCIPAL USES

- A. Generally recognized retail businesses that supply commodities on the premises for persons residing in adjacent residential areas, such as but not limited to, groceries, meats, dairy products, books, stationary, newspapers, baked goods or other foods, drugs, dry goods, clothing and hardware.
- B. Convenience stores, as defined herein.
- C. Personal service establishments that perform services on the premises such as but not limited to, repair shops (watches, radio, television, shoe, and similar repair shops), tailor shops, beauty parlors or barbershops, photographic studios and self-service laundries.
- D. Dry cleaning establishments or pick-up stations, dealing directly with the consumer. Dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
- E. Business establishments which perform services on the premises such as, but not limited to, insurance offices and real estate offices.
- F. Essential services excluding outside storage. (Site plan review according to Article 20 is required for all essential services.)
- G. Publicly-owned buildings.

SECTION 10.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 18.02.

SECTION 10.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review according to Article 20, and issuance of a special land use permit according to Article 19 are required.

- A. Automotive service stations, provided that there is no more than one dispensing unit per grade of fuel, and that landscaping is provided as stated in Section 22.02.F.
- B. Restaurants, not including drive-ins or drive-thrus, or fast food restaurants.
- C. Bar and tavern.
- D. Child day care or nursery schools meeting the conditions of Section 22.02.B.
- E. Patient Care Centers, Provisioning Centers, Safety Compliance Facility and Secure Transport Facility meeting the conditions of Section 18.52 and Article 19.
- F. All uses permitted under OS (Office Service District) classification as either permitted principal uses (9.01) and/or special land use (9.03).
- G. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.
- H. Indoor Shooting Ranges. See Section 18.54.

SECTION 10.04 GENERAL REQUIREMENTS FOR C-1 USES

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises will be sold at retail on premises where produced, provided that not more than four (4) persons are employed on the premises in such production.
- B. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- C. All proposed sites for any such use shall have one (1) property line abutting an arterial road. The site shall be so planned as to provide all access directly onto or from an arterial road.
- D. Service roads and parking areas shall be required between adjacent land uses when designated by the Master Plan or an adopted corridor plan.
 - 1. Owners of all property shall submit to the Township Board a properly executed agreement describing that the property owners are responsible for building, repairing, maintaining, and clearing said service roads and parking areas on private land. The agreement should also state that the service roads and parking areas will not impede vehicle flow but facilitate the safe and efficient movement of traffic.

2. Not less than two (2) driveways shall be available to such coordinated parking areas and service road system; provided that said driveways shall be at least one thousand, three hundred, twenty (1,320) feet apart; provided further, this requirement may be waived by the Planning Commission when clearly unnecessary for a particular use and when traffic hazards will not be increased thereby.
3. The following standards shall apply, in addition to those listed above.
 - a. Parking lots, driveways and service roads shall be surfaced with concrete or bituminous materials as specified by the Township Engineer and maintained in a usable dirt free condition.
 - b. Parking layout shall follow standards prescribed in Article 21.
 - c. Service roads and driveways shall have a paved width of twenty-four (24) feet.
 - d. The service roads shall be separated from required parking areas by a landscaped buffer of not less than ten (10) feet in width.
 - e. Curb cuts within one hundred, fifty (150) feet of right-of-way line of an intersection shall not be permitted. Existing plotted corner lots which are less than two hundred (200) feet in width shall conform as close as practical to the curb cut distance to the intersection right-of-way line.

SECTION 10.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 11
C-2 - COMMUNITY COMMERCIAL DISTRICT

SECTION 11.00 INTENT

The C-2 Community Commercial Districts are designed to accommodate the needs of a larger consumer population than is served by the local Commercial districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The following regulations shall apply in all C-2 Districts and no building, structure or premises, except as otherwise provided in this ordinance, shall be erected, altered or used, except for one or more of the following specified uses.

Site plan review, as defined in Article 20, shall be required for all uses in the C-2 District.

SECTION 11.01 PERMITTED PRINCIPAL USES

- A. Any retail business or service establishment permitted in C-1 Districts, subject to the regulations applicable in the following sections of this article.
- B. Retail business or service establishment uses in a free-standing enclosed building or as part of a shopping center as follows:
 - 1. Any retail business whose principal activity is the sale of merchandise in an enclosed building including but not limited to department stores; grocery stores; drug stores; convenience stores; clothing, shoe, and hardware stores, and automotive supplies.
 - 2. Any service establishment with an office, showroom or workshop. Electrician, decorator, dressmaker, baker, painter, upholstery, photographic reproduction and similar service establishments that require a retail adjunct;
 - 3. Clubs, civic and fraternal organizations and lodge halls;
 - 4. Restaurants, or other places serving food or beverage, including those having the character of a "drive-in" and "drive-thru," so called;
 - 5. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
 - 6. Public and private educational facilities and institutions;
 - 7. Athletic or physical fitness establishments;
 - 8. Greenhouses and landscape sales, including lawn and garden centers;
 - 9. Financial institutions;
 - 10. Bar and tavern;
 - 11. Personal, financial, professional or business services.

SECTION 11.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 18.02.

SECTION 11.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review according to Article 20, and issuance of a special land use permit according to Article 19 are required.

- A. Indoor and outdoor businesses developed in planned relationship with other uses in the C-2 District. Such commercial uses shall only be permitted when the applicant can demonstrate that the use will be consistent with the overall developmental characteristics of the subject neighborhood where the use is proposed. The applicant for such special land use shall provide screening and buffering for adjacent or nearby residential property, consistent with the requirements of Section 18.32.
1. Open-air retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall not be located forward of the front building line of the building mass located in a C-2 district;
 2. Open-air recreational space providing children's amusement park and other similar recreation as part of a planned development; provided further that such use shall not be located forward of the rear building line of the building mass located in a C-2 district. Such recreation space shall be fenced on all sides with a four (4) feet chain link type fence;
 3. Bowling alley, billiard hall, indoor archery range or indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any lot line or street right-of-way line in an adjacent residential district;
 4. General sales, service and rental of automobiles, trucks, recreational vehicles, motorcycles;
 5. Motels and hotels;
 6. Self-service lumber yards;
 7. Drive-in theaters;
 8. Animal hospitals;
 9. Automobile car wash;
 10. Automobile service stations;
 11. Vehicle collision repair and painting as an accessory use to an automobile dealership;

12. Livestock sales and agricultural products associated with raising or handling of livestock;
 13. Equipment and machinery sales and service for farm, construction, and industry.
 14. Campgrounds.
 15. Mini-warehouses or self-storage facilities, subject to the requirements of Section 22.02.Z.
- B. Child day care or nursery schools meeting the conditions of Section 22.02.B.
 - C. Patient Care Centers, Provisioning Centers, Safety Compliance Facility and Secure Transport Facility meeting the conditions of Section 18.52 and Article 19.
 - D. Party stores, as defined in this Ordinance, subject to the requirements of Section 22.02.EE.
 - E. Convenience Store that provides rest cubicles to highway travelers for no longer than 5 hour intervals.
 - F. All uses permitted under OS (Office Service District) classification as either permitted principal uses (9.01) and/or special land use (9.03).
 - G. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.
 - H. Indoor Shooting Ranges. See Section 18.54.
 - I. Hospitals

SECTION 11.04 GENERAL REQUIREMENTS FOR ALL C-2 USES

- A. All business establishments shall be retail or service establishments dealing directly with consumers.
- B. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being special land uses above, shall be conducted within completely enclosed buildings.
- C. All proposed sites for any such use shall have one (1) property line abutting an arterial road. The site shall be so planned as to provide all access directly onto or from an arterial road.
- D. Service road and parking area requirements are the same as in Section 10.04.D.

SECTION 11.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 12
C-3 - REGIONAL COMMERCIAL DISTRICT

SECTION 12.00 INTENT

The C-3 Regional Commercial Districts are designed to provide for servicing the needs of highway traffic at expressway interchange areas. The avoidance of undue congestion on local roads, the promotion of smooth traffic flow at the interchange area, and the protection of adjacent properties in other zones from adverse influences of traffic are prime consideration in the application of this district. The following regulations shall apply to all C-3 Districts, and no building, structure or premises, except as otherwise provided in this section shall be erected, altered, or used except for one or more of the following specified uses. Site plan review, as defined in Article 20, shall be required for, all uses in the C-3 District.

SECTION 12.01 PERMITTED PRINCIPAL USES

- A. All principal uses permitted in the C-1 Local and C-2 Community Commercial Districts.
- B. Automobile service stations, parking garages and bus passenger stations.
- C. Retail establishments to service the needs of the highway traveler, including such facilities as: drugstores, gift shops, restaurants and drive-in restaurants, and convenience stores.
- D. Motels, hotels and transient lodging facilities.
- E. Essential Services. (See Article 20, site plan review required.)
- F. Publicly-owned buildings and structures.

SECTION 12.02 PERMITTED ACCESSORY USES

Accessory structures and uses customarily incidental to the above permitted uses. See also Section 18.02.

SECTION 12.03 SPECIAL LAND USES

- A. All special land uses permitted in the C-1 Local and C-2 Community Commercial Districts.
- B. Mini-warehouses in accordance with the provisions of Section 22.02.Z.
- C. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.
- D. Patient Care Centers, Provisioning Centers, Safety Compliance Facility and Secure Transport Facility meeting the conditions of Section 18.52 and Article 19.
- E. Indoor Shooting Ranges. See Section 18.54.

SECTION 12.04 GENERAL REQUIREMENTS FOR ALL C-3 REGIONAL COMMERCIAL USES

- A. **Barriers.** All development shall be physically separated from the local road by a curb and a landscaped strip or berm not less than thirty (30) feet wide. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for approved accessways.

- B. **Accessways.** Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) accessways from a local road. Such accessway shall not be located closer than three hundred (300) feet from the point of intersection of an expressway entrance or exit ramp baseline and the local road centerline. In cases where the ramp baseline and the local road centerline do not intersect, an accessway shall not be located closer than three hundred (300) feet from the point of tangency of the ramp baseline and the local road centerline. In those instances where properties fronting on a local road are of such width or are in multiple ownership, and accessways to property cannot be provided in accord with the minimum three hundred (300) feet distance from the intersection of the local road and entrance or exit ramps, a marginal access road shall be provided to service such properties. The accessway to a marginal access road shall not be located closer than three hundred (300) feet from the point of intersection or of tangency of the ramp baseline and the local road pavement.

- C. **Review of plans.** Site plans for C-3 facilities shall be submitted to and shall be reviewed and considered for approval by the Planning Commission with respect to the above required conditions and such other site relation issues and conditions as the Planning Commission deems appropriate to assure maximum traffic safety and maximum protection to abutting properties.

SECTION 12.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 13
C-4 - SERVICE COMMERCIAL DISTRICT

SECTION 13.00 INTENT

The C-4 Service Commercial Districts are designed to provide a limited number of locations for development of uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets, but rather provide goods and services on a warehouse, wholesale, bulk, mass or major scale which are offered to the trucking industry and in turn provide goods and services on an individual item basis to individual consumers. It is also the purpose of this District to provide for transportation and related service facility uses necessary to the transporting, distributing, transferring, handling and warehousing of bulk goods and services. The following regulations shall apply to all C-4 Districts, and no building, structure or premises, except as otherwise provided in this section shall be erected, altered, or used except for one or more of the following specified uses. Site plan review, as defined in Article 20, shall be required for, all uses in the C-4 District.

SECTION 13.01 PERMITTED PRINCIPAL USES

- A. Automobile fuel stations and service stations and associated convenience stores.
- B. Automobile wash facilities.
- C. Full service and fast food restaurants with or without drive-through facilities.
- D. Building material supply establishments.
- E. Contractors equipment and storage yards.
- F. Warehousing and related bulk handling facilities, equipment and support services.
- G. Mini-storage warehouses.
- H. Essential Services. (See Article 20, site plan review required.)
- I. Publicly-owned buildings and structures.

SECTION 13.02 PERMITTED ACCESSORY USES

Accessory structures and uses customarily incidental to the above permitted uses. See also Section 18.02.

SECTION 13.03 SPECIAL LAND USES

Due to unique characteristics of special land uses, site plan review according to Article 20 and issuance of a special land use permit according to Article 19 are required.

- A. All special land uses permitted in the C-3 Regional Commercial District.
- B. Adult regulated uses as defined in this ordinance.

- C. Wireless communication facilities. (See Section 22.02.LL)
- D. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.
- E. Patient Care Centers, Provisioning Centers, Safety Compliance Facility and Secure Transport Facility meeting the conditions of Section 18.52 and Article 19.
- F. Indoor Shooting Ranges. See Section 18.54.

SECTION 13.04 GENERAL REQUIREMENTS FOR ALL C-4 SERVICE COMMERCIAL USES

- A. **Barriers.** All development shall be physically separated from the local road by a curb and a landscaped strip or berm not less than thirty (30) feet wide. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for approved accessways.
- B. **Accessways.** Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) accessways from a local road. Such accessway shall not be located closer than three hundred (300) feet from the point of intersection of an expressway entrance or exit ramp baseline and the local road centerline. In cases where the ramp baseline and the local road centerline do not intersect, an accessway shall not be located closer than three hundred (300) feet from the point of tangency of the ramp baseline and the local road centerline. In those instances where properties fronting on a local road are of such width or are in multiple ownership, and accessways to property cannot be provided in accord with the minimum three hundred (300) feet distance from the intersection of the local road and entrance or exit ramps, a marginal access road shall be provided to service such properties. The accessway to a marginal access road shall not be located closer than three hundred (300) feet from the point of intersection or of tangency of the ramp baseline and the local road pavement.
- C. **Review of plans.** Site plans for C-4 facilities shall be submitted to and shall be reviewed and considered for approval by the Planning Commission with respect to the above required conditions and such other site relation issues and conditions as the Planning Commission deems appropriate to assure maximum traffic safety and maximum protection to abutting properties.

SECTION 13.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).

- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 14
M-1 - LIGHT INDUSTRIAL DISTRICT

SECTION 14.00 INTENT

The M-1 Light Industrial District provides for a wide range of commercial and industrial uses, all of which shall provide a nuisance-free environment. The zone specifically excludes most residences on the premise because residential uses with attendant public services and facilities conflict with those services for industry. For those industries requiring caretaker residences, provisions are made herein.

The M-1 District is designed primarily to accommodate wholesale and warehouse activities and industries, whose external effects from normal operating procedures are restricted to the zoned district and do not adversely affect surrounding districts. The M-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared materials. The processing of raw materials for shipment in bulk form, to be used in an industrial operation at another location, is not permitted.

The regulations also are designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the district. Manufacturing plants and uses shall have performance characteristics similar to those listed below, in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors, gases, glare or electromagnetic radiation. All uses within this district shall be so designed, constructed and operated so that sound levels do not exceed those outlined in Section 25.02, and production of heat or glare is not discernible at the lot lines. Site plan review as described in Article 20 shall be required for all uses in the M-1 district.

SECTION 14.01 PERMITTED PRINCIPAL USES

- A. Building trade contractors, building materials suppliers and wholesalers.
- B. Public utilities and telecommunications such as: electrical receiving transforming stations and radio, and TV studios , excluding microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas.
- C. Warehousing, refrigerated and general storage.
- D. Local and suburban transit and passenger transportation facilities, truck and motor freight terminals, maintenance and service facilities.
- E. Laundries, laundry services and dry cleaning and dyeing plants.
- F. Vehicle collision repair and painting.
- G. Industrial plants for manufacturing, processing or assembling the following:
 - 1. Agricultural products;
 - 2. Food and kindred products including freezer locker plants and cold storage, excluding slaughter houses;

3. Furniture and fixtures;
 4. Converted paper and paper board products;
 5. Printing, publishing and allied industries;
 6. Biological products, drugs, medical and pharmaceutical preparations;
 7. Glass products made of purchased glass;
 8. Professional, scientific and controlling instruments, photographic and optical goods;
 9. Jewelry, silverware, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists' materials, costume jewelry and miscellaneous notions, and signs and advertising displays;
 10. Canvas products made of purchased canvas;
 11. Office, computing and accounting machines;
 12. Jobbing and repair machine shops;
 13. Monuments and burial vaults; and
 14. Tool and die machinery shops.
- H. Lumber yards, manufacturer of wood, plastic, fabric, synthetic specialties, wood patterns, concrete and cinder block products. Cement crushing, subject to three (3) weeks during the year. Any additional must have board approval. Must adhere to state, county, and federal air quality acts.
- I. Propane storage and sales.
- J. Essential services including outside storage. (Article 20, site plan review required.)
- K. Mini-warehouses.

SECTION 14.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 18.02.

SECTION 14.03 SPECIAL LAND USES

- A. Wireless communication facilities, radio, TV, and cellular microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas. See also Section 22.02.LL.
- B. Composting centers.
- C. Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.02.B when operated in conjunction with and accessory to a permitted principle use described in Section 14.01.
- D. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.
- E. Patient Care Centers, Provisioning Centers, Safety Compliance Facility, Secure Transport Facility, Grow Facility and Processing Facility meeting the conditions of Section 18.52 and Article 19.
- F. Ground Mounted Solar Energy Collector Systems.
- G. Indoor Shooting Ranges. See Section 18.54.

SECTION 14.04 GENERAL REQUIREMENTS FOR ALL M-1 USES

- A. **Wastewater Treatment.** Light industrial development in the M-1 District shall be served by public sewer service or an approved sanitary treatment facility. If the facility is a packaged treatment plant, it shall meet all applicable federal, state, and local standards, and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the Genesee County Health Department.
- B. **Roads.** The proposed site for any such use shall have at least one property line abutting an arterial road. All vehicle access shall be directly onto or from an arterial road.
- C. **Landscaping.** Landscaping shall be provided for as defined in Section 18.32.

SECTION 14.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar dimensional specifications).

- C. Article 18: General Provisions
- D. Article 20: Site Plan Review and Project Evaluation Report

- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 23: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 15
M-2 HEAVY INDUSTRIAL DISTRICT

SECTION 15.00 INTENT

The intent of the M-2 Heavy Industrial District is to provide for heavy manufacturing industries that utilize essential public and private facilities and utilities while minimizing the incompatible aspects such industries exhibit when placed contiguous to or among other land uses. The district should not be adjacent to any residential district.

Site plan review, as defined in Article 19, shall be required for all uses in the M-2 District.

SECTION 15.01 PERMITTED PRINCIPAL USES

- A. Any principal use permitted in the M-1 district.
- B. Offices and yards of general contractors such as for highway and street, heavy construction and general building construction.
- C. Bulk storage of refined petroleum products either with or without a retail outlet.
- D. Air transportation companies and fixed facilities and services related thereto; includes airports.
- E. Industrial plants manufacturing, processing or assembling the following:
 - 1. Prefabricated building and structural members;
 - 2. Chemical products such as plastic materials, biological products and pharmaceutical preparations, excluding petroleum plants;
 - 3. Leather and leather products such as industrial belting and packaging; footwear, gloves and mittens; luggage and handbags;
 - 4. Stone, clay and glass products such as: flat glass, pressed or blown glass and glassware; brick and block; concrete products, asphalt products, stone and stone products; abrasive, asbestos and miscellaneous non-metallic mineral products;
 - 5. Wood containers such as boxes, crates and cooperage;
 - 6. Aluminum, bronze, copper-base alloy and other nonferrous castings;
 - 7. Machinery such as engines and turbines; farm machinery and equipment, industrial machinery and equipment;
 - 8. Transportation equipment: such as motor vehicle equipment and parts, motorcycles, bicycles and parts.
- F. Central dry cleaning plants.

SECTION 15.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 18.02.

SECTION 15.03 SPECIAL LAND USES

Due to unique characteristics of special land uses, site plan review according to Article 20, and issuance of a special land use permit according to Article 19 are required.

- A. Slaughter houses.
- B. Scrap automotive, appliance or metal salvage yards.
- C. Wireless communication facilities, radio, TV, and cellular microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas. See also Section 22.02.LL.
- D. Composting centers.
- E. Recycling centers.
- F. Oil and gas processing plants including the production, refining or storage of petroleum or other flammable liquids subject to the standards of Section 22.02.CC.
- G. Auto repair including buffing and collision.
- H. Receiving, handling, storing, producing gunpowder and explosives or fissionable materials or hazardous or toxic materials (in excess of 25 gallons or 250 pounds) as defined by the Michigan Department of Environmental Quality in the listing of SARA Title III materials.
- I. Truck terminals.
- J. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41.
- K. Adult regulated land uses.
- L. Patient Care Centers, Provisioning Centers, Safety Compliance Facility, Secure Transport Facility, Grow Facility and Processing Facility meeting the conditions of Section 18.52 and Article 19.
- M. Ground Mounted Solar Energy Collector Systems.
- N. Indoor Shooting Ranges. See Section 18.54

SECTION 15.04 GENERAL REQUIREMENTS FOR ALL M-2 DISTRICT USES

The general requirements for M-2 uses are the same as the requirements listed for M-1 uses in Section 14.04.

SECTION 15.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 16
PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 16.00 INTENT

The intent of the PUD regulations is to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential uses and compatible commercial and industrial uses, than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing for a harmonious variety of housing choices, a higher level of residential amenities, an integration of compatible mixed land uses and the preservation of natural scenic qualities of open spaces.

SECTION 16.01 DEVELOPMENT OBJECTIVES

The intent of a PUD is to be realized through fulfillment of the following basic objectives:

- A. To promote flexibility in design and permit planned diversification in the location of structures;
- B. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
- C. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- D. To provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures; and
- E. To combine and coordinate architectural styles, building forms and building relationships within the planned unit developments;

SECTION 16.02 DEFINITIONS

Certain term and phrases are common to PUDs and, therefore, definitions are provided below. The commonness of these terms does not mean, however, that the terms are unique to PUDS. In fact, the language may be relevant to other zoning districts.

- A. **Common Open Space.** A larger parcel or parcels of land reserved primarily for the leisure and recreational use of all the PUD residents, and owned and maintained in common by them.
- B. **Dwelling Types.**
 - 1. Single-family detached unit - residential dwelling on its own lot. If the development project is a site condominium the project also shall conform to the additional requirements listed in Section 18.40.
 - 2. Single-family attached unit - a housing unit that shares common walls with other attached units, that together occupy their own structure.

3. Multi-family attached unit - a housing unit situated in a structure with similar units. It is most often utilized for rental housing.
 - a. Garden Apartment - a unit typically of one-floor design in a structure that is two to three stories in height.
 - b. Mid-rise multiple family building of not more than four stories in height. Such multiple story buildings could only be considered if fire safety and fire fighting capability can be provided in the proposal.
- C. **Homeowner's Association.** An organization of property owners with automatic membership when property is acquired in a PUD. Its primary purpose is to manage and maintain commonly owned property in the PUD.
- D. **Open Space.** Common open space designed and developed for use by the occupants and lot owners of the planned unit development, or by others, for recreation (whether commercial, private or public), courts or gardens, which space is effectively separated from automobile traffic and off-street parking and is readily accessible. The term shall not include space devoted to streets, driveways, utility easements, and off-street parking lots.

SECTION 16.03 SITE LOCATION PRINCIPLES

The following principles shall be utilized to evaluate the proposed location of any planned unit development. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a PUD upon the township.

- A. The PUD shall have access to an arterial or collector road.
- B. The PUD should be considered for a site with soils rated as suitable for development in the U.S. Soil Conservation Service, Soil Survey of Genesee County.
- C. The PUD should be developed on sites where areas of ecological significance, such as bogs, swamps, and woodlots need not be disturbed.
- D. The PUD should be developed on soil types of limited agricultural capability or on soils that are not in active cropland or pasture.
- E. A PUD should be sited where expansion or provision of public services will not create an unreasonable burden on the Township.
- F. A PUD should be located in areas providing good accessibility to community goods and services.

SECTION 16.04 QUALIFYING CONDITIONS

Any application for a PUD shall meet the following conditions to qualify for consideration as a planned unit development:

- A. The planned unit development site shall be not less than twenty (20) acres in area, and all planned unit developments shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
- B. Public water and sewer facilities shall be available or shall be provided as part of the site development. This requirement shall include the necessary dedication of easements to the Township or other public agency for water and sewer facilities.
- C. In return for flexible design standards in the PUD, the developer shall be required to provide common, usable open space for occupants and lot owners in the PUD. This open space, as defined herein, shall be developed under legal procedures, which shall give the Township Board a covenant or interest therein, so that there are assurances that the required space shall remain open.

SECTION 16.05 PERMITTED PRINCIPAL USES

- A. All residential land uses and structure types permitted in the R-1, R-2, R-3, MF, and MHP zoning districts. The mix and density of residential structures are determined through negotiation between the Planning Commission and the developer during approval of the site plan. However, multiple-family apartments and manufactured housing shall not constitute more than forty (40) percent of the total number of dwelling units in the entire PUD.
- B. Recreation and open space, provided that only the following land uses may be reserved as common land for open space or recreation.
 - 1. Open lands suitable for active recreation purposes.
 - 2. Extensive areas with tree cover, lowlands and wetlands along streams and lakes, and areas of rugged terrain when such area has natural features worthy of scenic preservation, historic building sites or historical sites, parks and parkway areas, or ornamental parks.
 - 3. Private recreational facilities, such as golf courses, swimming pools, or other recreational facilities.
- C. Commercial and office uses permitted in the C-1, C-2 and OS Districts may be permitted, consistent with the provisions of this Article, if the Planning Commission determines introduction of commercial services is a necessary amenity that will generally be complementary to the other uses established in the proposed PUD. Additionally, the Planning Commission shall consider the impact of the proposed commercial uses on all other established uses and zoning districts within three hundred (300) feet of the site boundaries.

- D. A use shall not be permitted except in conformity with a specific and precise final site plan approved pursuant to the procedural and regulatory provisions hereinafter set forth.

SECTION 16.06 PERMITTED ACCESSORY USES

Consistent with the other individual zoning district regulations established in this Ordinance, buildings and uses customarily accessory to any of the permitted principal uses shall be permitted in a PUD.

SECTION 16.07 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit are required.

- A. Nonresidential uses of a religious, educational, or cultural nature designed and intended primarily for use of the residents in the PUD. Such uses shall be subject to all requirements for lot area, lot width, frontage, height, yards, and setbacks prescribed in Section 20.01, unless modifications are approved in the PUD district regulations, herein.
- B. When the primary use included in a PUD proposal is residential, the Planning Commission Township shall only permit commercial retail and service businesses of a local or neighborhood character meeting the following standards and conditions:
1. Such businesses are allowed provided that they are located at the periphery of one or more neighborhoods or in a central location that does not cause conflicts with residences. or local residential traffic and not in the middle of a residential area or subdivision. The businesses shall have direct access to an arterial or collector road.
 2. Any included building shall contain between six hundred (600) square feet and five thousand (5,000) square feet of floor area, and can be supported economically by a small neighborhood area, including businesses of the type included in, although not limited to, the following:
 - a. Barber or beauty shops;
 - b. Dry cleaning;
 - c. Dressmaking, custom tailoring;
 - d. Dairy products, retail stores;
 - e. Florist, retail sales;
 - f. Retail store not larger than five thousand (5,000) square feet of floor area selling convenience item such as groceries, fruit, fish, meats, vegetables, soda pop, beer or wine.

- C. Nursery Schools and Child Care Centers licensed and regulated by P.A. 116 of 1973, as amended, and shall conform to Section 22.05.J.

SECTION 16.08 DENSITY AND DESIGN STANDARDS

- A. **Area Limitations for Various Uses.** Within a planned unit development, the following percentages of the total land area shall be devoted to the specified uses:
 - 1. A maximum of seventy (70) percent for residential use. Land devoted to residential use shall be deemed to include those streets, parking areas, utility easements, yards and courts that abut and service primarily residences, but it shall not include open space available for use by the general public or by persons who do not live in the PUD.
 - 2. A maximum of twenty (20) percent for enclosed recreational uses, commercial, and research office uses, and parking associated with these uses.
 - 3. A minimum of thirty (30) percent for open-air recreational uses and other open space.
- B. **Residential Density.** The density of all residential uses shall not exceed ten (10) dwelling units per acre of the land in the PUD that is devoted to residential use, as defined in Section 16.08.A.1. above, and usable open space. A dwelling unit is a single-family detached structure; a single-family attached structure, such as a townhouse or rowhouse; each unit in a two-family structure; an apartment in a multiple-family structure.
- C. **Residential Density Bonuses.** Character, identity, and architectural and siting variation incorporated in a development shall be considered cause for residential density increases not to exceed 3.75 dwelling units per acre, provided these factors make a substantial contribution to the objectives of a planned unit development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission may approve. Such variations may include, but are not limited to, the following:
 - 1. Landscaping (a maximum increase of 1.25 d.u./acre); streetscape plazas; use of existing landscape; berms; pedestrian/bicycle path treatment; and active recreation areas.
 - 2. Siting (a maximum increase of 1.25 d.u./acre); visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern; physical environmental; variation in building, setbacks; and building groups such as clustering.
 - 3. Design features (a maximum increase of 1.25 d.u./acre); street sections; architectural styles; harmonious use of building and landscaping materials; parking areas separated by landscape features; and varied use of house and structure types.

D. Lot Sizes and Dimensions.

1. Because of the use and site design flexibilities built into the PUD regulatory framework, there shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage, and no minimum lot width for residential uses.
2. Every single-family dwelling unit, however, shall have access to a public street, court walkway or other area dedicated to public use.
3. A structure and group of structures, such as attached dwellings or a row of townhouses, shall not be erected within twenty-four (24) feet of any other structure or group of structures.

E. Height. The height of any residential structure within a planned unit development shall not exceed thirty-five (35) feet, and the height of other nonresidential structures shall not exceed forty-five (45) feet.

F. Length. There shall not be any continuous structure of townhouses, attached dwellings or apartments containing more than twelve (12) dwelling units.

G. Location of Structures. If necessary, areas of different housing densities shall be separated by landscaping, berms, and/or open space. Such features also shall separate residential uses from nonresidential land uses, and the PUD from uses adjoining the PUD.

H. Provision of Open Space.

1. At least thirty (30) percent of the gross area of the PUD shall be usable open space. The added open space derived from residential density bonus provisions shall be in addition to the minimum thirty (30) percent requirement.
2. Open space may be "improved" to specific standards for active recreational pursuits, or it may be "unimproved" by leaving it in its natural state.
3. Areas devoted to natural or improved flood control channels, and those encumbered by floodway or county drain easements shall be in addition to the usable open space requirement.
4. The Planning Commission may determine that all or part of stream areas, lakes and ponds, and slopes in excess of eighteen (18) percent may be included as usable open space. In making this determination, the Planning Commission shall be guided by the following factors:
 - a. The extent of these areas in relation to the area of the PUD;
 - b. The degree to which these areas contribute to the quality, livability, and amenity of the PUD.

5. The buildings, structures, and improvements that are permitted in the usable open space must be appropriate to the uses for the open space, and must conserve and enhance the amenities of the open space, having regard to its topography and unimproved condition.
- I. **Protection of Open Spaces.** Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the Planning Commission shall specify.
- J. **Streets and Off-Street Parking Areas.** The dimensions and construction of streets, drives, and off-street parking areas within the PUD, whether or not dedication to the county is contemplated, shall conform with all applicable County Road Commission standards and applicable Township regulations.
- K. **Protection of Residential Areas.** The design of parking lots, service areas, entrances, exits, yards, courts and landscaping, and the control of signs, lighting, noise, or other potentially adverse influences shall be such as to protect the residential character within the PUD and the desirable character of any adjoining residential district.
- L. **Dedication of Easements.** All required easements for public utilities and public drainage facilities shall be dedicated to the appropriate government agency.

SECTION 16.09 OUTLINE FOR PUD APPROVAL

- A. An application for a PUD requires a formal rezoning proposal submitted to the Township Planning Commission. The rezoning process shall follow amendment provisions contained in Article 28 of this Ordinance and the additional procedures described in this article.
- B. Before any land is rezoned to PUD, the Planning Commission shall review the preliminary site plan and make a recommendation to the Township Board. The County Planning Commission also shall review the plan and make a recommendation to the Township Board.
- C. If the Township Board approved the rezoning, the land is rezoned to PUD. Land use permits for a PUD shall not be issued until a final site plan is approved by the Township Board and the PUD agreement is executed between the Township Board and the developer.
- D. If the PUD also requires the submission and approval of a plat, for all or part of the development the simultaneous filing of a preliminary plat prepared according to the regulations in the Township Subdivision Control Ordinance is encouraged.
- E. If any part of the PUD is a condominium project as defined by Act 59 of 1978, as amended, and by this ordinance, the project shall conform to all requirements of the statute, its rules, and the provisions in this ordinance.

SECTION 16.10 APPLICATION PROCESS FOR A PUD

- A. An informal pre-application conference between the proponent of the PUD and township planning officials and Township Engineer is recommended although not mandatory. The conference allows the developer to present concept plans for the PUD to local planners.

Township officials will explain the PUD regulations and process, and provide guidance and direction to the developer in complying with all requirements, issues, and policies. The conference enables the developer to decide to proceed with site designs as presented or to change the design as necessary to meet requirements.

- B. Public hearing. The Planning Commission shall publish a notice for a public hearing in a local newspaper. The notice shall be given consistent with the requirements for notice of a public hearing to consider a proposed rezoning or zoning amendment as described in the Michigan Zoning Enabling Act.
- C. Preliminary PUD site plan submittal. The purpose of the preliminary site plan review is to provide a mechanism whereby the applicant obtains a substantial review of the proposed project in order to prepare a final PUD site plan, and to execute necessary agreements between the developer and the township. A comprehensive presentation shall be made at the public hearing called by the Planning Commission for review and recommendation to the Township Board. The preliminary PUD site plan shall include the following:
 - 1. Content as specified herein, and in Article 20, particularly Section 20.04 Impact Assessment.
 - 2. A development schedule indicating the approximate date when construction of the PUD, or phases of the PUD can be expected to begin and be completed.

SECTION 16.11 REZONING AND PRELIMINARY SITE PLAN APPROVAL

- A. After a public hearing has been held by the Planning Commission, the Planning Commission shall make a recommendation on the PUD rezoning request and the preliminary site plan to the Township Board. The Planning Commission also shall transmit their recommendations and copies of the PUD rezoning petition and preliminary site plan to the County Planning Commission. Consistent with statutory provisions, the County Planning Commission shall review all materials submitted by the Township Planning Commission and make a recommendation to the Township Board.
- B. The Township Board shall consider the recommendations forwarded by the Township Planning Commission and County Planning Commission, review the preliminary site plan and related documents, and make a decision on the PUD rezoning and preliminary site plan.
- C. If the preliminary site plan contains the information required by this ordinance, is in compliance with this ordinance and the township master plan, and conforms to any conditions imposed pursuant to this ordinance, other applicable ordinances and state statutes, the preliminary site plan shall be approved.
- D. If the rezoning to PUD is approved by the Township Board, the land only is rezoned to PUD and in no way is this action considered as approval for the PUD. With approval of PUD zoning, the developer of the land shall proceed with submittal of the final PUD site plan.

- E. If the PUD zoning is denied, the petitioner shall wait one (1) year before resubmitting a rezoning request.
- F. If application for final PUD site plan approval is not made within two (2) years after approval of the preliminary site plan, or if developmental changes have occurred since preliminary approval, the PUD developer shall resubmit for preliminary review.

SECTION 16.12 SUBMITTAL OF PUD FINAL SITE PLAN

- A. The purpose of final site plan review is to approve the PUD comprehensive plan and agreement for the entire PUD including final plans for items listed and all other required conditions, and to approve the areas of the final plan for specific use.
- B. If the entire PUD is to be built in phases, then plans for specific use areas can be submitted as required as long as each phase of development is in conformance with all requirements of this ordinance.
- C. Land use permits for any or all phases of development shall not be issued until plans for the entire PUD or each specific use area have received final approval by the Township Board upon recommendation of the Planning Commission
- D. A final site plan presentation shall be made to the Planning Commission for review and recommendations to the Township Board, of the following:
 - 1. A final overall site plan for the entire PUD area, showing roads and general location of specified uses and densities.
 - 2. Final site plans, or plats for each district use area shall also comply with Act 288 of the Public Acts of 1967 as amended, and the Township Subdivision Regulation Ordinance. If the PUD is to be built in phases, then final site plans and plats for each phase shall be submitted prior to actual construction and issuance of land use permits.
 - 3. Final site plans for a PUD condominium project, conversion or expansion must meet rules and requirements of Act 59 of 1978, as amended, and applicable provisions of this zoning ordinance.
 - 4. A proposed written contract agreement specifying all the terms and understanding of the PUD development.

SECTION 16.13 REQUIRED CONDITIONS

Before approving the PUD, the Planning Commission and Township Board shall determine that:

- A. Provisions have been made for the financing of any improvements shown on the plan for the development of open spaces and the common areas which are to be committed to use of the residents, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.

- B. Provisions have been made to reserve or otherwise provide for necessary sites for public use, including school sites. The Planning Commission may eliminate this requirement in their preliminary or final submittal review process when in the Commission's determination there appears no necessity to make such a reservation or provision.
- C. The PUD shall be approved subject to the submittal of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of common open spaces, recreational areas, and communally owned facilities. Such shall not be acceptable until approved by the township attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the open spaces.
- D. If the common open space is deeded to a homeowners' association (HOA), the developer shall file a declaration of covenants and restrictions that will govern the HOA with the township. The provisions shall include, but not be limited to, the following:
 - 1. The homeowners' association must be set up before any homes are sold;
 - 2. Membership in the HOA must be mandatory for each home buyer. The management of any multiple-family units shall also be required to be members of the HOA.
 - 3. The open space restrictions must be permanent, not just for a defined period of years.
 - 4. The HOA must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - 5. Members of the HOA must pay their pro-rata share of the costs. The assessment levied by the HOA can become a lien on the property.
 - 6. The HOA must be able to adjust the assessment to meet changed needs.
- E. The cost of installing all roads and necessary utilities (including wastewater collection and treatment) has been assured by bonds or other satisfactory means. In the case of phased PUD's this requirement shall be reviewed at the time of any final site plan approval.
- F. The final plan of each PUD, or any phase of it is in conformity with the overall comprehensive plan of the entire acreage. Any changes or amendments requested that are major changes shall follow the procedures required for original submittal and review. A change deemed a minor change shall be reviewed and considered by the Township Board and may be approved without submission of the plan according to the procedures specified herein.
- G. Proceeding with a PUD may only be permitted when a mutual agreement has been reached between the Township Board and the applicant upon recommendation of the Planning Commission.

- H. Development of public or common water supply, wastewater disposal systems and hard surfaced roads are adequately provided for under any and all phases of the PUD. The Planning Commission may modify this requirement in their preliminary or final submittal review process.
- I. The Township Board may impose additional reasonable conditions to:
 - 1. Insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the PUD;
 - 2. Protect the natural environment and conserve natural resources and energy;
 - 3. Insure compatibility with adjacent uses of land; and
 - 4. Promote the use of land in a socially and economically desirable manner.
- J. Signs shall be reviewed for compliance with Article 24 Outdoor Advertising and Sign Regulations.

SECTION 16.14 FINAL APPROVAL

- A. Approval of the final PUD plan, or approval of a phase of any approved PUD plan shall be effective for a period of two (2) years.
- B. If development of a phase of the PUD is not completed within two (2) years, further submittals under the PUD procedures shall not be accepted for review until the plans are completed, or good cause can be shown for not completing same.
- C. In reviewing and approving the final plans, the following conditions shall be set forth:
 - 1. Approval may only be granted by the Township Board after review and recommendation by the Planning Commission, and the Planning Commission has held a public hearing as required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
 - 2. A dedication of all roads to the public shall be made so as to provide continuity of access between the adjacent major public arterials and to provide continuous public ingress and egress to all private developments within the PUD. The Planning Commission may eliminate or modify this requirement in their preliminary or final submittal review process providing the petitioner shows that dedication of the road or roads is not in the best interests of the public.
 - 3. The approved PUD comprehensive site plan and written contract shall be executed by the township and developer.

SECTION 16.15 SCHEDULE OF CONSTRUCTION

- A. In the development of a PUD, the percentage of single-family dwellings under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple-family dwelling units under construction at any one time.
- B. This section shall be applied only if single-family dwellings comprise twenty five (25) percent or more of the total residential stock proposed for the PUD. Nonresidential commercial structures shall not be built until the PUD has at least forty (40) percent of the dwelling units occupied to support such nonresidential use. The Planning Commission may modify this requirement in their preliminary or final submittal review process.

SECTION 16.16 VIOLATION

A violation of the PUD plan and signed contract shall be considered a violation of this ordinance.

SECTION 16.17 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references include additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 17: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, and similar provisions).
- C. Article 18: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; financial guarantee.
- D. Article 20: Site Plan Review.
- E. Article 21: Off-Street Parking and Loading Regulations
- F. Article 24: Outdoor Advertising and Sign Regulations
- G. Subdivision Control Ordinance

ARTICLE 17
SCHEDULE OF REGULATIONS

SECTION 17.00 SCHEDULE OF REGULATIONS

The Schedule of Regulations consists of three sections. Section 17.01 Schedule of Regulations, indicates various minimum and maximum dimensional specifications regarding such issues as lot sizes, yards, setbacks, lot coverage, building size, and densities for the various zoning districts included in this Ordinance. Section 17.02 Footnotes to Schedule of Regulations, provides additional explanations, exceptions and clarifications with regard to the implementation of Section 17.01.

Buildings shall not be erected, nor shall any existing building be altered, enlarged, overbuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located.

A portion of a lot utilized for complying with the provisions of this zoning ordinance regarding occupancy of yards, courts, or lot area, shall not be used again to qualify or justify any other building or structure existing or intended to exist at the same time.

SECTION 17.01 TABLE OF SCHEDULE OF REGULATIONS DIMENSIONAL REQUIREMENTS

DISTRICTS	RA See notes E, F, I and M	RE See notes E, F, I and M	R-1 See notes E, F, I and M	R-2 See notes D, E, F, G, H, I and M	R-3 See notes D, E, F, G, H, I, and M	MF See notes G and H	MHP See note L	PUD See note O	C-1 See notes E and J	C-2 See notes E and J	C-3 See note J	C-4 See note J	OS See notes E and J	M-1 See note K	M-2 See note K		
Principal Structure Minimum Lot Width (feet) See Note A	330	125	100	70	50	250	----	----	100	100	330	330	105	200	330		
Minimum Site and Lot Area	5 acres	1 acre	15,000 Sq. Ft.	11,000 Sq. Ft.	6,000 Sq. Ft.	3 acres	15 acres	20 acres	20,000 Sq. Ft.	20,000 Sq. Ft.	5 acres	10 acres	1 acre	1 acre	3 acres		
Maximum Building or Structure Height (feet) See Note B	30	30	30	30	30	45	See Article 7 for requirements in the Manufactured Housing District	See Article 16 for requirements in the PUD District	35	35	35	35	35	45	50		
Maximum Building or Structure Height (stories) See Note B	2 ½	2 ½	2 ½	2 ½	2	LDM – 1 MDM – 2 HDM – 2 ½			2 ½	3	3	3	3	3	3	3	
Maximum Building Coverage	10%	25%	30%	30%	35%	30%			30%	30%	30%	30%	30%	30%	40%	40%	
Minimum Floor Area Per Dwelling Unit (usable Sq. Ft.) One Story One and one-half stories Two Story See Note P	1,000 1,200 1,400	1,000 1,200 1,400	1,000 1,200 1,400	900 1,100 1,300	900 1,100 1,300	See footnote G									See notes G and H	See notes G and H	See notes G and H
Minimum Front Yard Setback (feet) See Notes C, I and Q	50	50	30	30	30	50			50	50	200	200	50	100	100		
Minimum Side Yard Setback (feet) See Notes C, E and M	50	20	10	10	10	30			15	15	100	100	20	25	100		
Minimum Rear Yard Setback (feet) See Note C	75	50	30	30	30	30			50	50	100	100	20	50	100		

SECTION 17.02 FOOTNOTES TO SCHEDULE OF REGULATIONS

The descriptive elements contained herein are referenced as footnotes in the table of Schedule of Regulations, Section 17.01.

Footnotes:

- A. Minimum lot width is measured along a straight line between the points where the front setback line intersects with the side lot lines, except for cul-de-sac lots, located on the outside of a curve in the road and flag-lots. The width of cul-de-sac lots located on the outside of a curve in the road is measured along a straight line tangent to the arc of the front setback line. The width of flag-lots is measured at the point where the narrow appendage of the lot joins with the body of the lot. These methods of lot width measurement are illustrated in Figures 8 and 9 below. For corner lots, all yards fronting on a street or road shall meet minimum lot width requirements.

Figure 8

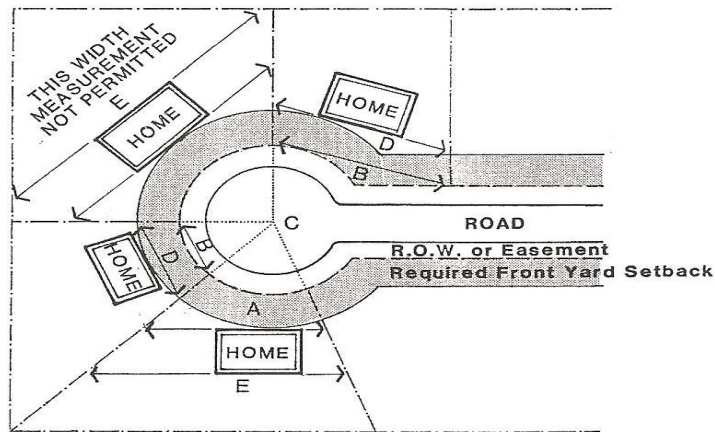
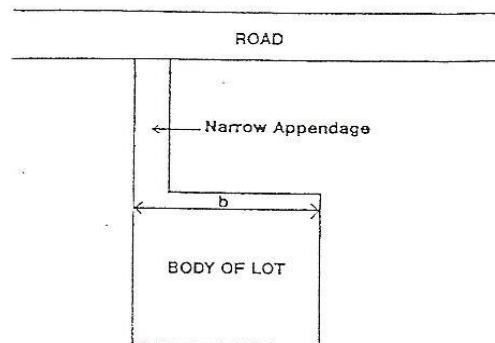


Figure 9



Exceptions : flag lots may be permitted to exceed the height limitations for permitted uses, upon approval of the Planning Commission.

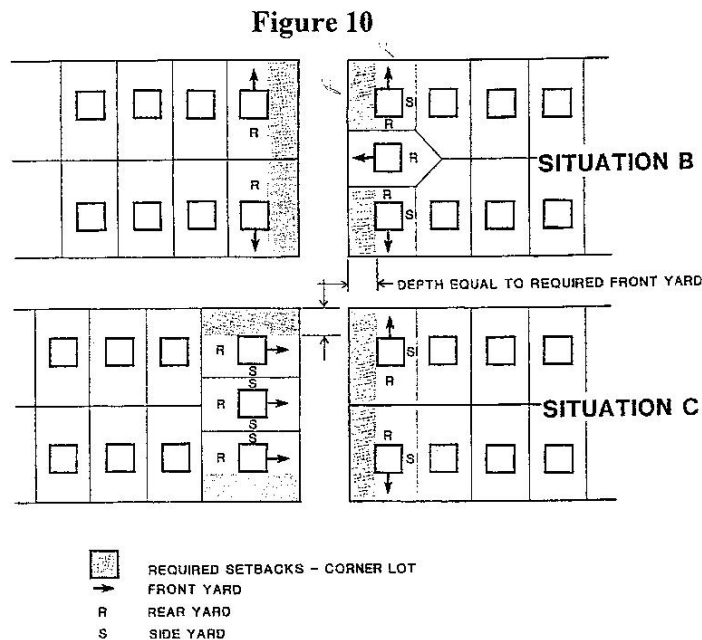
- 1. Chimneys, church spires, c

B. Exceptions to height regulations:

The following structural appurtenances may be permitted to exceed the height limitations for permitted uses, upon approval of the Planning Commission.

1. Chimneys, church spires, cupolas, domes, towers, flag poles, penthouses, monuments may be erected to a height not exceeding sixty (60) feet, unless approved by the Board of Zoning Appeals. Setbacks for radio and wireless communication towers shall be equal to half the height of the structure.
2. Farm Silos and other farm features shall be limited to fifteen (15) feet above the stated height limit in the zoning district.
3. Any mechanical equipment located on the roof of any building shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.
4. Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the stated height limit.

C. For corner lots, both yard areas fronting on the road or street shall meet front yard width and depth requirements. One of the other yards not designated as a front yard shall comply with the rear yard requirement. All other yards shall comply with the side yard requirements as illustrated in Figure 10 below:



- D. Public sanitary sewer and water systems must be installed to serve lots developed to the minimum area permitted in this district. In the event public water and sewer are not available to a lot, the minimum size for that lot shall be 12,000 square feet and a water well and septic system must be installed to service the lot at the time of construction of a building on the lot. Water wells and septic systems must be constructed consistent with the applicable requirements of state, county and Township regulations.
- E. For lots fronting on section line roads, the following minimum requirements shall apply:
 - 1. Each lot shall have a minimum area of twenty-thousand (20,000) square feet.
 - 2. Each lot shall have a minimum width of one hundred (100) feet.
 - 3. Principal buildings shall maintain a front setback of one hundred (100) feet, side setbacks of fifteen (15) feet, and a rear setback of thirty (30) feet, except in the MF, C-3, C-4, M-1, M-2, MHP, and PUD Districts, where the setback shall be as otherwise adopted and published.
- F. In single family residential districts, only one principal building shall be placed on a lot of record or condominium building site.
- G. The required minimum floor area per dwelling in each duplex unit or multiple family dwelling shall be:

Efficiency Apartment	600 sq. ft.
One bedroom unit	800 sq. ft.
Two bedroom unit	1,000 sq. ft.
Three bedroom unit	1,100 sq. ft.
- H. Not less than one hundred (100) square feet of storage area shall be provided for each duplex or multiple family dwelling. The storage area may be provided in a basement, but must be in the same building as the dwelling and must be accessible from an interior entrance door.
- I. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a single family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such blocks need not be greater than the average depth of front yards of such existing buildings.
- J. A building shall not be located closer than twenty-five (25) feet to a perimeter property line that abuts a residential district.

*

- K. A building shall not be located closer than one hundred (100) feet to a perimeter property line that abuts a residential or local business district.
- L. Mobile Home Commission approved provisions in Article 7 shall apply to all manufactured housing communities.
- M. Fire escapes, fire towers, chimneys, platforms, decks (including cantilevered decks), balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards:

<u>Projection</u>	<u>Side Yard</u>	<u>Front Yard</u>	<u>Rear Yard</u>
Air conditioning equipment	P	NP	P
Access drives	(3)	(3)	(3)
Arbors and trellises	P	P	P
Awnings and canopies projecting into 10 percent or less of yard depth	NP	NP	P
Bay windows, decks (open or enclosed), overhangings, eaves, and gutters	(1)	(1)	(1)
Flagpoles	P	P	P
Gardens	P	P	P
Hedges	P	P	P
Laundry drying equipment	P	NP	P
Light standards, ornamental	P	P	P
Paved terraces and open porches*	NP	NP	(2)
Approved signs*	NP	P	NP
Stairways, open unroofed	(1)	(1)	(1)
Steps	NP	P	P
Television or radio towers or antennas*	NP	NP	P
Trees, shrubs, and flowers	P	P	P
Window air conditioning units	(1)	(1)	(1)

* Other requirements in this ordinance also regulate these projections.

“P” means permitted; “NP” means not permitted; (#) refers to notes below. 100 feet for the

Notes Related to Table in Footnote M:

1. Architectural Features: Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may 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 into any front or rear yard not more than twenty-four (24) inches.
2. Terraces and Porches: Open paved terraces and open porches may project into a required rear yard up to twelve (12) feet.

3. Access Drives and Walkways: Access drives may be placed in the required front or side yard so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.
- N. All parcels and lots created under this Ordinance shall have a width-to-depth ratio not to exceed 1 to 4 (1:4). That is, no new lot or parcel shall exceed a depth greater than four (4) times the lot width.
- O. Flexible parcel and lot areas, yard dimensions, building heights, and residential densities are permitted in the PUD district. The PUD district requires a minimum parcel size of twenty (20) acres. Refer to Article 16 for specific regulations.
- P. The minimum floor areas required in the table are the minimum required for up to two (2) bedrooms in a dwelling. For each bedroom in excess of two (2) bedrooms provided in a dwelling, an additional one hundred and fifty (150) square feet of floor area shall be provided for each room. Any room designated as a “den,” “study,” “playroom,” “library,” or other similar words to describe a room that could be easily converted to a bedroom shall be considered a bedroom for purposes of this Ordinance.
- Q. In the C-1, C-2, C-3, C-4, and OS Districts, parking spaces shall be permitted to be located between the required building front setback line and the adjacent road right-of-way. However, vehicle parking spaces must be setback not less than twenty (20) feet from the nearest edge of an adjacent road or street right-of-way or easement, whichever is furthest from the then existing center line of the adjacent roadway. Additionally, when parking spaces are created in the front yard as permitted by this provision, the parking spaces shall be screened by landscape screening installed in accordance with the provisions of Section 18.32 A of this Ordinance.

ARTICLE 18
GENERAL PROVISIONS

SECTION 18.00 INTENT

The purpose of this article is to provide regulatory information on a variety of land uses, issues and concerns heretofore not regulated by provisions of this ordinance. The regulations detailed herein are supplementary to, but no less important than the other regulations presented elsewhere in this ordinance.

SECTION 18.01 PRINCIPAL BUILDING, STRUCTURE OR USE

No zoning lot may contain more than one (1) principal building, structure or use, except: groups of multiple family dwellings under the same ownership, condominium developments, mobile or manufactured housing parks, unified shopping centers, auto dealerships, office complexes or a planned unit development.

SECTION 18.02 ACCESSORY STRUCTURES PROVISIONS

Accessory structures, (see definition section) except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. **Structurally Attached to Main Building.** Where the accessory structure is attached to a main building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the main building.
- B. **Number and Yard Locations.** In all R-1, R-2, and R-3 Single Family Residential districts, and for RA and RE zoned lots two acres in area or less, only one attached garage or accessory structure and one detached garage or accessory structure shall be permitted. If the attached accessory structure is located in the front or side yard, then the detached accessory structure shall be located in the rear yard only. If the attached accessory structure is not located in a front or side yard, then the detached accessory structure shall be permitted only in the side or rear yard. A detached accessory structure shall not be located between the principal structure and an adjacent road. Except as provided in 18.02 G below.
- C. **Maximum Square Footage for Detached Accessory Structures in Residential Development Zoning Districts (RA; RE; R-1; R-2; R-3).** Detached accessory structures, including detached garages, pole barns, storage buildings and other similar structures, shall have a maximum allowable square footage not greater than one and one half (1.5) times the ground floor square footage of the livable space (excluding attached garage areas) of the principal residential structure situated on the parcel or lot.
- D. **Location: Lot Lines.** No detached accessory structure shall be located closer than ten (10) feet to any main building. An accessory building shall not be located within any required front yard, nor in the portion of the required side yard between the required front yard and the required rear yard nor closer than five (5) feet to any lot line. An accessory building on a

corner lot shall require applicable front or side yard setbacks not less than that required for a principal building. In no instance shall an accessory structure be located within a dedicated easement or road right-of-way.

- E. **Waterfront.** On residential lots abutting a water body, docks and boat storage structures for the use of the individual property owners, are permitted as accessory uses to a residential use. Docks and open boat storage structures may be located in the water and on the side lot lines; enclosed boat storage structures shall not be nearer than ten (10) feet from any side lot line. All other accessory structures must be located not less than fifty (50) feet from the edge of the water.
- F. **Height: Detached Accessory Structures.** No detached accessory structure shall exceed the maximum heights listed in Section 17.01, Table of Schedule of Regulations, for the respective districts.
- G. **Structures Constructed Prior to Principal Structures.** Construction of an accessory structure is permitted only in conjunction with construction of a principal structure. If the principal structure is not constructed within one (1) year, the accessory structure shall be deemed a temporary structure and shall be removed.
- H. **Front Yard Accessory Structures.** Accessory structures may be allowed in front yards in RA and RE Districts only on parcels of twenty (20) or more acres in area, with at least four hundred sixty-six (466) feet of road frontage. Accessory buildings shall be at least two hundred fifty (250) feet from the primary structure and one hundred fifty (150) feet set back from the road right-of-way. Additionally, a shelter designed to protect children from inclement weather may be erected in a front yard area during the school year when school buses are in operation; such shelter shall be removed during the summer months when school buses are not in operation. All such permitted front yard accessory structures shall not be located directly in front of the primary structure but to the side of the primary structure.
- I. **Design Standards.** Accessory buildings in RA, RE, R-1, R-2, R-3, MHP, and MF districts shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface materials of surrounding structures.
- J. **Cargo Containers.** The placement and use of any cargo container as an accessory building or structure is prohibited. For the purposes of this subsection, a cargo container shall be defined as a reusable vessel that was originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, which is capable of being mounted or moved by rail, truck or ship, including any other portable containers or pods used for storage with similar appearance and characteristics of cargo containers.
 - i. This provision shall not apply to the temporary use of cargo containers when the cargo containers are being utilized for moving in or out of buildings, residences, etc. No such use of a cargo container may exceed 30 days.

- ii. This provision shall not apply to the temporary use of cargo containers for construction activities on properties with an active building permit consistent with the requirements of Section 18.29.

SECTION 18.03 BUILDING GRADES

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. This shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water from flowing onto the adjacent properties. Finished grade elevations for roads without curbs shall be determined by using the elevation as the centerline of the road in front of the lot as the established grade or such grades as may be otherwise determined by the Township Engineer or Building Official.

- A. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established finished grade as defined in this section in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude any additional runoff of surface water to flow onto the adjacent property.
- B. Final grades shall be approved by the Building Official who may require a grading plan which has been duly completed and certified by a Registered Engineer or Land Surveyor.

SECTION 18.04 BUILDING OCCUPANCY; TEMPORARY GARAGES; ACCESSORY BUILDINGS; BASEMENT DWELLINGS PROHIBITED

Buildings erected after the effective date of this ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. A basement without a structure above it shall not be used for dwelling purposes at any time. This does not preclude unique homes, such as earth sheltered dwellings.

SECTION 18.05 BUILDINGS TO BE MOVED

Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered new construction and shall be subject to all the limitations and requirements herein set forth relating to uses, building size, construction, type, permits and certificates.

SECTION 18.06 COMMERCIAL BULK STORAGE OF INFLAMMABLE SUBSTANCE

Commercial bulk storage of gasoline or other inflammable liquid substances shall be in tanks or other approved containers installed completely below the ground level with leak detection and

groundwater monitoring measures as approved by the Township Fire Marshall, the State Fire Marshall, the County Health Department and Township Planning Commission. Any above-ground tanks exceeding 500 gallons capacity shall be positioned so that a tank is completely surrounded by a concrete and curbed spill containment area. The design capacity of the spill containment area shall be 1 ½ times the volume of the tank.

SECTION 18.07 CONSTRUCTION; TIME LIMIT

All construction work, including electrical, structural, plumbing, heating and cooling, must be installed in conformance with the standards of materials and methods as set forth by the Michigan Residential Code and Michigan Building Code as adopted by Mt. Morris Township and administered and enforced by the Mt. Morris Township Building Department and the State of Michigan.

The exterior of all buildings for which a permit is issued shall be completed within twelve (12) months from the date of issuance of the building permit. Upon written application to show cause, the Township Building Department may grant one (1) extension of time at its discretion. Any subsequent extensions shall be considered and may be granted by the Township Board.

SECTION 18.08 DRIVEWAY ACCESS; EQUIVALENT GRADES

- A. Driveway Access for Public Roads and Private Roads: All driveways or access to public or private roads shall be located to meet the sight distance requirements of the Genesee County Road Commission and other location requirements in this ordinance. Driveways accessing public roads require a driveway permit from the County Road Commission having jurisdiction of the public road. Approvals of driveway accesses to private roads shall be performed by a road inspector designated by the Township Board.
- B. Equivalent Grades at Road Intersections: The road surface of a new public street or road, or a private street or road, or driveway where said road, street or driveway intersects with an existing public road, shall have a finished grade within the approach zone the same elevation as the existing road. The approach zone is that area of new road surface that begins at a point thirty (30) feet outside of the existing road right-of-way and ends at the intersection of the existing and proposed road surfaces. Road surface drainage shall be designed so that all storm water runoff is directed off the road surface into approved ditches instead of flowing into the road intersection. The Planning Commission may waive the requirements of this section whenever topographic relief or other extenuating conditions prevent compliance.

SECTION 18.09 DWELLINGS IN NONRESIDENTIAL DISTRICTS

Dwellings shall not be erected in the business, commercial or industrial zoning districts. However, the one bedroom apartment of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district. The floor area of the apartment shall conform to minimum size requirements contained in this ordinance.

SECTION 18.10 DWELLINGS WITHOUT BASEMENT

Any dwelling without a basement shall be provided with a utility room.

SECTION 18.11 EXCAVATIONS; FILLING OF LAND

- A. The construction, maintenance or existence within the Township of any unprotected, unbaricaded, 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 Official and provided further, that this Section shall not apply to streams, natural bodies of water, drains, ditches, reservoirs or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township or other governmental agencies.
- B. Any excavation, filling or leveling of an area of greater than five thousand (5,000) square feet, not associated with the construction of an approved structure, shall be allowed only after review and issuance of a permit by the Building Official. The applicant for a permit under this section shall submit a plot plan meeting the applicable requirements for a plot plan in Section 18.24.H and the additional requirements of this section. The plot plan shall indicate the extent of the area to be excavated including a cross section showing the depth and steepness of the proposed hole or depression. The plot plan shall indicate where extracted material will be deposited on the site and/or the method of disposal or removal and a time schedule for the completion of the excavation and removal of any material.

The Building Official shall determine if there is a need for further review by the Genesee County Drain Commissioner, the Soil Conservation District and/or the Michigan Department of Environmental Quality. The purpose of the review is to ensure that the proposed alteration of the land does not alter or impede a natural water course or impoundment area. If the Building Official determines further review is necessary, he shall advise the property owner to discontinue operations and notify the Township Board of the action. If a review by one of the above agencies indicates further action is needed, the Board shall be advised of the need and shall approve any studies or assessment districts before action is taken. Any emergency actions necessary to prevent erosion or short term damage may be done. Permits from the appropriate agencies shall be the responsibility of the property owner. A fee for permit may be established by the Board.

- C. The construction of structures and contouring of land to these structures shall also be done in such a manner as to prevent changes in water flow across or from the parcel.

SECTION 18.12 FENCES

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

- A. A fence shall not obstruct the light and air rights of any neighboring household or property owner. Fences in residential districts that enclose property and are not located in a front yard shall not exceed six (6) feet in height above the grade of the surrounding ground. Fences located within a front yard setback shall not exceed a maximum height of forty-eight (48) inches.

- B. Fences shall not contain barbed wire, electric current, or charge of electricity.
- C. Fences enclosing public or institutional parks, playgrounds, or public landscaped areas shall not exceed eight (8) feet in height above the grade of the surrounding land.
- D. Fences on property in nonresidential zoned areas shall be of an ornamental nature of standard commercial fencing not to exceed six (6) feet in height. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited except as specifically permitted herein. Barbed wire cradles may be placed on top of fences enclosing public utility and industrial buildings, and radio, TV and telecommunication facilities and such fences shall be not less than eight (8) feet in height. Such fences may be located in a front yard wherever deemed necessary in the interests of public safety, provided that shrubs or evergreens are planted which will eventually screen such barbed wire cradles.
- E. Security fencing is allowed in any industrial district within ten (10) feet of the front property line, provided it is suitably landscaped, and that if barbed wire cradles on top of such fences are proposed, such shall be permitted if such fences are eight (8) feet or greater in height.

SECTION 18.13 HOME OCCUPATIONS

All home occupations must be reviewed by the Zoning Administrator. Home occupations, as defined herein are permitted provided that the following conditions and standards are met:

- A. **Permitted Home Occupations:** The following are permitted home occupations provided they meet all of the standards listed in item B. below:
 - 1. Dressmaking, sewing and tailoring.
 - 2. Painting, sculpturing or writing.
 - 3. Telephone answering or telemarketing.
 - 4. Home crafts, such as model making, rug weaving, and lapidary work.
 - 5. Tutoring, limited to not more than four students at a time.
 - 6. Computer program development.
 - 7. Salesperson's office or home office of a professional person that meets all conditions of Section 18.13.B below. No sales or direct customer contact are permitted on premise.
 - 8. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, and odor or creates electrical interference.

9. Other similar home occupations as determined by the Planning Commission.

B. Required Conditions: Home occupations shall be permitted following a determination by the Planning Commission that the proposed occupation complies with all of the following standards.

1. There shall be no visible change to the outside appearance of the dwelling.
2. Traffic, parking, sewage, trash or garbage storage and removal or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
3. The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or electrical interference, at levels greater than normally associated with a single family home.
4. Outside storage or display of products related to the home occupation is prohibited.
5. Signs related to a home occupation are not permitted except as allowed for the normal residential use.
6. The home occupation shall not become a nuisance in any manner including but not limited to items 1 and 2 above.
7. Only a resident of the dwelling may be employed or involved in the home occupation. No person outside of the residence shall participate in the home occupation.
8. A home occupation shall not occupy more than ten (10) percent of the usable floor area of the dwelling or ten (10) percent of the floor area of an attached garage. Detached garages and other detached accessory buildings shall not be used for home occupations.
9. All delivery of goods and visits by patrons and other activity shall occur only between 7:00 a.m. and 6:00 p.m.

C. Prohibited home occupations: The following are prohibited home occupations:

1. Private clubs.
2. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
3. Restaurants.
4. Stables or kennels as defined in Article 2.
5. Tourist homes except Bed and Breakfast operations permitted in the RA Rural Agricultural and RE Rural Estate Districts.
6. Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles and similar items.

- D. Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a Special Land Use and be granted or denied upon consideration of the "Required Conditions" contained in item B. above and the standards specified in Article 19.
- E. Home occupation permits shall be limited to the applicant who legally resides in the residence.
- F. The use of a home address as a business address for the sole purpose of meeting state or federal licensing requirements, with no business activity conducted at the home, is not considered to be a home occupation and is exempt from the provisions of this section.

SECTION 18.14 INGRESS AND EGRESS ALONG ARTERIAL ROADS

In order to promote efficient use of arterial roads and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon arterial roads.

A. SERVICE ROADS AND PARKING AREAS.

- 1. If used by more than one property owner, owners of all property using the service road or joint parking area shall submit to the Township Board a properly executed agreement describing that the property owners are responsible for building, repairing, maintaining, and clearing said service roads and parking areas on private land. The agreement shall also state that the service roads and parking areas will not impede vehicle flow but facilitate the safe and efficient movement of traffic.
- 2. No less than two (2) driveways shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least one thousand, three hundred, twenty (1,320) feet apart; provided further, this requirement may be waived by the Genesee County Road Commission where the needs of a particular use do not require it and when traffic hazards will not be increased thereby. The use of acceleration and deceleration lanes shall be determined by the County Road Commission.
- 3. All uses within this subsection shall be developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads and the number of parking areas and to forestall their construction until they are needed.
- 4. Parking lots, driveways and service roads shall be surfaced with concrete or bituminous materials and maintained in a usable dirt-free condition.
- 5. Off-street parking layout shall follow standards prescribed in this ordinance.
- 6. Service roads and driveways shall have a paved width of twenty-four (24) feet and shall be provided with curb and gutters where necessary.

7. The service roads shall be separated from required parking areas by a landscaped buffer of not less than ten (10) feet in width.

SECTION 18.15 NOISE

A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 1. Measurement of sound level shall be made using a microphone set at a height of four (4) feet, at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

All measurements shall be made using a sound level meter which meets the requirements of the American National Standard S1.41984, "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

This section does not apply to agricultural operations utilizing equipment with normal silencing devices, or home lawn maintenance machines and snow blowers that meet their respective product requirements.

TABLE 1

A-WEIGHTED SOUND LEVEL LIMITS-DECIBELS

Duration (Duration as a fraction (percentage) of any one hour period)	Districts		Districts	
	Residential		Nonresidential	
	Night	Day	Night	Day
50% or greater	45	50	55	65
More than 10% but less than 50%	50	55	60	70
10% or less	55	65	70	75
Maximum, any duration	65	75	80	80

SECTION 18.16 NONCOMMERCIAL SATELLITE DISH ANTENNAS AND AMATEUR RADIO ANTENNAS

- A. In residential and business districts, ground-mounted satellite dish antennas or other similar devices (excluding TV antennas) up to twelve (12) feet in diameter, may be permitted subject to the following criteria:
1. Antennas may be either ground mounted or roof mounted.
 2. Ground-mounted dish antennas:
 - shall not be located between the principal building and the front lot line;
 - shall comply with setback requirements of the underlying zoning district for accessory structures;
 - shall not exceed twelve (12) feet in height above existing grade.
 3. Roof-mounted dish antennas:
 - shall not exceed six (6) feet in diameter unless approved by the Planning Commission;
 - shall meet all applicable building codes for roof supported structures.
 4. Antennas shall be installed to prevent electrical, electronic or reception interference to neighboring properties.
 5. Only one satellite dish antenna shall be permitted per residential lot.
 6. The top of amateur radio antennas may extend up to ten (10) feet above maximum building height restriction for the zoning district. Such antenna height of ten (10) feet above the maximum building height shall require approval from the Planning Commission. The Planning Commission may determine that certain design components, such as extensive guy wires and stabilization devices, are inappropriate for residential neighborhoods and may require changes to the design prior to approval of a request.
- B. In the MF multiple family residential district, and in business and industrial districts, roof-mounted satellite dish antennas or other similar devices up to twenty four (24) feet in diameter, may be permitted by a variance granted by the Board of Appeals and subject to the following criteria:
1. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.
 2. The height of the proposed installation does not exceed the maximum height restriction used for principal uses within the district; except that existing buildings that are built up to their minimum height may be permitted a roof-top installation so

long as the diameter of the antenna does not exceed twenty four (24) feet or thirty-three (33%) percent of the existing height of the building, whichever is less.

3. All applications must include certification by a registered engineer that the proposed installation complies with the appropriate sections of the Michigan Residential Code and the Michigan Building Code currently in effect in Michigan. Further more, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.

C. Provisions in this subsection are for the regulation of towers for commercial transmitting or receiving of electronic signals and microwave relays, operated either by a public or private utility, private enterprise, nonprofit organizations, agribusiness, business dispatching vehicles or a business that utilizes such antennas/towers for any reason. Such towers shall be unmanned facilities, except for normal maintenance and repair. Provisions for the regulation of wireless communications devices including cellular telephones and pagers are included at subsection 20.02.LL.

1. A site plan review is required for all commercial transmitting or receiving towers. Antennas/towers that are part of a primary business are to be included with the site plan. (Article 20).
2. A parcel containing a transmitting or receiving tower shall be so located that at least one property line abuts an arterial road and ingress and egress shall be directly upon said arterial. This requirement is waived when the antenna/tower is used as part of an existing agribusiness (farm) operation.
3. The setbacks for each transmitting or receiving tower from adjacent rights-of-way or property lines shall be equivalent to the height of the tower plus the required setback. No structure with public access except the required support building shall be erected in the antenna/tower fall zone which is defined by a circle with its center as the tower base and a radius equal to the height of the antenna/tower. If the antenna/tower requires guy lines, the ground anchoring position of those lines shall be located so the required setback is maintained.

It is recommended that access to the antenna/tower and guy lines by unauthorized persons be restricted by use of fences or other methods reviewed and approved by the Planning Commission.

4. In all districts, such antennas/towers shall not exceed thirty five (35) feet. In RA, commercial and industrial districts, the height of the antenna/tower may be increased by the Planning Commission in the site plan review process.
5. In nonresidential districts and in the RA district, the minimum lot size shall be five (5) acres.

SECTION 18.17 OCCUPIED SPACES

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other projections shall be considered as part of the building and not as part of the yards or courts of unoccupied spaces.

SECTION 18.18 OUTDOOR STORAGE

A. **Residential Districts.** The outdoor storage or parking of any airplane, antique or racing automobile, boat, float, raft, trailer, trailer coach, camping trailer, motorized home, recreational vehicle, demountable travel equipment of the type adaptable to light duty trucks and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, except where expressly permitted by other provisions of this ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front face of the principal building, but no closer than five (5) feet to any side or rear lot line.
2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit, and the vehicle or equipment is owned by the occupant.
3. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied while in storage.
4. No more than three (3) trailers, one of which is a travel trailer, may be parked on a lot of record which is zoned and used for residential purposes. Trailers shall not be any closer than five (5) feet to any side or rear lot line. Ownership of said apparatus must be in the name of a member of the immediate family of the lot's owner, tenant or lessee. RA and RE Districts greater than three (3) acres are excluded from this restriction.
5. Campers, travel trailers, snow mobile trailers, boats and the like, where parked or stored, shall be located only in the rear yard and the side yard, and in addition, shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located.
6. All recreational equipment which normally requires a license or registration must be kept in good repair.
7. The parking or storage of a manufactured home on property not located in a licensed manufactured housing community or seasonal mobile home park is specifically prohibited.

- B. **Non-residential Districts.** For businesses where the normal operation includes outdoor storage of products including building material, recycled products or scrap or similar materials, the entire storage area shall be enclosed with perimeter fencing. The fence shall be visually opaque and at least six (6) feet high, but may be required to be higher where surrounding terrain, including roadways, would allow for visual contact of the storage area. Also, a green belt that meets the requirements of Section 18.32 shall be provided to provide screening between the fence and the property line of the subject site.

SECTION 18.19 PRESERVATION OF ENVIRONMENTAL QUALITY

- A. In any zoning district, a river, stream, watercourse, drainage way or wetland, whether filled or partly filled with water or dry in certain seasons, shall not be obstructed or altered in any way, at any time, by any person, except when done in conformance with State and Federal law and standards.
- B. A person shall not alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, stream or wetland, except as provided in the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972, as amended, and in the Goemaere-Anderson Wetland Protection Act, Act 203 of the Public Acts of 1979, as amended.
- C. A person shall not drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp, or wetland except after receiving approval from the soil erosion officer in accordance with the Soil Erosion and Sedimentation Act, Act 347, P.A. of 1972, as amended. Any such activities also shall be in conformance with provisions in the Goemaere-Anderson Wetland Protection Act, Act 203 of 1979, as amended.

SECTION 18.20 SWIMMING POOLS

Swimming pools shall be permitted as an accessory use , provided a land use permit is obtained and they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and the outside of the pool wall or raised deck or walkway.
- B. There shall be a distance of not less than four (4) feet between the outside pool wall and any principal building located on the same lot.
- C. Swimming pools shall not be located within any required yard setbacks as specified in the zoning ordinance.
- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.

- E. A swimming pool shall not be located in an easement.
- F. For the protection of the public, all areas containing swimming pools shall be completely enclosed by a fence in accordance with regulations of the State of Michigan. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Official upon inspection and approval.

SECTION 18.21 PUBLIC AND PRIVATE LANDFILLS

A public or private landfill shall not be located, used or maintained in any district in Mt. Morris Township except those areas specifically designated and provided for by the Genesee County Department of Public Works and Michigan Department of Environmental Quality pursuant to the requirements of the Solid Waste Management Act and Rules (P.A. 641 of 1978, as amended). The Township restrictions on traffic, roads, noise and other specific zoning controls shall apply.

SECTION 18.22 REQUIRED STREET FRONTAGE

- A. Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to either a public street or road, or private road easement. Waterfront lots shall have direct access to either a public street or road, or private road easement.
- B. Developments which result in parcels fronting on cul-de-sacs shall limit the divisions of land so that all parcels are contiguous to the road right-of-way or easement and maintain the required minimum width at the front building line. All parcels fronting on a cul-de-sac shall have a minimum frontage of not less than sixty six (66) feet.

SECTION 18.23 REQUIREMENTS FOR RUBBISH DISPOSAL

It shall be unlawful for any person to dump rubbish or waste material except in or on public or private licensed solid waste disposal facilities.

SECTION 18.24 RESIDENTIAL DWELLING UNITS

Dwelling units in Mt. Morris Township shall be constructed according to Construction, Fire, Health and Safety Codes enforced by Mt. Morris Township, the Genesee County Health Department and the State of Michigan.

- A. For each new single-family and two-family dwelling unit that does not require site plan review, a plot plan shall be prepared according to Section 18.24.H.

- B. The size of each dwelling unit shall conform to the minimum, floor space requirements of Section 17.01. The dwelling unit shall comply in all respects with the building code enforced by the County, including minimum heights of habitable room. The minimum width of any front, side or rear elevation shall not be less than twenty four (24) feet (excluding porches, breeze ways and garages). The roof shall maintain a pitch of not less than four (4) inches of vertical rise for each twelve (12) inches of horizontal run.
- C. If residential structures are to be developed on parcels situated within two hundred (200) feet of the I-75 right-of-way corridor, the development shall conform to noise attenuation requirements in Section 18.34.
- D. In the event the dwelling unit is a manufactured home, it shall also meet the following additional requirements:
 - 1. It shall conform with all the construction, electrical, fire, safety, heating and plumbing requirements contained in the U.S. Department of Housing and Urban Development Standard entitled "Mobile Home Construction and Safety Standard," effective June 15, 1976 as amended, and it shall bear a label or certificate stating compliance to that Standard.
 - 2. Compliance to the above U.S. Standard does not waive compliance to any of the Zoning Requirements of the Residential Districts in Mt. Morris Township.
 - 3. The towing assembly, wheels and/or any undercarriage used for transporting the unit shall be removed and the attachment areas treated to blend with the exterior surface of the unit.
 - 4. The unit shall be placed on a foundation comparable to site-built homes meeting the Building Code requirements. Where the chassis construction warrants, it may be necessary to use foundation pillars with a perimeter wall for under-floor protection and varmint proofing. Both the pillars and wall shall meet the Building Code requirements.
 - 5. The unit shall be anchored according to manufacturer's recommended practices. If no specifications are available, the anchorages required by the Michigan Mobile Home Commission shall be used.
- E. In addition to requirements stated above, every dwelling unit shall meet the requirements of the appropriate Building or Construction Code and shall have a secured building permit.
- F. Each dwelling unit shall be connected to separate individual water and sewage facilities, or available public sewer and or water systems. Duplex and multiple family units shall use appropriately sized system following the requirements in the Genesee County Sanitary Code.

- G. The above standards do not apply to manufactured homes located in licensed and approved manufactured housing communities. Manufactured housing communities shall provide adequate fire, safety, water, and sewage facilities in accord with Article 7.
- H. Plot plan submission and contents.
1. Ten (10) copies of a plot plan shall be submitted to the Planning Commission if a rezoning of the parcel is required. If no rezoning is required, three (3) copies of a plot plan are submitted to the Building Official. A land use permit will not be issued until the plot plan is approved either by the Planning Commission or Building Official.
 2. The plot plan shall contain the following information.
 - a. The plot plan shall be a scaled drawing to fit a sheet of paper no larger than eleven by seventeen (11 X 17) inches. The plan does not have to be prepared by a licensed or registered professional;
 - b. The actual shape and dimensions of the lot or parcel; and location and zoning relationships to adjacent parcels;
 - c. Location, shape and size of existing and proposed structures;
 - d. Septic tank and drain field locations, if any, including reserved area, and showing distances between the well and property lines. If the plot shall be served by a public sewer, the location and size of the sewer main and sewer lead shall be shown on the plan.
 - e. Well location and distances from septic tank systems and property lines;
 - f. Driveway location and utility easements;
 - g. Area to be excavated and graded, with existing and final grades;
 - h. Significant natural or physical features, such as trees and poles.
 - i. Acknowledgment of any deed restrictions or condominium master deed restrictions. (Copies of actual deed restriction documents are not required, only written acknowledgment of the type and nature of restrictions placed on the property).
 - j. The signature of the fee holder owner of the premises concerned;

- k. The location and right-of-way widths of all intersecting and abutting roads and public easements including drainage easements;
 - l. Date prepared, scale and north point;
 - m. Name, address and professional title (if any) of person responsible for the preparation of the plot plan.
- I. Manufactured homes on private parcels, subject to:
- 1. Site plan review before the Zoning Board of Appeals;
 - 2. 4/12 roof pitch or greater;
 - 3. Similarity with other housing units in the surrounding area;
 - 4. 2 x 8 or 2 x 10 floor joist construction;
 - 5. 2 x 8 floor trusses or greater;
 - 6. HUD or BOCA approval on the home;
 - 7. A minimum of 24 foot wide;
 - 8. A minimum of 1,000 sq. ft. of floor space for a 2 bedroom unit and an additional 150 sq. ft. for each additional bedroom; and
 - 9. Manufacturer specifications for securing the unit to a foundation and/or engineering specifications for a licensed engineer for same.

SECTION 18.25 RESTORING UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the County Building Official, or required to comply with that department's lawful order.

SECTION 18.26 SANITARY FACILITIES

The use of permanent outside privies is not allowed, however, portable sanitary facilities conforming to the provisions of P.A. 368 of 1978, as amended, may be used under temporary permits issued by the Genesee County Health Department for uses and time periods listed below. Such temporary uses of portable sanitary facilities must also comply with provisions in the Genesee County Sanitary Health Code.

- A. During fairs, festivals or sporting events of temporal duration, licensed facilities must be used. The minimum number of such sanitary facilities required to service a large group of people must be stated as terms of the temporary permit. Also, a performance deposit to insure compliance and/or proper maintenance and removal may be required.
- B. Sanitary units not leased from a licensed operator must conform to the following additional provisions:
 - 1. Approval of the type and location of the facility must be obtained from the Genesee County Health Department.
 - 2. A performance bond or letter of credit from the owner/operator to insure adequate maintenance and removal is required in lieu of a contract with a bonded operator.
 - 3. An annual renewal and approval must be obtained from the Genesee County Health Department .

SECTION 18.27 STORAGE, DUMPING OF WASTE, JUNK, GARBAGE, AND SIMILAR ITEMS

The use of the land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of scrap iron, junk, garbage or other refuse, or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district except as allowed in this ordinance. This section does not apply to normal agricultural organic waste material.

SECTION 18.28 STREET, ALLEY AND RAILROAD RIGHTS-OF-WAY

All street, alley, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SECTION 18.29 TEMPORARY STRUCTURES AND USES

- A. **Temporary Housing.** To ensure that temporary units used are safe for the occupants and customers, the unit shall be approved for the designated temporary use by the Genesee County Building Department. All water and sewage facilities shall be required and approved by the Genesee County Health Department. Each unit shall have at least one fire/smoke detector except residential units shall also have a second unit in the central sleeping area. All requirements shall be met prior to occupancy.

Occupancy is approved for the length of time as indicated in the following provisions however the unit shall be removed from the property within 30 days after the permanent structure is completed or the use of the temporary unit ceases whichever occurs first.

1. The Building Official may issue a permit for a temporary dwelling unit when the permanent residence cannot be occupied as a result of a fire, flood, tornado or other natural disaster. The permit will be valid for a period of 3 months. If needed for a longer period of time, the owner must follow additional permit procedure outlined in this section.
2. A property owner constructing a new home - A landowner who is building a new home, may be allowed a manufactured home on the site to provide shelter while the new home is being constructed.

Temporary housing may be allowed provided the following Conditions are complied with:

3. A plot plan shall be submitted to the Planning Commission. The plot plan shall contain the information specified in Section 18.24.H. A written statement from the applicant describing the reasons and need for the temporary living quarters shall be included.
4. The Planning Commission shall review the plot plan and applicant statement of reason for a temporary dwelling and make recommendation of the temporary dwelling and/or use to the Township Board.
5. A signed written agreement between the applicant and Township Board shall be executed. The agreement shall state that the temporary dwelling is for a single purpose not to exceed ten (10) months, at which time the unit shall be vacated and removed from the property within sixty (60) days. If the temporary dwelling is not removed, the applicant is in violation of this ordinance.
6. At the discretion of the Township Board, a financial guarantee, may be required to be deposited with the Township Clerk. The principal will be rebated to the applicant when all conditions attached to the temporary use permit are met successfully. If permit requirements are not adhered to, a violation exists and deposited monies are forfeited to the Township to pay for enforcing the ordinance.
7. The Building Official shall review the documents submitted for a temporary use permit and make a recommendation to the Township Board.
8. The Township Board decides on the request for temporary land use. If it approves, the Board shall instruct the Building Official to issue a temporary use permit.

- B. **Tents.** The use of tents as a temporary dwelling in connection with recreational activities may be permitted upon application to the Building Official showing that necessary and proper health, sanitation, plumbing and freshwater facilities are provided. Such permit shall be limited to a period of two (2) weeks.
- C. **Recreational Vehicles.** Recreational Vehicles which are brought by visitors for traveling purposes may be occupied and allowed, provided the visitors occupying said recreational vehicles have access to toilets, bathing and laundry facilities of the dwelling of the property owner or occupants they are visiting, provided further, that the maximum period shall be limited to fifteen (15) days and to one (1) such visiting recreational vehicle at a dwelling.
- D. **Construction Trailers.** Mobile offices or construction trailers may be used on site by a contractor as temporary facilities during construction of a permanent multi-family, commercial, or industrial project. The applicant shall provide a description of the temporary units and their location on the temporary land use permit. Adequate freshwater and sanitary facilities shall be provided. The mobile units shall be removed within one (1) month after an occupancy permit is issued, or at such time as the temporary land use permit expires. The Township Board has the option of requiring a financial guarantee to guarantee performance at the time the land use permit is issued. The Township Board may declare a forfeiture of the financial guarantee if the site is not cleaned up to the satisfaction of the Building Official.
- E. **Temporary Offices.** Mobile office units may be erected on site of a permanent use under construction. These uses include, but are not limited to, financial institutions and real estate sales, rental or leasing offices. The use and placement of these temporary units shall comply with all applicable provisions of this Section except the maximum time limit for uses erected under this Section shall be six (6) months.

SECTION 18.30 UNIQUE BUILDINGS AND DEVELOPMENTS

This section is intended to assist any person in determining the necessary steps to follow to obtain review and approval of unique buildings or specialized land uses.

- A. Any building or land use shall conform with the requirements included in the appropriate district defined in this ordinance.
- B. The construction techniques and materials shall conform to the requirements of the Genesee County, Building Department to insure maximum protection of the health, safety and welfare of the residents.
- C. Site plan review may be required at the discretion of the Planning Commission.
- D. Underground houses and those houses generally referred to as an earth-sheltered dwelling unit partially or totally below the adjacent surrounding grade level, shall meet the safety and

construction requirements of residential dwelling units. Since the proposed land use may represent unique features and techniques, a special review by the Planning Commission may be required.

SECTION 18.31 UNLAWFUL BUILDING

In case any building or part thereof is used, erected, altered, abandoned or occupied contrary to law or the provisions of this ordinance, such building shall be declared a nuisance and shall be required to be vacated.

SECTION 18.32 LANDSCAPING, SCREENING, AND NOISE ATTENUATION

A. **Frontage and Screening Landscaping:** One of the following landscaping and screening options is required for any nonresidential use, or any residential use for which site plan review is required, on that portion of the site abutting a public road right-of-way, or where a business, commercial, industrial or MF district is adjacent to an RA, RE, R-1, R-2, R-3, or MHP district. When a site plan is submitted for the expansion or redevelopment of an existing use, the entire site shall meet the following landscape requirements.

1. **Greenbelt:** A greenbelt meeting the following standards:
 - a. Minimum width of fifteen (15) feet. The Planning Commission may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a 15-foot width.
 - b. At least one (1) deciduous tree (minimum 2.5 inch caliper) and four (4) minimum eighteen inch (18") high shrubs per each forty (40) lineal feet of street frontage. Location of the trees and shrubbery is discretionary. The Planning Commission may approve evergreens at least five foot (5') high as a substitute for some of or all the canopy trees. Additional canopy trees may be provided in lieu of the requirement for shrubs at the rate of one additional canopy tree for every four required shrubs.
 - c. The greenbelt area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and curbed or edged as necessary. Edging shall be used for any planting beds.
 - d. Where headlights from parked vehicles will shine into the roadway or adjacent uses, the Planning Commission may require use of a totally obscuring hedge including evergreens.
2. **Berms:** A combination of a raised earth berm and plantings meeting the following standards:
 - a. Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Article is met.

- b. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). 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 Planning Commission.
 - c. At least one (1) deciduous tree (minimum 2.5 inch caliper) shall be provided for each thirty (30) lineal street berm length.
 - d. At least one (1) minimum eighteen inch (18") high shrub shall be provided for each one hundred (100) square feet of berm surface area (calculated from a plan view).
 - e. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established by a straw mulch, hydro mulching of netting specifically designed to control erosion.
 - f. The base of any signs placed within the berm shall be at, or below, the average grade along the berm.
3. **Buffer Strip:** A buffer strip may be required, particularly where adjacent uses are less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area. A buffer strip shall meet the following requirements:
- a. Minimum width of fifteen (15) feet.
 - b. All trees shall be evergreens a minimum five (5) feet high at planting.
 - c. The buffer planting area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and curbed or edged as necessary.
 - d. The following species and planting spacings are recommended:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>SPACING REQUIREMENT FT. ON CENTER</u>
"Burki" Red Cedar	Juniperus in Virginia	5
Stone Pine	Pinus Cembra	10
Mugo Pine	Pinus Mugo	5

American Arborvitae	Tsuga Occidentalis	5
Canadian Hemlock	Picea Omoriac	10
Irish Juniper	Juniperus Communis	3
White Fir	Abies Concolor	8
Japanese Cryptomeria	Cryptomeria Japonica	8
White Pine	Pinus Strobus	10
Ketleeri Juniper	Juniperus Chinensis "Ketleeri"	5

B. **Parking Lot Landscaping.** Landscaped island shall be provided in all off-street parking lots with 25 or more spaces.

1. Landscaped islands shall be provided at the ratio of at least one hundred fifty (150) square feet of island for every ten (10) parking spaces or fraction thereof.
2. For every three hundred (300) square feet of landscaped island, at least on (1) deciduous tree (minimum 2.5 inch caliper) shall be planted and at least one (1) deciduous tree shall be planted for each island.
3. All islands shall be planted and maintained with landscape materials and kept free of debris. Each landscaped island shall be provided with a ground cover of low growing woody shrubs, deciduous or evergreen plants, perennial plants and vines, and/or grass. Shredded bark, woodchips, other similar mulch or landscaping stones shall be required on all landscaped islands.
4. Landscaped island shall be curbed and designed to protect landscaping from damage by vehicles. Islands shall be located to aid the flow of traffic, control speeds and break visual monotony of large expanses of parking area.

C. **Screening Wall.** When a screening wall or screening fence is required by certain provisions in this Ordinance, the wall or fence shall be constructed in accordance with the following minimum specifications. In the event another section of this ordinance makes certain other specific requirements for screening a particular use, the other specific requirements shall apply.

1. A screening wall or fence shall be constructed only after issuance of a building permit.
2. The wall or fence shall be not less than six (6) feet in height as measured from the adjacent grade.

3. At the sole discretion of the Planning Commission, the wall or fence shall be constructed of solid masonry material or wood. The Planning Commission shall select the type of material that is most consistent with the style of construction and intended screening application. In the event the Planning Commission chooses to permit a wood fence to be constructed, the fence shall be constructed of solid wood boards that are spaced so as to obscure not less than seventy-five (75%) of the view of the site from adjacent sites or road right-of-way as may be applicable.
4. The Planning Commission may approve construction utilizing other materials that will accomplish the screening objectives of this subsection.

D. Time of Completion. All tree plantings and planting screens required by this ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Building Official shall grant an appropriate delay, but shall issue no permanent zoning compliance certificate until completion of all required plantings. Any zoning compliance permit may be revoked after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever planting screens or required tree plantings are not maintained as required in this ordinance.

E. I-75 Corridor Development - Special Requirements. Any residential development containing more than two (2) single-family dwellings or more than two (2) two-family dwelling units or more than two (2) multi-family units, to be constructed on a parcel of land, any part of which land lies within two hundred (200) feet of the east or west right-of-way line of I-75 as measured in a straight line from the right-of-way line to the closest part of the parcel, shall be required to provide a noise attenuation barrier. The barrier shall be incorporated in site plan or preliminary plat design.

The barrier shall be an earthen berm of no less than forty-eight (48) feet in width at the base and with a height of at least eight (8) feet. The side slopes of the berm shall not exceed a 1 vertical to 3 horizontal ratio. A berm forty-eight (48) feet in width shall not have a height exceeding eight (8) feet. The sides of the berm shall be planted in landscape ground cover to control and prevent erosion.

A combination of evergreen and deciduous trees shall be professionally spaced and planted along and on top of the berm. Evergreen trees shall outnumber deciduous trees by at least a 3 to 1 ratio. Trees of sufficient size shall be planted so that after three (3) years, the trees will have attained a height of at least eight (8) feet. Shrubs also may be planted to supplement the trees.

The berm(s) shall be placed along the perimeter of the site between I-75 and the residential units. The berms may be separated by roads, bikeways, or other access points. The berm shall not obstruct line-of-sight vision at road intersections.

If part of a site contains existing trees and shrubs in a natural setting generally parallel to I-75, the landscaped area may be left undisturbed to provide noise attenuation similar to a constructed landscaped berm. The natural area should have a mixed density of trees and shrubs

with an average height of at least ten (10) feet. The area should have a thickness or width of at least twenty five (25) feet. The Planning Commission shall approve retention of natural areas during site plan or preliminary plat review.

SECTION 18.33 INCENTIVES TO PRESERVE EXISTING TREES

The Township encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, and buffer strips required in Section 18.35 above. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality and at least two and one half inches (2 ½") caliper. Trees to be preserved shall be counted for credit only if they are located in a required buffer area. Tree preservation outside of the required buffer area may receive credit if the preserved trees are found to contribute to the required buffer area by the Planning Commission.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

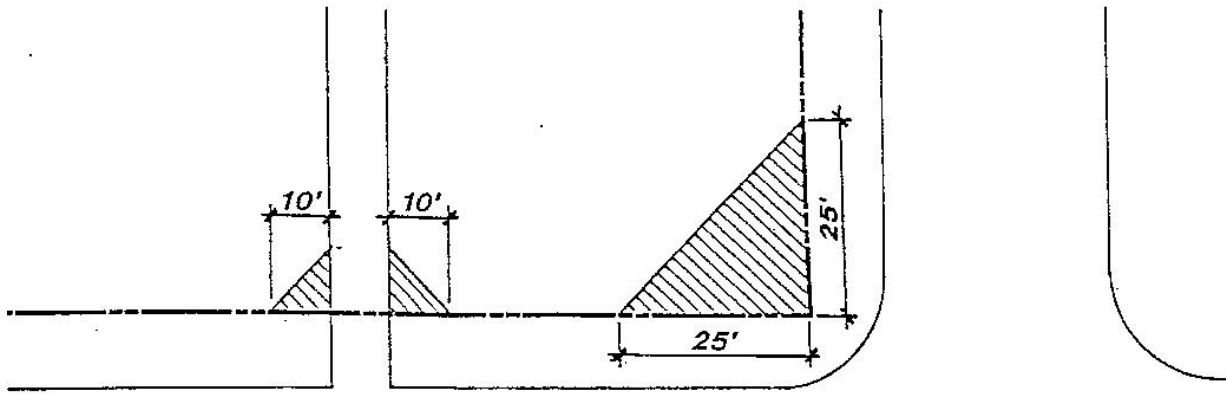
<u>Caliper of Preserved Tree (in inches)</u>	<u>Numbers of Trees Credited</u>
over 12 inches	3
8" - 11.9"	2
2.5" - 7.9"	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

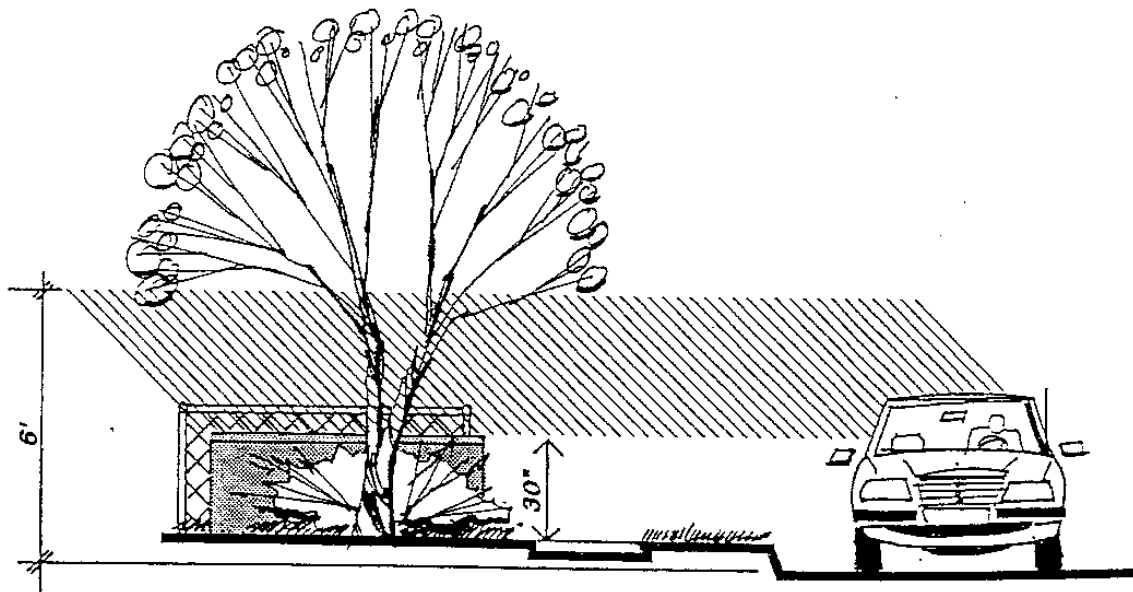
SECTION 18.34 EXTERIOR LIGHTING

All lighting for parking areas, external illumination of buildings or grounds, or illumination of signs, shall be directed away from and shall be shielded from, adjacent residential districts. It shall also be so arranged as to not affect driver visibility adversely on adjacent arterial roads. Light shall not exceed more than 0.5 footcandle at a residential property line. Light shall not exceed more than 1.0 footcandle at a non-residential property line. The Planning Commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and footcandles of site lighting. A photometric plan may be required to ensure compliance with the above standards and that adequate light levels are provided on the site.

Figure 11



PLAN



ELEVATION

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

SECTION 18.35 RESIDENTIAL ENTRANCEWAY

In residential districts, so-called entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions or multiple housing projects, may be permitted, and may be located in a required yard, except as provided in Section 18.36, Clear Vision Zone. Such entranceway structures shall be adequate to permit unobstructed access by all emergency equipment and shall comply with all codes and ordinances of the township and county. Sight distance shall be approved by the Genesee County Road Commission and a driveway permit obtained. The structure shall also be approved by the Mt. Morris Township Building Department.

SECTION 18.36 CLEAR VISION ZONE

The clear vision zone is an unobstructed triangular area described as follows: the area formed at the intersection of two road right-of-way lines where the two (2) sides of the triangular area are twenty-five (25) feet long measured along abutting public rights-of-way lines, and the base of the triangle is a line connecting the two end points of the triangle's sides; also, the area formed at the intersection of a road right-of-way line and a driveway where the two (2) sides of the triangle are ten (10) feet long measured along the abutting public rights-of-way line and the edge of the driveway, and the base of the triangle is a line connecting the two end points of the triangle's sides. (See Illustration "Clear Vision Area")

No structure, wall, fence or planting shall be erected, established or maintained in the clear vision zone. Fences, walls, structures, or plantings located in the triangular area described below shall be constructed and maintained so that no visual obstruction shall occur between a height of thirty (30) inches and six (6) feet above the grade of the intersecting road(s) or driveways.

Trees shall only be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the clear vision area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.

SECTION 18.37 SOLID WASTE RECEPTACLES.

All solid waste receptacles in MF and nonresidential districts shall be enclosed by a wooden or masonry wall equal to the height of the receptacle and not less than five (5) feet high with an opaque lockable gate to prevent unsightly collection of refuse, prevent animal intrusions into this area, and to keep children from entering these areas. Whenever possible the receptacle shall be located at the rear of the site and/or where it will be less visible from the public right-of-way and adjacent properties.

SECTION 18.38 VOTING PLACE

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any public facility as a voting place in connection with a township or other public election, in accordance with state voting law.

SECTION 18.39 STATE LICENSED CHILD AND ADULT CARE FACILITIES

A. State licensed residential child and adult care facilities, as defined in Article 2, Definitions within a residential structure and commercial child care facilities are allowed as provided in Table 18.1 below.

TABLE 18.1

TYPE OF FACILITY	DISTRICTS				
	RA, RE, R-1	R-2, R-3	MF	C-1, C-2, C-3, C-4	OS, M-1, M-2
Adult foster care family home (6 or fewer adults)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed
Adult foster care small group home (12 or fewer adults)	Special Use	Special Use	Permitted	Not Allowed	Not Allowed
Adult foster care large group home (13 to 20 adults)	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed
Foster family home (4 or fewer children 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed
Foster family group home (5 to 6 children 24 hours per day)	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Family day care home (6 or fewer children less than 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed
Group day care home (7 to 12 children less than 24 hours per day)	Not Allowed	Special Use	Permitted	Permitted	Not Allowed
Commercial child care facilities (unlimited by size)	Not Allowed	Not Allowed	Not Allowed	Special Use	Special Use

Permitted: Permitted by right
 Special Use: May be allowed upon review and approval of a Special Land Use Permit, in accordance with the general and specific standards of Article 19 Special Land Uses.
 Not Allowed: Not allowed in zoning district.

Also see Section 19.05(O)

SECTION 18.40 CONDOMINIUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW

The intent of this Section is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or discourage development of condominium projects.

A. **Definitions:** Definitions of condominium terms contained in Article II, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.

- B. **Applicability of District Regulations:** Site condominium projects in any residential district shall comply with all setback, height, coverage and area restrictions in Article XVII Schedule of Regulations in the same manner as these standards would be applied to platted lots in a subdivision.
- C. **Applicability of Subdivision Regulations:** Unless otherwise permitted or specified in these provisions, site condominium projects shall conform to the design, layout and improvement standards in the Mt. Morris Township Subdivision Control Ordinance. The plat review and approval process required by the Subdivision Control Ordinance shall not apply to site condominiums. The review process shall be as stipulated in 18.40 G below.
- D. **Modification of Design Standards:** The Planning Commission may recommend approval of a modified design standard in a particular application where it can be demonstrated that the modified standard meets sound planning, safety and engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.
- E. **Applicability of Private Road and Public Street Standards:** Private roads and driveways within site condominiums must meet the road design, construction, maintenance agreement, and public hearing requirements of the Township. The review and approval process for site condominiums shall follow the process outlined in Section 18.40 G of this article. Any condominium with public streets shall meet the standards of, and be accepted by the Genesee County Road Commission.
- F. **Utilities:** The condominium plan shall grant utility easements or the right of access to utility easements as required by the Township to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.
- G. **Review Process for Site Condominiums:** Prior to the issuance of a building permit for construction of a site condominium project, the project must be reviewed by the Planning Commission and approved by the Township Board according to the following procedure. Conventional condominium projects as defined in this Section shall not be required to follow this review procedure and shall be required to follow the site plan review process in Article 20.
 - 1. **Concept Plan Review:**
 - a. **Planning Commission Recommendation:** The applicant shall submit a concept plan, with information listed in Table 18.2 for review by the Planning Commission.

The Planning Commission shall forward a written recommendation to the Township Board to approve or deny the concept plan within forty-five (45) days of the submittal of a complete concept plan. The Planning Commission shall impose conditions on the concept plan as deemed necessary to comply with concept plan review standards in Table 18.2.n

- b. **Township Board Approval or Denial:** The Township Board shall consider the recommendation of the Planning Commission, review the concept plan and approve or deny the concept plan. All conditions imposed by the Planning Commission on the concept plan shall be resolved prior to approval of the concept plan by the Township Board or the plan shall be sent back to the Planning Commission for reconsideration.
 - c. **Concept Plan Information:** The concept plan shall include all information indicated as required for concept plan submittal in Table 18.2.
 - d. **Review Standards:** In reviewing the concept plan, the Planning Commission and Township Board shall consider whether the project conforms to the appropriate design and layout standards of the Subdivision Control Ordinance and Section 20.03 Standards for Site Plan Review. A review by the Township Engineer may be required at the concept review stage.
2. **Review by Outside Agencies:** The applicant shall submit the concept plan, as approved, to those outside agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include, but not be limited to:
- a. County Road Commission;
 - b. County Drain Commissioner;
 - c. County Health Department;
 - d. Michigan Department of Transportation; and
 - e. Michigan Department of Environmental Quality.
3. **Final Site Plan Review**
- a. **Planning Commission Recommendation:** Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a final site plan to the Planning Commission. The final site plan submittal shall include evidence that the plan was submitted as required for outside agency review and shall include all review letters that have been obtained. If major

modifications to the site plan are required as a result of outside agency review, the site plan shall be re-submitted for concept plan review. A determination of a major modification shall be made by the Zoning Administrator and shall follow the guidelines outlined below under “Plan Amendments”. The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall forward a written recommendation to approve, approved with conditions or deny the final site plan to the Township Board.

- b. **Township Board Approval or Denial:** The Township Board shall review and approve, approve with conditions or deny the final site plan.
 - c. **Final Site Plan Information:** The final site plan must include all information indicated as required in Table 18.2 of this Section.
 - d. **Document Submittal Requirements:** All pages of all documents submitted must include the name of the project, name of the engineer, date submitted, date of original drawing and date of all revisions. Final documents must be verified by the developer/owner including a listing all voided and current drawings.
 - e. **Review Standards:** In reviewing the final site plan, the Planning Commission and Township Board shall consider whether the project meets the design and layout standards of the Subdivision Control Ordinance and Section 20.03 Standards for Site Plan Review. The Planning Commission and Township Board shall also consider comments of the Zoning Administrator regarding the proposed condominium by-laws and master deed and shall require any necessary modifications to these documents.
- 4. **Engineer Review and Final Documents:** If required, the Township Engineer shall review construction plans and establish any necessary financial guarantee requirements, and to confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities shall be submitted in accordance with Section 18.40 K below. Final by-laws and condominium documents shall be submitted in accordance with Section 18.40 L.
 - 5. **Site Plan Amendments:** Proposed amendments to an approved condominium site plan shall be submitted to the Zoning Administrator for a determination by the Planning Commission of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with concept plan review. Minor amendments shall require a re-review and approval beginning with final site plan review.a
 - 6. **Guidelines to Distinguish Major and Minor Amendments:** Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or

location of drainage facilities, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation or that increase the density or intensity of the project. Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads or the size or location of approved drainage facilities or other changes which do not increase traffic volumes or circulation or the intensity or density of a project. For example, a proposal to eliminate or add an access point, or to increase the number of residential units would be a major amendment. A proposal to decrease the number of residential units or to adjust the location of an approved road would be a minor amendment. The determination of whether a proposal constitutes a major or minor amendment shall be made by a subcommittee of the Planning Commission.

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**TABLE 18.2
SITE CONDOMINIUM SUBMITTAL REQUIREMENTS:**

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
An application form and payment of review fees established by the Township Board.	■	■	■
Name(s) and address of the applicant and the owner of record of the subject site. The applicant shall indicate interest in the land as land contract interest, or fee simple ownership.	■	■	■
Names, address and professional seals of the designer, engineer or land surveyor who designed the site condominium layout.		■	■
Location by Section, Town and Range, or by other legal description, and an area map showing the general relationship of the proposed site condominium project to the surrounding area within one-half mile at a scale of not less than 1" = 500'.	■	■	■
Proposed name of subdivision, site condominium project.		■	■
Fifteen (15) copies of the submitted plans on paper not greater than twenty-four (24) inches by thirty-six (36) inches, drawn to an engineers scale no smaller than 1" = 100'. For large projects, one overall plan shall be provided, with sections at a larger scale such as 1" = 20'.	■	■	■
Date, revision dates, and north arrow.	■	■	■
EXISTING SITE INFORMATION			
Site Analysis including general topography, wetlands and woodlands.	■	■	
Lines and dimensions for the site condominium project boundaries.	■	■	■
Boundaries and dimensions for any phase. All phases shall be numbered in the order in which they are intended to be constructed.	■	■	■
All existing and proposed property lines in or within two hundred (200) feet of the proposed site condominium project. Existing lines should be graphically distinguished from proposed lines.		■	■
Zoning district classification for all land parcels within and adjacent to the site condominium site.	■	■	■
Boundaries of floodplain or wetlands regulated by the MDEQ, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual.		■	■
Existing buildings or other structures in or within one hundred (100) feet of the proposed site condominium project.		■	■

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
PROPOSED SITE CONDOMINIUM PROJECT			
NATURAL FEATURES			
Topography drawn as contours at an interval of not less than two (2) feet for the subject site and a general description of topography within one hundred (100) feet of the site. Topography shall be based on U.S.C. and G.S. Datum. Existing and proposed topography lines shall be shown in a manner which is easily distinguishable. topography lines shall be shown		■	■
Boundaries of wetlands regulated by the MDEQ as established by a qualified wetland consultant.	general	■	■
Location of regulated trees and woodlands	general	■	■
Inventory of regulated trees and woodlandsregulated trees and woodlands			■
Location and elevation of any floodplain areas	general	■	■
LOT ARRANGEMENT			
Layout of lots	■	■	■
Lot information including: numbers, dimensions, square footage per lot		■	■
Building setbacks: Dimensions of required building front, side, and rear yard setbacks (i.e. building envelopes). Distances from any shore line or wetland boundary should be clearly dimensioned.		■	■
An indication of the ownership, and existing and proposed use of any parcels identified as “excepted” on the site plan. If the applicant has an interest or owns any parcel identified as “excepted,” the condominium site plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed site plan in terms of utilities, streets and land uses.	■	■	■
STREETS			
Traffic impact study if required by Section 23.05.		■	■
Name, location, and right-of-way widths of existing or proposed public or private streets in or within two hundred fifty (250) feet of the site.	■	■	■
Method of connection with adjoining street system.	■	■	■
General layout of proposed streets	■	■	
Names of proposed streets		■	■
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		■	■
Street Lighting: The location for any street lights shall be shown. A diagram of a typical street light planned to be installed shall be provided.		■	■
Location of school bus stops and documentation from the school district.			■
SIDEWALKS AND BIKEPATHS			
Locations of proposed sidewalks, bike paths and similar facilities		■	■
Details on the width, materials, grades, etc.		■	■
MAIL BOX CLUSTERS			
Proposed location of mail box clusters		■	■
Details on mail box cluster design and letter from Post Office		■	■

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
LANDSCAPE PLAN			
A general conceptual landscape plan illustrating buffer zones and greenbelts.	■	■	
Location and details of street trees, buffer zones and greenbelts including plant lists.			■
Cost estimates for landscape and woodlands replacement plans		■	■
Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting.		■	■
PUBLIC RESERVATIONS AND EASEMENTS			
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	general	■	■
Documentation of dedication or reservation			■
Existing or proposed easements in or within one hundred (100) feet of the site. Information should include the width and purpose for all easements.		■	■
UTILITIES			
General layout of water and sanitary sewer lines	■		
Sewage disposal: Location and sizes of lines, or location of septic fields, for sewage disposal by a method approved by the Genesee County Health Department for the MDEQ and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		■	■
Water system: Location and sizes of lines, or location of wells for proposed water supply by a method approved by the Genesee County Health Department for the MDPH (Michigan Department of Public Health) and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		■	■
Location, sizes and other information on underground utilities present and other proposed utilities. Utility information shall be shown for the plat and for a distance two hundred (200) feet outside of the plat.		■	■
General plans for storm water.	■		
Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Genesee County Drain Commissioner. Storm water runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities.		■ final	■
Construction cost estimate of utilities, roads and other facilities to establish financial guarantee requirements.			■
CONDOMINIUM DOCUMENTS			
Master deed and bylaws.		draft	■
As-built plans.			■

H. **Boundary Relocation:** The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act (only permitted if expressly permitted by the condominium documents) shall conform to all setback requirements of Article 17 for the district in which the project is located, shall be submitted to the Township

Board for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.

- I. **Subdivision of Unit Sites:** Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.
- J. **Water and Waste Water:** The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.
- K. **Master Deed:** The project developer shall furnish the Zoning Administrator with ten (10) copies of the proposed consolidated master deed, bylaws and proposed plans. The master deed and bylaws shall be reviewed for compliance with the Township's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean-out such drainage ways to keep them functioning as intended in the approved drainage plan. The Master Deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform with Township, County and state laws and regulations. The Master Deed shall also include any variances granted by township, county or state authorities and include a hold harmless clause from these variances.

Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board.

- L. **As-built Plan and Occupancy:** Submission of an as-built plan of a condominium project is required. The Building Official may allow occupancy of the project before all improvements required are installed, provided that an acceptable financial guarantee is submitted to the Township clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimated of the Township Engineer.
- M. **Final Bylaws, Consolidated Master Deed and Final Site Plan:** Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed. A site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.
- N. **Survey and Monument Requirements:** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer shall deposit with the Township an acceptable financial guarantee in an amount to be determined by the Township based on the actual cost to set the monuments and irons as required. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate any required easements to the Township for all public water and sanitary sewer lines and appurtenances.

- O. Compliance with Other Statues and Ordinances: All condominium projects shall comply with federal, state, and local laws, statues, and ordinances.

SECTION 18.41 DETERMINATION OF “SIMILAR USES”

In recognition that every potential use cannot be addressed in this zoning ordinance, each nonresidential article list of uses includes the phrase *“uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 18.41”* at the end of the list of Special Land Uses. The Planning Commission shall make a determination of “Uses of the same nature and class...” at a public hearing according to the following standards:

- A. A finding that the proposed use is not listed as a principal use permitted or special land use in any zoning district.
- B. If the use is not addressed in this Ordinance, the Planning Commission shall select the use listed in this Ordinance which most closely resembles the proposed use, using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare. The Planning Commission may determine that there is no similar use and that the use should be prohibited according to the standards of “Prohibited Uses in Section 18.42.”
- C. Once a similar use is determined, the proposed use shall comply with any special conditions or special land use standards that apply to the similar use.

- D. The Planning Commission or applicant shall have the option to request an amendment to the zoning ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
- E. The determination as to whether a proposed use is similar in nature and class to other principal uses permitted or special land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a “use of the same nature or class as uses listed” shall thereafter be included in the enumeration of the uses. Further, the Planning Commission shall proceed with a text amendment to this Ordinance, consistent with the provisions of Article 28, so that the use shall be incorporated in a Zoning District as determined appropriate.

SECTION 18.42 PROHIBITED USES

Certain uses may not be appropriate within Mt. Morris Township given the existing development pattern, environmental conditions and overall character in the community. In accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), a Zoning Ordinance or zoning decision can totally prohibit the establishment of a requested land use within a township if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the township or surrounding area. In determining there is no appropriate location for the use within the township, the Planning Commission shall consider the following:

- A. the land area required by the proposed use;
- B. existing environmental conditions and potential environmental hazards;
- C. the potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views;
- D. demand and capacity of utilities and municipal services to support the proposed use; and,
- E. a finding that there is an alternative land use that will provide the property owner with a reasonable rate of return on investment.

SECTION 18.43 ESSENTIAL PUBLIC SERVICES AND REQUIRED UTILITIES

- A. Essential services buildings and structures shall be permitted, as authorized under any franchise in effect within the Township. Such essential services shall be subject to State laws, Township Ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific

requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Mount Morris Township Zoning Board of Appeals.

B. Public and On-Site Utilities: All structure shall comply with the following standards:

1. All on-site septic systems and wells shall be designed and installed in accordance with the standards of the Genesee County Health Department.
2. All on-site connections to municipal water supply and sanitary sewer system shall be designed and installed in accordance with the standards of the Genesee County Drain Commission and or the Beecher Metropolitan Water Department.
3. All on-site connections to public or private electrical and or gas connections shall comply with the regulations of the current Michigan Building Code, the current Michigan Plumbing Code, Michigan Mechanical Code, the current National Electrical Code, and the current Michigan Residential Code.

C. Engineering: Prior to issuance of a building permit under the provisions of this Ordinance, the Township's Building Official, and or his/her designee may require a review and approval from a State of Michigan licensed engineer and architect. All costs associated with said review shall be the responsibility of the permit holder and must be paid in full prior to issuance of a building permit under the provisions of this ordinance.

SECTION 18.44 MAINTENANCE OF COMMONLY-OWNED PRIVATE FACILITIES

The purpose of this Section is to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. The facilities include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Prior to approving such commonly owned private facilities, the applicable township approving body shall approve legal documents which assure the continuing maintenance and periodic replacement of any commonly-owned private facilities.

The documents shall address the items listed below:

- A. Define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the commonly owned private facilities of owners or an association;
- B. Establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving commonly owned private facilities;

- C. Establish protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- D. Create an administrative vehicle, or owners' association, to manage those elements shared in common and to enforce standards;
- E. Provide for the operation and financing of an association or administrative vehicle;
- F. If applicable, specify the process involved in effecting the transfer responsibility for the commonly-owned private facilities from the developer to the unit owners or lot owners collectively or to a governmental agency of appropriate responsibility.
- G. Set forth proper access and utility easements for the owners or an association;
- H. Commonly owned private facilities shall be defined in the legal descriptions consistent with approved plans or engineering drawings;
- I. For new developments, membership in an association shall be mandatory and owners shall have an obligation to share responsibility for expenses incurred in meeting responsibilities for maintaining commonly-owned private facilities;
- J. Restrictions and reservations are to be permanent, and all owners are to be granted perpetual easements or rights of uses of commonly-owned private facilities;
- K. Responsibilities of the association shall include obtaining appropriate property, casualty and liability insurance covering the commonly-owned private facilities and association activities, as well as responsibility for meeting the obligation of payment of local taxes;
- L. The establishment of a sinking fund or reserve fund for the purpose of capital repair and replacement of commonly-owned private facilities and equipment;
- M. Provisions that the township has the right to maintain and operate the common areas and to assess the owners the cost of this service or seek court action to protect the public, under certain extreme circumstances, where in the sole judgement of the township, health, welfare, and safety are threatened, and the association does not perform its responsibilities;
- N. Provisions for the transfer of ownership or the responsibility for administration, maintenance and replacement of commonly-owned private facilities to the Genesee County Drain Commissioner, Genesee County Road Commission or to Mt. Morris Township (provided that the facilities are upgraded to meet current standards and the cost for such upgrading is assessed to property owners benefiting from the facility) and satisfactory evidence that the applicable governmental entities will accept responsibility or ownership, as applicable; and,

- O. If the Township Board determines that the public health, safety or welfare is threatened because of non-performance by owners or an association whose commonly-owned private facilities were approved under this ordinance, the Township Board shall, after holding a public hearing with due notice to owners of affected property, undertake any of the following:
1. Actions necessary to eliminate the threat to public health, safety or welfare, and assessment of the benefitted owners, in an equitable fashion for the costs of such actions, including maintenance, or replacement, administrative and engineering costs;
 2. Appointment by an appropriate court of a trustee to administer the affairs of the owners of commonly-owned private facilities or an association; and,
 3. Obtain an order from an appropriate court enforcing the owners' or association's covenants or responsibilities.

SECTION 18.45 DIVISION OR COMBINATION OF LOTS IN RECORDED PLATS OR UNPLATTED PARCELS

No division shall be approved unless the lots or parcels meet the minimum requirements of the Zoning Ordinance and other applicable ordinances and regulations including the Michigan Land Division Act, as amended, the Mt. Morris Subdivision Control Ordinance, Land Division Ordinance and all other statues and ordinances adopted to regulate the division of land.

SECTION 18.46 KEEPING OF PETS AND EXOTIC ANIMALS

Not more than three (3) common household pets including dogs, cats, rabbits, snakes, birds, or similar pets are allowed in a dwelling in any residential district provided that the pets are maintained in an acceptable and humane manner and controlled by the owner. Rare and exotic pets such as wolves or dog/wolf mixed breeds, lions, tigers, bobcats, alligators, poisonous snakes and other animals with poisonous bites exotic animals, as defined in this Ordinance, are not allowed in any district.

SECTION 18.47 USE OF AGRICULTURAL LAND FOR DISPOSAL OF EFFLUENT

The use of agricultural land for disposal of effluent from septic tank or sewage treatment facilities is regulated by state and county health agencies. However, the land owner and disposal operator shall notify the Township of the operation, the frequency of operation, and the volume. The operator is responsible for any damage created by the operation or method of application. Effluent shall not be applied when the soil is unable to absorb the fluid such as when frozen or saturated by heavy rain.

SECTION 18.48 PRIVATE ROAD CONSTRUCTION AND MAINTENANCE STANDARDS

Private roads shall be permitted subject to the following requirements:

- A. Private roads shall be designed in accordance with the comparable requirements for public road construction as specified by the Genesee County Road Commission (GCRC). For example, if the GCRC would require a public road with sixty-six (66) feet of width and an asphalt surface to service a particular residential development, a private road constructed to service that residential development shall be designed to the comparable standard.
- B. A private road maintenance agreement shall be prepared and executed prior to the issuance of permits for any buildings intended to obtain access from the private road. The maintenance agreement shall indicate the parties responsible for owning and maintaining the private road.
- C. The private road maintenance agreement shall guarantee that the private road shall be maintained in adequate condition to permit access by emergency and other public service vehicles to provide public services to the public using the buildings accessible from the private road. In the event the Township, in its sole discretion, determines the private road has not been adequately maintained to assure such access, the Township may cause the maintenance to occur with the cost to be billed to the responsible parties as identified in the private road maintenance agreement.
- D. The owners of the private road shall grant authorization to the Township Police Department, the Genesee County Sheriff's Department and the Michigan State Police to enter the private road for purposes of enforcement of traffic laws and all other laws of the Township and the State of Michigan.

SECTION 18.49 SEASONAL USES

Seasonal uses include Christmas tree sales lots, pumpkin sales lots, and other similar uses commonly associated with holiday and seasonal changes. Those uses shall be permitted to be established in the RA, C-1, C-2 and C-3 Zoning Districts and shall not require site plan review and approval. However, a plot plan prepared in accordance with the provisions of 18.24.H shall be submitted to the Building Official for his review. The plot plan shall indicate the location of displays, parking areas and other site attributes. The Building Official shall approve the plot plan for the seasonal use if he finds the plan shall provide for safe and convenient access and site operation and shall not create an attractive nuisance to the neighborhood. The Building Official shall require reasonable conditions to assure the public health, safety and welfare is not compromised by the seasonal use. In the event the Building Official cannot determine that the operation shall not compromise the public health, safety and welfare, he shall reject the request for the seasonal use.

SECTION 18.50 PONDS

Definitions:

1. LAKE OR POND: A natural or man-made body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants. A pond is a body of water of less than five (5) acres, but greater than two hundred (200) square feet. A lake is a body of water of five (5) or more acres.
2. PERSON: An individual, corporation, limited liability company, partnership of any type, trust or other legal entity.

Statement and Purpose:

A. The regulations set forth in this section are designed to provide for the regulation of ponds and lakes, to specify the conditions and circumstances under which ponds and lakes may be developed, to protect the health, safety and general welfare of the residents of the community, and to prohibit the unregulated development of ponds and lakes which would have an adverse effect upon the existing general and aesthetic character of surrounding properties and the township.

ARTICLE III

GENERAL PROVISIONS AND CONDITIONS

- A. No person, firm, corporation, partnership, or other organization or entity shall commence the excavating, altering, enlargement or construction of any pond or lake in the Township without first securing a construction permit from the Mt. Morris Township's Building and/or Zoning Official.
- B. The cleaning and maintenance of any pond or lake in existence as of the date this section becomes effective shall not be considered a new pond or lake unless the pond or lake owner also intends to enlarge said pond or lake.
- C. To protect the health, safety and general welfare of the residents of the community and to provide for any conditions upon approval, a site plan shall be required by the Planning Commission for the construction and or excavation of all ponds or lakes.
- D. A pond or lake shall be considered as a permitted accessory use in all zoning districts and shall not be constructed on a lot or parcel of land that is less than 10 acres in size, unless also reviewed as a special land use permit under the provision of Article 19 of the Township's Zoning Ordinance and in compliance with the listed regulations of this Section.

- E. A pond or lake may occupy up to a maximum of 20% of the lot or property upon which it is placed.
- F. The outside edges of a pond or lake shall comply with the following setback requirements.
1. One hundred (100) feet from a public road right-of-way or a private road right-of-way easement.
 2. Fifty (50) feet from all side or rear property lines.
 3. Fifty (50) feet from all structures.
 4. Twenty-five (25) feet from existing wetland or floodplain areas.
 5. Twenty-five (25) feet from existing County Drains.
 6. One hundred (100) feet from any overhead transmission lines, unless written approval is obtained from the company owning said overhead transmission lines.
- G. No pond or lake shall be located upon, cross, or extend beyond an existing property line and a permit shall not be issued for construction or excavation of a pond or lake on more than one property unless, reviewed as a Special Land Use Permit under the provision of Article 19 of the Township's Zoning Ordinance and in compliance with the listed regulations of this Section. The owners of each property on which any part of the pond is to be located, shall submit a joint application for a special land use permit, signed by each property owner.
- H. Slopes of the excavated pond or lake shall not exceed a ratio of 4 feet horizontal to 1 foot vertical, to a maximum depth below water of 6 feet. The Planning Commission may waive the 4 to 1 slope ratio when the property or pond is enclosed by a minimum 4-foot high fence. All gates shall be self-closing and have a self-latching device.
- I. Ponds must be a minimum of 15 feet depth to existing grade in deepest spot to keep water from being stagnant, unless topography demands special consideration.
- J. All soil and similar materials excavated during the construction of the pond or lake shall remain on the property.
- K. The finished topography of the area surrounding the pond must be one that blends with that of the surrounding terrain. The areas disturbed during construction shall be leveled and seeded with grass and maintained in good condition to prevent erosion.

L. Water elevations in a pond and or lake area shall not cause flooding or impair the removal of water from adjacent property unless appropriate easements are obtained. To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage to a suitable outlet or drainage ditch.

M. All ponds or lakes shall be fully completed, including land rehabilitation, within 180 days from the issuance of a construction permit by the Building and or Zoning Official. In addition to the established permit fee as established by the Township Board, a cash bond in the amount of \$1,000 shall be paid at the time the permit is issued by the owner and or contractor and will be returned once a final inspection is completed by the Building and or Zoning Official. Upon receiving a written request by the property owner explaining the reason(s) that an extension is being requested, the Building and or Zoning Official may grant a 30-day extension to fully complete the excavation of the pond or lake. Extensions greater than 30 days must be reviewed and approved by the Township's Planning Commission. Failure to comply with the requirements of this section shall result in the forfeiture of the cash bond.

N. In addition to fences authorized in paragraph 8 of the section the Township Planning Commission may also, in its discretion, require the installation of an appropriate fence, subject to Planning Commission approval and no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

O. A rescue station shall be located within 25 feet of all ponds having water depths exceeding 3 feet. All rescue stations shall have an approved U.S. Coast Guard life ring with 100 feet of rope and a 10-foot pole on a wooden post extending 4 feet above grade on which a 'deep-water' sign shall be posted.

P. A body of water with less than 200 square feet of surface area and a water depth of 3 feet or less, being used as a garden, landscape or ornamental pond shall be exempt from the provision of this section, provided that such body of water maintains a twenty-five foot (25) setback from all property lines.

Application Requirements:

A. An application to excavate or construct a pond or lake shall be filed with the Zoning Administrator and or Building Official upon forms furnished and approved by the Township Board.

B. The Zoning Administrator and or Building Official shall review the application and required supporting documentation to determine ordinance compliance and submit the application for review to the Mt. Morris Township Planning Commission as either a site plan review and or a special land use review as determined by the Zoning Administrator and/or building official.

C. All applications under this section and this section require a non-refundable fee as established by resolution by the Township Board.

- D. An application for review and permit shall include the following:
1. A complete application on a form provided by the Township, printed in ink or typewritten.
 2. A copy of a recorded deed showing the legal description and any deed restrictions for the property.
 3. A site plan drawn to scale, showing the following minimum items:
 - a. The shape and size of the total parcel with all property dimensions.
 - b. The location of all structures located on the property with dimensions and setback shown.
 - c. The location of on-site sewer and water lines and or well and septic systems.
 - d. The location of the proposed pond or lake and any existing pond or lake on the property with dimensions for size and setbacks from property lines and structures, including any off-site structure within one (100) hundred feet of the proposed pond.
 - e. The location of any easements located on the property.
 - f. An elevation drawing showing the total depth and side slopes of the proposed pond and or lake.
 - g. The proposed location(s) where the excavated material from the pond or lake is to be redistributed on-site.
 - h. Written documentation that the Genesee County Drain Commission and or the Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or lake, or have released the applicant from any required obligation thereto.
 - i. A written agreement signed by the applicant agreeing to indemnify and hold harmless the township, its officials, agents, and employees and all other township residents from all matter of liability whatsoever, that may arise as a result of the construction or excavation or existence of the pond or lake for which the applicant seeks the permit.
 - j. Any other and further requirement as the planning commission deems necessary in the interest of the public health, safety, and welfare of the residents of the township which are consistent with the purpose of this article.
 - k. Nontransferable. - Any permit issued pursuant to this article shall be nontransferable if there is a change in the ownership of the parcel during the term of any permit.

Liability Insurance:

- A. Amount. - The applicant shall provide, as part of its application for its original permit, and as part of any application for a renewal of its permit, proof of liability insurance with coverage in an amount as currently established or as hereafter adopted by resolution of the township board from time to time.
- B. Named insured. - The township, the applicant, the permit holder, and any excavator shall be named as insured parties on all liability policies.
- C. Coverage. - The liability coverage shall insure against any type of liability related to the excavation or construction of the pond or lake, and the existence of the resultant lake/pond, including the liability of the permit holder pursuant to the indemnification and hold harmless agreement made by the applicant as provided in section.

Violations:

Any person who violates this ordinance shall be responsible for a municipal civil infraction and subject to the penalties and provisions of Article 27 of the Charter Township of Mount Morris Zoning Ordinance as amended.

SECTION 18.51 PRIVATE SERVICE DRIVE STANDARDS

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the Commission may permit or require construction of a private service drive across abutting lots and generally parallel to the public road to allow traffic to circulate from one lot to another without re-entering the public road. The private service drive shall be required, designed and maintained subject to the following standards.

- A. The front edge of the private service drive shall be separated from the public road by at least twenty-five (25) feet to permit installation of a sidewalk adjacent to the public road and adequate turning radius with necessary clear vision zones between the public road and the private service drive.
- B. The private service drive shall be built and maintained in accordance with the provisions of Section 18.48.
- C. A private service drive may be required in order to provide access to residential, nonresidential or a combination of residential and nonresidential uses. The Planning Commission shall be the sole authority to determine the need for and to require installation of a private service drive.

SECTION 18.52 MEDICAL MARIHUANA FACILITIES

The purpose of this Ordinance is to:

- A. Regulate and control, but not to exclude, the growing, consumption, distribution, and delivery of medical marihuana in a manner that protects the rights of those authorized to do so under Michigan’s Medical Marihuana Act, being MCL 333.26421 et. seq.; and
- B. Provide Qualifying Patients safe access to medicine; and
- C. Protect the health, safety, and welfare of all residents of the Township.

SECTION 18.52: Medical Marihuana Facilities

A. Standards:

1. **Home Care Center:** The construction and operation of a Home Care Center in the Charter Township of Mt. Morris is permitted in the **(R-1) Single Family Residential; (R-2) Single Family Residential; (R-3) Single Family Residential; (RA) Rural Agricultural District; and (RE) Rural Estate Residential District.**
2. **Patient Care Center:** The construction and operation of every Patient Care Center in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**, in the **(C-1) Local Commercial District; (C-2) Community Commercial; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District** after satisfying the performance evaluation criteria for an intensive commercial activity.
3. **Provisioning Center:** The construction and operation of a Provisioning Center in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District; (C-3) Regional Commercial District; and (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District** after satisfying the performance evaluation criteria for an intensive commercial activity..

4. **Grow Facility:** The construction and operation of a Grow Facility is permitted only by special land use permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**
5. **Processing Facility:** The construction and operation of a Processor is permitted only by special land use permit, granted in accordance with **Article 19** of the **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**
6. **Safety Compliance Facility:** The construction and operation of a Safety Compliance Facility in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District;** **(C-3) Regional Commercial District;** **(C-4) Service Commercial District;** **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**
7. **Secure Transport Facility:** The construction and operation of a Secure Transport Facility in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District;** **(C-3) Regional Commercial District;** **(C-4) Service Commercial District;** **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**

B. *Definitions:*

1. **Statutory Definitions:** The words and phrases used herein have the same meaning as set forth in the **Medical Marihuana Act** and the **Facilities Licensing Act**, except as modified herein.
2. **Applicant** means the person who applies for a permit for a Medical Marihuana Facility.
3. **Building** means any permanent structure having a roof or other covering that is built, used, designed, or intended for the enclosure of persons, animals, chattel, or property of any kind.
4. **Facilities Licensing Act** means the **Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.**

5. **Grow Facility** means a commercial facility operated by Grower.
6. **Grower** means a person cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center.
7. **Cultivation** means to grow live marihuana plants under artificial or natural lighting.
8. **Enclosed, Locked Facility** means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met: (i) The vehicle is being used temporarily to transport living marihuana plants from 1 location to another with the intent to permanently retain those plants at the second location; and (ii) An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marihuana plants belong or the individual designated through the departmental registration process as the primary caregiver for the registered qualifying patient.
9. **Home Care Center** means a facility, located at a Primary Caregiver's residence, that is operated by not more than 1 Primary Caregiver.
10. **License** means a license pursuant to the **Mt. Morris Township Medical Marihuana Licensing Ordinance**.
11. **Marihuana** means all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
12. **Medical Marihuana Facility** means a Home Care Center, Patient Care Center, Safety Compliance Facility, Secure Transport Facility, Grow Facility, Processing Facility, or a Provisioning Center.
13. **Medicate** means consuming, ingesting, absorbing, smoking, inhaling, eating, vaporizing, and drinking.
14. **Multi-Parcel Property** means any development consisting of more than one Parcel of property including a Planned Commercial Development, Planned Development, Industrial Park, and Shopping Center as defined in **Section 2.01** of the **Township Zoning Ordinance**.

15. **Outdoor Enclosed, Locked Facility** means any Enclosed, Locked Facility that is not located inside of a Building and are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.
16. **Parcel** means that property which is identified by a single parcel number by the Mt. Morris Township Treasurer.
17. **Patient Care Center** means a Commercial facility established by one or more Primary Caregivers, not located at a Primary Caregiver's residence.
18. **Person** means any individual, partnership, corporation, association, or limited liability company.
19. **Physical Improvement** means the improvement of real property using construction materials constructed in a manner which complies with **Section 18.02** of the **Township Zoning Ordinance**.
20. **Planning Commission** means the Charter Township of Mt. Morris Planning Commission.
21. **Primary Caregiver** means an individual person who is at least 21 years old, who has agreed to assist with a patient's Medical Use of Marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a Registry Identification Card, which is not expired and has not been revoked.
22. **Processing** means harvesting, trimming, drying, curing, preparing, measuring, weighing, extracting, reducing, cooking, baking, packaging, or storing of marihuana.
23. **Processing Facility** means a commercial facility where a Processor extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.
24. **Processor** means a Person who purchases marijuana from a grower and who extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

25. Provisioning Center:

- A. Means a Commercial facility that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver;
- B. Includes any commercial property where marihuana is sold at retail to patients or caregivers.
- C. Does not include a non-commercial location used by a primary caregiver to assist a qualifying patient with the acquisition or medical use of marihuana.
- D. Does not include a Home Care Center.
- E. Dose not include a Patient Care Center.

26. **Qualifying Patient** means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a Registry Identification Card by the Department, which is not expired and has not been revoked.

27. **Registry Identification Card** means a document issued by the State Department of Community Health that identifies a person as a registered Qualifying Patient or registered Primary Caregiver.

28. **Religious Exercise** means any exercise of religion, whether or not compelled by, or central to, a system of religious belief as set forth in the **Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.**

29. **Safety Compliance Facility** means a Commercial facility that receives marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, and who then returns the test results and returns the marihuana to the marihuana facility.

30. **Shopping Center** means a grouping of retail businesses and service uses on a single site with common parking facilities.

31. **Secure Transport Facility** means a commercial facility stores marijuana and transports marijuana between marijuana facilities for a fee.

32. **Testing** means checking a sample of not more than 2 grams of marihuana by a professional Marihuana Testing Facility and producing a professional scientific report of laboratory test results.

33. **Township** means the Charter Township of Mt. Morris, Genesee County, Michigan.

34. **Township Board** means the Township Board of Trustees of the Charter Township of Mt. Morris, Genesee County, Michigan.
35. **Transferring** means the act of a caregiver providing his/her qualifying patient with medical marihuana.

C. Procedure for Issuance of Special Land Use Permit:

1. The development and locational standards set forth herein will be used by the **Planning Commission** to determine if the application satisfies the conditions that are precedent to the approval of a **Special Land Use**.
2. **Application for Permit:** An application for a permit must be completed by the Applicant in conformance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.
3. **Application Review:** The Planning Commission must:
 - a. Review the application for the Special Land Use Permit; and
 - b. Review the application for a License; and
 - c. Hold a public hearing to determine whether the use as set forth and described in the application for the Special Land Use Permit and the application for a License complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, the **Mt. Morris Township Medical Marihuana Licensing Ordinance**, and with statutes of the State of Michigan.
4. **Public Hearing:** The Planning Commission must hold a public hearing in accordance with **Article VIII** of the **Mt. Morris Township Medical Marihuana Licensing Ordinance**, and must:
 - a. Review the application for the Special Land Use Permit (in conjunction with its review of the Application for a License); and
 - b. Make a finding as to whether the use as set forth and described in the application for the Special Land Use Permit complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, and with statutes of the State of Michigan; and

- c. Determine whether the Special Land Use Permit should be granted (in conjunction with its determination of whether the Application for License should be granted).
- D. **Home Care Center Requirements:** A Home Care Center must be operated in accordance with the following requirements:
1. **Signs and Advertisements:** A Home Care Center is not permitted to install any exterior or interior sign, billboard, or advertisement for any purpose.
 2. **Outdoor Enclosed, Locked Facility Requirements:** An Outdoor Enclosed, Locked Facility is subject to the following requirements:
 - a. **Zoning District:** An Outdoor Enclosed, Locked Facility must not be located on a Parcel of Property of which any portion is situated within the following zoning districts: **Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF);** or **Manufactured Housing Park District (MHP);** and
 - b. **Location:** An Outdoor Enclosed, Locked Facility must be located on a Parcel of Property such that the Outdoor Enclosed, Locked facility is at least 100 feet from any lot line of such Parcel of Property; and
 - c. **Construction:** An Outdoor Enclosed, Locked Facility must be constructed such that marihuana plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.
- E. **Patient Care Center, Safety Compliance Facility, and a Secure Transport Facility Requirements:** A facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must be located and operated in accordance with the following requirements:

1. **Special Land Use Requirement:** No facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility may be operated in the Charter Township of Mt. Morris, except in accordance with this **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.
2. **Zoning District:** A facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District; (C-2) Community Commercial; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District.**
3. **Population Limitations:** The issuance of a Special Land Use Permit for a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility shall not be conditioned upon the population of the Township.
4. **Location:** A facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility shall not be conditioned upon the location of any other special land use zone, provided that a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility is not permitted on any of the following:
 - a. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
 - b. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE); or Planned Unit Development (PUD);** or
 - c. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is situated in a **Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); or Planned Unit Development (PUD),** except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

- d. On a Parcel of Property of which any building contains one or more uses unless the Township has issued licenses for each such use; or
 - e. In a shopping center.
5. **Entrances:** Entrances to a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:
- a. “Only persons with valid Registry Identification Cards may enter;” and
 - b. “No alcoholic beverages of any type are permitted;” and
 - c. “Not open to public. Authorized personal only.”
6. **Off-Street Parking:** All off-street parking of a facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must comply with the following:
- a. All off-street parking must comply with the provisions of **Article 21** of the **Charter Township of Mt. Morris Zoning Ordinance**; and
 - b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.
7. **Advertisements:** Advertisements, displays or other promotional materials of a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.
8. **Signs and Billboards:** The sign or billboard of a Patient Care Center, Safety Compliance Facility, and a Secure Transport Facility must not contain the word “marihuana,” any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

9. **Screened Openings:** All building openings, entries, windows, and any other portion of the building, as required by the Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
- F. **Provisioning Center Requirements:** A facility which is a Provisioning Center must meet the following requirements:
1. **Special Land Use Requirement:** No facility which is a Provisioning Center. may be operated in the Charter Township of Mt. Morris, except in accordance with this **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.
 2. **Zoning District:** A facility which is a Provisioning Center shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District, (C-2) Community Commercial District; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District**
 3. **Location:** The issuance of a Special Land Use Permit for a Provisioning Center, including a Provisioning Center co-located with a Grow Facility or a Processing Facility is not permitted on any of the following:
 - a. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is situated in a **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE); or Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
 - b. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
 - c. On a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Provisioning Center; or

- d. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Provisioning Center, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
 - e. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE); or Planned Unit Development (PUD).**
4. **Entrances:** Entrances to a Provisioning Center must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:
 - a. “Only persons with Registry Identification Cards may enter;” and
 - b. “No alcoholic beverages of any type are permitted within the Provisioning Center.”
 5. **Off-Street Parking:** All off-street parking of a Provisioning Center must comply with the following:
 - a. All off-street parking must comply with the provisions of **Article 21** of the **Charter Township of Mt. Morris Zoning Ordinance;** and
 - b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.
 6. **Advertisements:** Advertisements, displays or other promotional materials of a Provisioning Center must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.
 7. **Signs and Billboards:** The sign or billboard of a Provisioning Center must not contain the word “marihuana,” any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

8. **Screened Openings:** All building openings, entries, windows, and any other portion of the building as required by the Provisioning Center must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
- G. **Processing Facility and Grow Facility:** A facility which is a Processing Facility or Grow Facility must meet the following requirements:
1. **Special Land Use Requirement:** No facility which is a Processing Facility or a Grow Facility may be operated in the Charter Township of Mt. Morris, except in accordance with this **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.
 2. **Zoning District:** A facility which is a Processing Facility or a Grow Facility shall only be permitted by Special Land Use Permit in a **Light Industrial District (M-1)**; or **Heavy Industrial District (M-2)**.
 3. **Population Limitations:** The issuance of a Special Land Use Permit for a Processing Facility or a Grow Facility shall not be conditioned upon the population of the Township.
 4. **Location:** The issuance of a Special Land Use Permit for a Processing Facility or a Grow Facility shall not be conditioned upon the location of any other special land use zone, provided that no Processing Facility and no Grow Facility shall be located on a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a school, or child care facility, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
 5. **Entrances:** Entrances to a Processing Facility and a Grow Facility must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:
 - a. “Only persons with Registry Identification Cards may enter”; and
 - b. “No alcoholic beverages of any type are permitted within the Commercial Grow;” and
 - c. “No person under the age of 21 may enter.”

6. **Off-Street Parking:** All off-street parking of a Processing Facility and a Grow Facility must comply with the following:
 - a. All off-street parking must comply with the provisions of **Article 21** of the **Charter Township of Mt. Morris Zoning Ordinance**; and
 - b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.
7. **Advertisements:** Advertisements, displays or other promotional materials of a Processing Facility and a Grow Facility must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.
8. **Signs and Billboards:** The sign or billboard of a Processing Facility and a Grow Facility must not contain the word “marihuana,” any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.
9. **Screened Openings:** All building openings, entries, windows, and any other portion of the building as required by the Grow Facility or a Processing Facility must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
- H. **Zoning Standards:** A Medical Marihuana Facility must conform to all standards of the zoning district in which it is located.
- I. **Other Standards:** A Medical Marihuana Facility must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained.
- J. **Compliance:** At all times a person must comply with all Federal, State, and local the rules, regulations, and ordinances.

SECTION 18.53: SOLAR ENERGY COLLECTOR SYSTEMS

A. Standards:

1. **Building-Mounted Solar Energy Collector Systems:** The construction and operation of a building-mounted solar energy collector system shall be only permitted as accessory use in all zoning districts by permit issued by the Zoning Administrator after an administrative review, subject to the requirements of Section 18.53C, Section 18.53E and Section 18.53F.
2. **Ground-Mounted Solar Energy Collector Systems:** A ground-mounted solar energy collector system is permitted by Special Land Use Permit, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance, in the (RA) Rural Agricultural District, (M-1) Light Industrial District and (M-2) Heavy Industrial District.**

B. Definitions:

1. **Applicant** means the person who applies for a permit for Solar Energy Collector System.
2. **Active Solar Energy Structure** means a structure which uses mechanically operating solar collectors to collect, transfer, or store solar energy.
3. **Building** means any permanent structure having a roof or other covering that is built, used, designed, or intended for the enclosure of persons, animals, chattel, or property of any kind.
4. **Building-Mounted Solar Energy Collector System** means a solar energy collector system attached to the roof or wall of a building, or which serves as a roof, wall, or window or other element, in whole or in part, of a building.
5. **Commercial Solar Energy System** means a facility consisting of a utility-scale solar energy collector system with the primary purpose of wholesale or retail sale of generated electricity, commonly referred to as solar farms.
6. **Ground-Mounted Solar Energy Collector System** means a solar energy collector system that is not attached to and is separate from any building on the parcel of land on which the solar energy collector system is located.
7. **Parcel** means that property which is identified by a single parcel number by the Mt. Morris Township Treasurer.
8. **Person** means any individual, partnership, corporation, association, or limited liability company.
9. **Physical Improvement** means the improvement of real property using construction materials constructed in a manner which complies with Section 18.02 of the Township Zoning Ordinance.

10. **Planning Commission** means the Charter Township of Mt. Morris Planning Commission.
11. **Solar Energy Collector System** means a panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electrical power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.
12. **Township** means the Charter Township of Mt. Morris, Genesee County, Michigan.
13. **Township Board** means the Township Board of Trustees of the Charter Township of Mt. Morris, Genesee County, Michigan.

C. Criteria for the Use of All Solar Energy Collector Systems:

1. Solar Energy Collector Systems must be located in the least visibly obtrusive location where panels would be functional.
2. Solar Energy Collector Systems must be repaired or replaced within 3 months of becoming non-functional.
3. Solar Energy Collector Systems must conform to applicable industry standards including those established by the American National Standards Institute (“ANSI”).

D. Exceptions for Administrative Review of Building-Mounted Solar Energy Collector System: An application for a permit for administrative review of a Building-Mounted Solar Energy System is not required for:

1. The installation of 1 solar panel with a total collector area not exceeding 8 square feet; or
2. The repair and/or replacement of any component of an existing Building-Mounted Solar Energy Collector System, provided that its size of the total collector area is not expanded.

E. Application for Administrative Review of Building-Mounted Solar Energy Collector System: Except as provided in 18.53D, an application for administrative review for a permit for a Building-Mounted Solar Collector System must be submitted on a form supplied by the Township and must include with the application the following:

1. Photographs of the property’s existing conditions; and

2. Renderings or catalogue cuts of the proposed Building-Mounted Solar Energy Collector System; and
3. Record establishing that the Building-Mounted Solar Collector System conforms to ANSI Standards.
4. Certificate of Compliance demonstrating that the Building-Mounted Solar Energy Collector System has been tested and approved by Underwriters Laboratories (“UL”) or other approved independent testing agency.
5. Site Plan to indicate where the Building-Mounted Solar Energy Collector System will be installed on the property.
6. Description of screening to be provided the Building-Mounted Solar Energy Collector System.
7. A copy of the manufacturer’s installation and maintenance instructions.

F. Building Mounted Solar Energy Collector System Requirements: A Building-Mounted Solar Energy Collector System must conform to the following requirements:

1. An Administrative Review by the Zoning Administrator is required for the construction and/or installation of all Building-Mounted Solar Energy Collector Systems prior to the issuance of a permit as an accessory use.
2. A Building-Mounted Solar Energy Collector System mounted on the roof of a building shall not project more than 5 feet above the highest point of the roof, but in any event, shall not exceed the maximum height limitation for the zoning district in which the parcel of property is located, and not project beyond the eaves of the roof of the building.
3. A Building-Mounted Solar Energy Collector System mounted on the roof of a building shall not have a weight more than can be safely supported by the roof. The applicant must provide the Zoning Administrator with proof thereof in the form of a certificate by a professional engineer or architect, which must be approved by the Township Building Inspector prior to the issuance of a permit by the Zoning Administrator as an accessory use.
4. A Building-Mounted Solar Energy Collector System that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. The applicant must provide the Zoning Administrator with proof of the safety and reliability of the means of such attachment, which must be approved by the Township Building Inspector prior to the issuance of a permit by the Zoning Administrator as an accessory use.
5. A Building-Mounted Solar Energy Collector System that is wall-mounted shall not exceed the height of the building wall to which is attached.

6. A Building-Mounted Solar Energy Collector System shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
7. A Building-Mounted Solar Energy Collector System that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be generally neutral in color and substantially non-reflective of light.
8. A Building-Mounted Solar Energy Collector System that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be installed, maintained, and used only in accordance with the manufacturer's installation and maintenance instructions.
9. A Building-Mounted Solar Energy Collector System that is roof-mounted, wall-mounted, or otherwise attached to a building or structure must comply with the Township construction code, electrical code, plumbing code, and all other applicable Township ordinances.

G. Procedure for Issuance of Special Land Use Permit For Ground-Mounted Solar Energy Collector Systems:

1. The development and locational standards set forth herein will be used by the Planning Commission to determine if the application for the issuance of a Special Land Use Permit for a Ground-Mounted Solar Energy Collector System satisfies the conditions that are precedent to the approval of a Special Land Use.
2. Application for Permit: An application for the issuance of a Special Land Use Permit for a Ground-Mounted Solar Energy Collector System must be completed by the Applicant in conformance with Article 19 of the Charter Township of Mt. Morris Zoning Ordinance.
3. Application Review: The Planning Commission must:
 - a. Review the application for the issuance of a Special Land Use Permit for a Ground-Mounted Solar Energy Collector System;
 - b. Hold a public hearing to determine whether the use as set forth and described in the application for the issuance of a Special Land Use Permit for a Ground-Mounted Solar Energy Collector System complies with the requirements of the Charter Township of Mt. Morris Zoning Ordinance, as amended by this Amendment, and with statutes of the State of Michigan.
4. Public Hearing: The Planning Commission must hold a public hearing and must:
 - a. Review the application for the Special Land Use Permit;

- b. Make a finding as to whether the use as set forth and described in the application for the Special Land Use Permit complies with the requirements of the Charter Township of Mt. Morris Zoning Ordinance, as amended by this Amendment, and with statutes of the State of Michigan; and
 - c. Determine whether the Special Land Use Permit should be granted.
- H. **Zoning Standards:** A Ground-Mounted Solar Energy Collector System must conform to all standards of the zoning district in which it is located.
- I. **Other Standards:** A Ground-Mounted Solar Energy Collector System must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained.
- J. **Compliance:** At all times a person must comply with all Federal, State, and local the rules, regulations, and ordinances.

SECTION 18.54 SHOOTING RANGE

Indoor Shooting Ranges or Outdoor Shooting Ranges may be constructed in the Township of Mt. Morris except as provided as follows:

- A. **Indoor Shooting Range:** The construction and operation of an Indoor Shooting Range in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with Article 19 of the Charter Township of Mt. Morris Zoning Ordinance, in **the (C-1) Local Commercial District; in the (C-2) Community Commercial District; in the (C-3) Regional Commercial District; in the (M-1) Light Industrial District and (M-2) Heavy Industrial District.**
- 1. Site Plan: A site plan for an Indoor Shooting Range must be submitted to the Planning Commission. The site plan must be written in accordance with Article 20 of the Charter Township of Mt. Morris Zoning Ordinance and demonstrate the following:
 - a. The location of the firing lines, target lines, and impact areas such as backstops, containment structures, and baffling;
 - b. The designation of the type and caliber of firearm and ammunition to be allowed from each firing point;
 - c. The surface danger zone for each type and caliber of firearm and ammunition to be allowed from each firing point;
 - d. The institutional controls and physical facilities necessary to prevent the escape of bullets from the shooting area;

- e. Compliance with all applicable National Rifle Association design standard, guidelines, safety rules, and generally accepted operation practices;
 - f. Adherence to all federal, state, county and local codes and ordinances in regard to firearms and explosives; and
2. Supplements to Site Plan: The site plan for an Indoor Shooting Ranges must be supplemented by the following:
- a. The site plan must include a sound abatement plan which demonstrates that the intensity level of sounds shall not exceed 55 decibels at each lot line of the range. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
 - b. The site plan must include a detailed Safety Plan, which sets forth the general rules, specific rules, administrative rules, firearm handling rules, emergency plan, and training plan for range officers.
 - c. The site plan must include a plan for the ongoing and future maintenance of the shooting range, including HVAC inspection and repair, replacement of lighting, repair and replacement of targets, equipment repair, grounds maintenance, lead abatement, and abatement of all other hazardous shooting associated material.
 - d. The site plan must include a written evaluation by a NRA Range Technical Team Advisor or a Professional Engineer with expertise in the design of shooting ranges that verifies that the proposed uses are consistent with the NRA Range Source Book published by the National Rifle Association.
 - e. The site plan must set forth the safeguards planned to minimize the potential for adverse impacts on adjacent properties.
 - f. The site plan must include an approval of the site plan by the Township Police Chief.
 - g. The site plan must include approval by the Township Building Inspector.
 - h. The site plan must include approval by the Township Fire Chief.
- B. Outdoor Shooting Range:** The construction and operation of an outdoor shooting range in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with Article 19 of the Charter Township of Mt. Morris Zoning Ordinance, in the **(RA) Rural Agricultural District**.
- 1. Location: An Outdoor Shooting Range must:
 - a. Have a minimum parcel size of 40 acres with a minimum lot width of 660 feet; and

- b. Be located at least ½ mile from a building currently being used as a dwelling unit, a place of religious worship, child care facility, or school.
2. **Site Plan:** A site plan for the Outdoor Shooting Range must be submitted to the Planning Commission. The site plan must be written in accordance with Article 20 of the Charter Township of Mt. Morris Zoning Ordinance and demonstrate the following:
 - a. The location of the firing lines, target lines, and impact areas such as backstops, containment structures, and baffling;
 - b. The designation of the type and caliber of firearm and ammunition to be allowed from each firing point;
 - c. The surface danger zone for each type and caliber of firearm and ammunition to be allowed from each firing point;
 - d. The institutional controls and physical facilities necessary to prevent the escape of bullets from the shooting area;
 - e. Compliance with all applicable National Rifle Association design standard, guidelines, safety rules, and generally accepted operation practices; and
 - f. Adherence to all federal, state, county and local codes and ordinances in regard to firearms and explosives.
 - g. The safeguards planned to minimize the potential for adverse impacts on adjacent properties.
 3. **Supplements to Site Plan:** The site plan for an Outdoor Shooting Ranges must be supplemented by the following:
 - a. The site plan must include a sound abatement plan which demonstrates that the intensity level of sounds shall not exceed 55 decibels at each lot line of the range. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
 - b. The site plan must include a detailed Range Safety Plan, which must include general rules, specific rules, administrative rules, firearm handling rules, emergency plan, and training plan for range officers.
 - c. The site plan must include a plan for the ongoing and future maintenance of the shooting range, replacement of lighting, repair and replacement of targets, equipment repair, grounds maintenance, lead abatement, and abatement of all other hazardous shooting associated material.

- d. The site plan must include a written evaluation by a NRA Range Technical Team Advisor or a Professional Engineer with expertise in the design of shooting ranges that verifies that the proposed uses are consistent with the NRA Range Source Book published by the National Rifle Association.
- e. The site plan must include an approval of the site plan by the Township Police Chief.
- f. The site plan must include approval by the Township Building Inspector.
- g. The site plan must include approval by the Township Fire Chief.
- h. The site plan must include a plan outlining the plan for operation of the Indoor Shooting Range in compliance with the provisions Township Firearms Ordinance.

SECTION 18.55 HOOP HOUSE

A. The construction of a Hoop Houses in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with Article 19 of the Charter Township of Mt. Morris Zoning Ordinance in the **(R-1) Single Family Residential; (R-2) Single Family Residential; (R-3) Single Family Residential; (RA) Rural Agricultural District; and (RE) Rural Estate Residential District.**

B. Hoop Houses may only be constructed as an accessory structure to a single family residential dwelling unit.

C. Hoop Houses must comply with all of the setback requirements of the applicable zoning district.

Section 18.58 Recreational Marihuana Establishments

Article I – Statement of Purpose

1.01 Purpose: The purpose of this Ordinance is to amend Article 18 of the Charter Township of Mount Morris Zoning Ordinance to;

- A. Regulate and control, but not exclude, the growing, consumption, distribution, delivery, and sale of recreational marihuana by and to those persons authorized to do so under the Michigan Regulation and Taxation of Marihuana Act 2018 IL 1 MCL 333.27953 to 333.27967 (MRTMA); and
- B. Provide safe access to recreational marihuana; and
- C. Protect the health, safety, and welfare of all residents of the township.

Article II – Standards

2.01 Marihuana Retailer: The construction and operation of a **Marihuana Retail Establishment** in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District**; **(C-3) Regional Commercial District**; and **(C-4) Service Commercial District**; **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District** after satisfying the performance evaluation criteria for an intensive commercial activity.

2.02 Marihuana Grower: The construction and operation of a **Marihuana Grow Establishment** is permitted only by special land use permit, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

2.03 Marihuana Processor: The construction and operation of a **Marihuana Processing Establishment** is permitted only by special land use permit, granted in accordance with **Article 19 of the Charter Township of Mount Morris Zoning Ordinance** in the **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

2.04 Marihuana Safety Compliance Facility: The construction and operation of a **Marihuana Safety Compliance Facility** in the Charter Township of Mt. Morris is permitted only by **Special Land Use Permit**, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District**; **(C-3) Regional Commercial District**; **(C-4) Service Commercial District**; **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

2.05 Marihuana Secure Transporter: The construction and operation of a **Marihuana Secure Transport Establishment** in the Charter Township of Mt. Morris is permitted only by **Special Land Use Permit**, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District.**

Article III - Definitions

3.01 Statutory Definitions: The words and phrases used within have the same meaning as set forth in the (MRTMA) except as modified herein.

3.02 Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

3.03 Department means the **Michigan Marijuana Regulatory Agency**, or its successor.

3.04 Industrial Hemp means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

3.05 Licensee means;

A. an applicant who is issued a municipal operating license pursuant to this ordinance; and

B. an applicant who is issued a state operating license pursuant to the provisions of the MRTMA

3.06 Marihuana means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

A. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

B. industrial hemp; or

C. any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

3.07 *Marihuana Accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

3.08 *Marihuana Concentrate* means the resin extracted from any part of the plant of the genus cannabis.

3.09 *Marihuana Establishment* under this ordinance means **only** a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana retailer, marihuana secure transporter.

3.10 *Marihuana Grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

3.11 *Marihuana-Infused Product* means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

3.12 *Marihuana Processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

3.13 *Marihuana Retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

3.14 *Marihuana Secure Transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

3.15 *Marihuana Safety Compliance Facility* means a facility licensed to test marihuana, including certification for potency and the presence of contaminants.

3.16 *Municipal License* means a license issued by the Township pursuant to the authority of the (MRTMA) and this ordinance that allows a person to operate a marihuana establishment in the Township.

3.17 *Municipality* means the Charter Township of Mount Morris.

3.18 *Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

3.19 Process or Processing means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

3.20 State License means a license issued by the Department that allows a person to operate a marihuana establishment.

3.21 Unreasonably Impracticable means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

Article IV - Procedure for Issuance of Special Land Use Permit:

4.01 The development and locational standards set forth herein will be used by the **Planning Commission** to determine if the application satisfies the conditions that are precedent to the approval of a **Special Land Use Permit**.

4.02 Application for Permit: An application for a permit must be completed by the Applicant in conformance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance**.

4.03 Application Review: The Planning Commission must;

- A. Review the application for the **Special Land Use Permit**; and
- B. Review the application for a License; and
- C. Hold a public hearing to determine whether the use as set forth and described in the application for the **Special Land Use Permit** and the application for a License complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, the **Mt. Morris Township Recreational Marihuana Licensing Ordinance**, and with statutes of the State of Michigan.

4.04 Public Hearing: The Planning Commission must hold a public hearing in accordance with **Chapter 6 of the Code of Ordinances of the Charter Township of Mount Morris**, and must:

- A. Review the application for the **Special Land Use Permit** (in conjunction with its review of the Application for a License); and
- B. Make a finding as to whether the use as set forth and described in the application for the Special Land Use Permit complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, and with statutes of the State of Michigan; and

Article V - Safety Compliance Facility, and Secure Transporter Requirements

5.01 Safety Compliance Facility, and Secure Transporter Requirements: A Safety Compliance Facility, or Secure Transport Establishment pursuant to this section must be located and operated in accordance with the following requirements:

5.02 Special Land Use Requirement: No facility which is a Safety Compliance Facility, or Secure Transport Establishment may be operated in the Charter Township of Mount Morris, except in accordance with Section 18.58 of the Charter Township of Mount Morris Zoning Ordinance and unless a permit for special land use has been granted in accordance with Article 19 of the Charter Township of Mt. Morris Zoning Ordinance.

5.03 Zoning District: A Safety Compliance Facility, or Secure Transport Establishment pursuant to this section shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District.**

5.04 Population Limitations: The issuance of a Special Land Use Permit for a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section shall not be conditioned upon the population of the Township.

5.05 Location: A Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section shall not be conditioned upon the location of any other special land use zone, provided that a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section is not permitted on any of the following:

A. On a Parcel of Property of which any lot line is within 300 feet of any lot of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

B. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE); or Planned Unit Development (PUD);** or

C. On a Parcel of Property of which any lot line is within 300 feet of any lot line or a Parcel of Property upon which is situated in a **Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); or Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

D. On a Parcel of Property of which any building contains one or more uses unless the Township has issued licenses for each such use; or

E. In a shopping center.

5.06 Entrances: Entrances to a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

- A. "No alcoholic beverages of any type are permitted and
- B. no person under the age of 21 may enter

5.07 Off-Street Parking: All off-street parking of a facility which is a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must comply with the following:

- A. All off-street parking must comply with the provisions of Article 21 of the Charter Township of Mount Morris Zoning Ordinance; and
- B. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes,

5.08 Advertisements: Advertisements, displays or other promotional materials of a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

5.09 Signs and Billboards: The sign or billboard of a Safety Compliance Facility, and a Secure Transport Establishment pursuant to this section must not contain the word "marihuana," any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

5.09.5 Activities: Any permitted activities conducted by a Safety Compliance Facility or a Secure Transport Establishment must be carried out inside a fully enclosed building.

5.10 Screened Openings: All building openings, entries, windows, and any other portion of the building, as required by the Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

Article VI - Marihuana Retailer

6.01 Marihuana Retailer: A Marihuana Retail Establishment must meet the following requirements:

6.02 Special Land Use Requirement: No Marihuana Retail Establishment may be operated in the Charter Township of Mt. Morris, except in accordance with **Section 18.58 of the Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance**.

6.03 Zoning District: A Marihuana Retail Establishment shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District;** **(C-3) Regional Commercial District;** **(C-4) Service Commercial District;** **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District**

6.04 Location: The issuance of a Special Land Use Permit for a Marihuana Retail Establishment or a Marihuana Retail Establishment co-located with a Marihuana Grow Establishment or a Marihuana Processing Establishment pursuant to this section is not permitted on any of the following:

- A. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is situated in a **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE);** or **Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
- B. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or
- C. On a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Marihuana Retail Establishment, a Marihuana Grow Establishment, or a Marihuana Processing Establishment; or

D. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Marihuana Retail Establishment, a Marihuana Grow Establishment, or a Marihuana Processing Establishment, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

E. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA); Single Family Residential (R-1) Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE); or Planned Unit Development (PUD).**

6.05 Entrances: Entrances to a Marihuana Retail Establishment must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

A. "No alcoholic beverages of any type are permitted within the Marihuana Retail Establishment."

B. "No persons under the age of 21 may enter"

6.06 Off-Street Parking: All off-street parking at a Marihuana Retail Establishment must comply with the following:

A. All off-street parking must comply with the provisions of **Article 21 of the Charter Township of Mt. Morris Zoning Ordinance**; and

B. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes,

6.07 Advertisements: Advertisements, displays or other promotional materials of a Marihuana Retail Establishment must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

6.08 Signs and Billboards: The sign or billboard of a Marihuana Retail Establishment must not contain the word "marihuana", any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

6.08.5 Activities: Any permitted activities conducted by a Marihuana Retailer must be carried out inside a fully enclosed building.

6.09 Screened Openings: All building openings, entries, windows, and any other portion of the building as required by the Marihuana Retail Establishment must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

Article VII - Marihuana Processor and Marihuana Grower

7.01 Marihuana Processor and Marihuana Grower: A Marihuana Processing Establishment or Marihuana Grow Establishment pursuant to this section must meet the following requirements:

7.02 Special Land Use Requirement: No Marihuana Processing Establishment or Marihuana Grow Establishment pursuant to this section may operate in the Charter Township of Mount Morris, except in accordance with **Section 18.58 of the Charter Township of Mount Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19 of the Charter Township of Mount Morris Zoning Ordinance**,

7.03 Zoning District: A Marihuana Processing Establishment or Marihuana Grow Establishment shall only be permitted to operate by Special Land Use Permit in a **Light Industrial District (M-1)** or **Heavy Industrial District (M-2)**.

7.04 Population Limitations: The issuance of a Special Land Use Permit for a Marihuana Processing Establishment or Marihuana Grow Establishment pursuant to this section shall not be conditioned upon the population of the Township.

7.05 Location: The issuance of a Special Land Use Permit for a Marihuana Processing Establishment or a Marihuana Grow Establishment pursuant to this section shall not be conditioned upon the location of any other special land use zone, provided that no Marihuana Processing Establishment and no Marihuana Grow Establishment pursuant to this section shall be located on a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

7.06 Entrances: Entrances to a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

A. "No alcoholic beverages of any type are permitted within the Marihuana Grow Establishment or Marihuana Processing Establishment;" and

B. "No person under the age of 21 may enter."

7.07 Off-Street Parking: All off-street parking of a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must comply with the following:

A. All off-street parking must comply with the provisions of **Article 21 of the Charter Township of Mt. Morris Zoning Ordinance**; and

B. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.

7.08 Advertisements: Advertisements, displays or other promotional materials of a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

7.09 Signs and Billboards: The sign or billboard of a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must not contain the word "marihuana", any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

7.09.5 Activities: Any permitted activities conducted by a Marihuana Processor or a Marihuana Grower must be carried out inside a fully enclosed building.

7.10 Screened Openings: All building openings, entries, windows, and any other portions of the building as required by a Marihuana Processing Establishment or a Marihuana Grow Establishment pursuant to this section must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

Article VIII - Standards

8.01 Zoning Standards: A Recreational Marihuana Establishment must conform to all standards and regulations of the zoning district in which it is located.

8.02 Other Standards: A Recreational Marihuana Establishment must meet all applicable written and duly promulgated standards and rules of the Township and of other governments or governmental agencies having jurisdiction.

Article IX - Compliance

9.01 Compliance: At all times a person must comply with all Federal, State, and local laws, rules, regulations, and ordinances.

Article X - Severability

10.01 Severability: The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it will not affect any other part or portion thereof.

Article XI – Repeal

11.01 Repeal: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ARTICLE 19
SPECIAL LAND USES

SECTION 19.00 INTENT

The formulation and enactment of this ordinance is based upon the division of the unincorporated portions of the township into districts, in each of which are specified permitted uses that are mutually compatible. In addition to such permitted compatible uses, it is recognized, however, that there are certain other land uses, which may be necessary or desirable in certain districts, but on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of township residents. This ordinance, therefore, requires approval and issuance of a special land use permit for each use listed in the several zoning districts as special land uses, and specifies in this Article the procedures and standards to be followed in granting such permits. A special land use shall not commence until a special land use permit is issued in accordance with this ordinance.

SECTION 19.01 AUTHORITY TO GRANT OR DENY PERMITS

The Township Planning Commission, after review and consideration of the special land use application and site plan according to the standards contained in this ordinance, shall grant approval, denial, or approval with conditions for the special land use application. Only the Planning Commission may direct the Zoning Administrator to issue a special land use permit. The Planning Commission shall establish financial guarantee and other performance requirements based on the type of special use, the district, and the specific conditions included in the permit. The financial guarantee shall be required to ensure completion of specific land or structure improvement(s), and to ensure ongoing compliance with the stated permit conditions.

SECTION 19.02 PERMIT PROCEDURES

An application made without full compliance with this ordinance shall be returned to the applicant. Every submission shall include the following information and data:

- A. Application for any special land use permit permissible under the provisions of this ordinance shall be made to the Mt. Morris Township Clerk by filling in the official special land use permit application form, submitting required data, exhibits and information, and depositing the required fee. The applicant shall pay a fee set by the Mt. Morris Township Board, except that a fee may be waived by the Township Board for any governmental body or agency. No part of such fee shall be returnable to the applicant. The applicant shall also be responsible for payment of all publication costs incurred by the Township resulting from publication of public hearing notices regarding the application. The Township Zoning Administrator shall forward the official special land use permit application form and all related materials to the Township Planning Commission at least twenty (20) days prior to the next regular scheduled meeting of the Commission.

- B. Data Requirement: Every application shall be accompanied by the following information and data:
1. A special land use permit application supplied by the Township Clerk and filled out by the applicant.
 2. The special land use permit application shall contain a full statement of the requested use, the number of the ordinance article allowing provisions for the special land use requested, the reasons why the applicant feels the land use requested should be granted, substantiated by data, exhibits, information, and evidence regarding the requested findings as set forth in Section 19.05 of this Article, the applicant's signature(s), and the owner's notarized signature(s), if different from the applicant's. It shall be the obligation of the applicant to furnish sufficient evidence, or proof, of present and future compliance with the provisions of this ordinance.
 3. Where an agent represents an applicant, a letter designating agent authority and signed by the applicant shall accompany the special land use permit application.
 4. A detailed site plan that satisfies all requirements set forth in Article 20.
 5. Upon review of the accepted special land use permit application, the Planning Commission shall have the authority to request additional information as it may deem necessary to make a determination of the request.
 6. The special land use permit shall be attached to an application for a land use permit that has been obtained from, and reviewed by , the Zoning Administrator in accordance the provisions of this ordinance.
- C. Until a special land use permit has been issued with a proper land use permit there shall be neither construction nor excavation on any land, nor shall there be made any use of land related to the request for the special land use permit.
- D. The Mt. Morris Township Planning Commission shall review the proposed development as presented on the submitted plans and specifications in accordance with the established standards set forth in this ordinance.

SECTION 19.03 PUBLIC HEARINGS AND NOTICES

- A. The Planning Commission shall hold a public hearing on an application for a special land use permit within sixty (60) days of receipt of the application. The public hearing may be scheduled for the same date as the Commission's regular meeting, provided that the meeting date does not conflict with the notice requirements in the following paragraph.

A notice that a request for a special land use approval will be reviewed and considered by the Planning Commission shall be published in a newspaper which circulates in the township,

and sent by mail or personal delivery to the owners of property for which approval is being considered. A notice shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) or more than fifteen (15) days before the date the application shall 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 (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than forty-one (41) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- B. The notice shall:
1. Describe the nature of the special land use request.
 2. Indicate the location of the property which is the subject of the special land use request.
 3. State when and where the public hearing for the special land use request will be considered.
 4. Indicate when and where written comments will be received concerning the request.

SECTION 19.04 GENERAL REVIEW STANDARDS FOR ALL SPECIAL LAND USES

In addition to specific standards for individual special land uses listed in Section 22.02, the following general standards shall be satisfied for the use at the proposed location prior to approving a special land use permit:

- A. The special land use will be consistent with the goals, objectives and future land use plan described in the Township's Master Plan.
- B. The special land use will be consistent with the stated Intent of the zoning district.
- C. The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.

- D. The special land use will not significantly impact the natural environment.
- E. The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- F. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:
 - 1. vehicular turning movements;
 - 2. proximity and relationship to intersections;
 - 3. adequacy of sight distances;
 - 4. location and access of off-street parking; and,
 - 5. provisions for pedestrian traffic.
- G. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- H. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

SECTION 19.05 REQUIRED STANDARDS AND FINDINGS

- A. The Planning Commission shall review the particular circumstances and relevant facts concerning each special land use in terms of the standards and required findings listed below.

The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use on the lot in question meets all required standards. The Planning Commission will review each proposal in order to determine that the use(s) envisioned:

 - 1. Will be harmonious with, and in accordance with, the general objectives of the Mt. Morris Township Master Plan, and will be consistent with the intent and purpose of this ordinance;
 - 2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the area;

3. Will not be hazardous or disturbing to existing or future neighboring uses or detrimental to the economic welfare of the community;
 4. Will be compatible with the natural environment and existing and future land uses in the vicinity;
 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use(s) shall be able to provide them and that such proposed use(s) will not create excessive additional requirements at public cost for public facilities and services;
 6. Will not involve uses, activities, processes, materials and equipment, and conditions of operation which will be detrimental to any persons, property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odor, or handling of storage of hazardous materials and supplies.
- B. The Planning Commission shall record all data, information, and evidence of the findings of this Article as a matter of public record.

SECTION 19.06 DETERMINATION

- A. The Planning Commission shall approve, deny, or approve with conditions a request for special land use based on the findings of Section 19.05. Any conditions proposed shall meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- B. The recommendation of a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.
- C. Any conditions imposed with respect to the approval of a land use or activity shall remain

unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

- D. The Planning Commission action on the special land use application shall be final. Appeals of a Planning Commission decision regarding a special land use shall not be considered by the Zoning Board of Appeals.

SECTION 19.07 EXPIRATION OF SPECIAL LAND USE PERMIT

A special land use permit shall be valid for as long as the permitted use continues in accordance with the conditions stated therein, unless otherwise stated in the special land use permit. If there is not compliance with the term of the special land use permit within one (1) calendar year from the date of its issuance, then it shall automatically expire and be of no further effect or validity. The conditions of approval may limit the duration that the special use is granted and/or may require an annual review of the special use. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

SECTION 19.08 REAPPLICATION

An application for a special land use permit, which has been denied wholly or in part by the Township Board, shall not be resubmitted until the expiration of at least one (1) year from the date of such denial, except on grounds of valid new evidence or proof of changed conditions found by the Township Planning Commission or Township Board.

ARTICLE 20
SITE PLAN REVIEW AND IMPACT ASSESSMENT

SECTION 20.00 INTENT

- A. The site plan review procedures detailed herein are incorporated into the zoning process to ensure that the Planning Commission is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as drainage capacity and design, pedestrian and vehicular circulation, parking, structural relationships, provision of public utilities, landscaping, accessibility and other site design elements that may have an adverse impact upon the public health, safety and general welfare if improperly or inadequately addressed.
- B. An Impact Assessment (IA) (See Section 20.04) is required to be submitted with each request for rezoning a parcel of land and for all proposed uses that require site plan review. Additionally, a traffic impact assessment (See Section 20.05) is required for proposed projects meeting either the peak hour or daily traffic generation rates in Table 20.1. Information provided in the traffic impact study must meet the standards corresponding to the various magnitudes of traffic generation rates identified in the table.
- C. The IA is a document designed to specifically address the impacts of a proposed rezoning, land use, or development on the natural features, economic conditions, and social environment of the township. The IA shall fully explain a developer's choice of alternatives in site plan design as well as provide an assessment of the proposal's effect on public costs and services and on existing and planned uses in the vicinity of the site.

SECTION 20.01 DEVELOPMENTS AND USES REQUIRING SITE PLAN REVIEW

- A. All special land uses. See also Article 19.
- B. A building containing three (3) or more dwelling units. For single-family or two-family units, a plot plan may be required. See Section
- C. A manufactured housing community is required to meet the provisions of Article 7.
- D. Any permitted nonresidential building or structure, or additions thereto, permitted in any single-family residential district, excluding farm buildings.
- E. Buildings and structures for essential services.
- F. Any off-street parking lot or addition thereto containing five (5) or more parking spaces when not a part of a development or use for which site plan review and approval is required elsewhere in this section.
- G. Commercial transmitting and receiving towers. See also Sections 22.02.LL and 18.16.

- H. All condominium projects. See Section 18.40.
- I. Any use, land development, land use changes, conversions, and exterior renovation activities in the following districts, other than seasonal uses as specifically regulated herein:
 - 1. MF Multiple Family District (LDM, MDM, AND HDM)
 - 2. PUD Planned Unit Development
 - 3. C-1 Local Commercial District
 - 4. C-2 Community Commercial District
 - 5. C-3 Regional Commercial District
 - 6. C-4 Heavy Service Commercial District
 - 7. OS Office Service District
 - 8. M-1 Light Industrial District
 - 9. M-2 Heavy Industrial District

SECTION 20.02 SITE PLAN INFORMATION

The Planning Commission may waive any site plan requirements they consider to be clearly unnecessary for substantial review and shall state the reasons for waiving such requirements in writing. The Planning Commission, at its option, may schedule a public hearing for site plan review. A public hearing is mandatory for site plan review of special land uses and planned unit developments. Condominium projects shall also meet the provisions contained in Section 18.40. The site plan is to contain the following information:

- A. **Date; North Arrow and Scale.** The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (100') for sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one inch equals twenty feet (1" = 20') may be required.
- B. **Statistical Data.** Statistical data shall include the type of development, the number of structures, the number of subunits per structure, the size of each unit, the total area involved, the percent of area being developed, the percent of area used for structures, the percent to be paved with an impervious surface, and the percent left undeveloped. The statistical data shall also include the name and number of the public school district serving the site.
- C. **Location and Height of Existing and Proposed Structures.** The location and height of all existing and proposed structures on the property being developed and within five hundred (500) feet of the property boundary lines shall be shown. In the cases where protective screening is required, the initial and long term effect of the screening with reference to the adjoining use shall be identified. If there are no adjoining residential structures, this requirement may be waived.
- D. **Property Lines.** All lot and/or property lines are to be shown and dimensioned, including building setback lines.

- E. **Location and Dimensions; Existing and Proposed Drives, Exterior Lighting, Sidewalks and Similar Features.** The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space and handicapped parking space), unloading areas and open space recreation areas.
- F. **Vehicular Traffic and Pedestrian Circulation.** Vehicular and pedestrian circulation features within and adjacent to the development site shall be shown.
- G. **Location of Proposed Landscaping.** The location of all proposed landscaping, greenbelts, separation berm, fences and walls shall be shown. It shall also show any topographical alterations or changes in natural terrain including drainage patterns. See also Section 18.32.
- H. **Size and Location of Existing and Proposed Utilities.** Size and location of existing and proposed utilities and easements, including proposed connections to public sanitary sewer or water supply system, storm sewer, and electric, gas, and telephone service lines and facilities. If an on-site system for wastewater treatment is proposed, the size and location of drain fields and reserve fields shall be noted.
- I. **Location Map.** A location map indicating the relationship of the site to the surrounding land uses including respective zoning of the abutting properties whether separated by roadways or not.
- J. **Data on Abutting Roads, Alleys, Etc.** The location and pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
- K. **Drainage Facilities.** The location and size of all existing and proposed surface water drainage features and changes that might affect drains shall be shown. The data shall include the percent coverage of impervious surfaces and the means to control storm water flow including computations of the volume and rate of storm water flow and the basis for establishing such rates and volumes.
- L. **Contour Intervals.** Topographic contours shall be shown at not more than two (2) foot intervals, referenced to U.S.G.S. datum including the U.S.G.S. benchmark.
- M. **Wetland Determination.** If wetland conditions are known or suspected to exist on the site, a determination of the condition and regulatory status of such wetlands.
- N. **Project Detail and Specific Use.** The detail of the specific uses of the project under consideration for a special use permit must be included and may become part of the permit. Alterations of the plans and concepts made after approval by the Planning Commission will constitute a change in the project and may require a complete renewal of the site plan process.

- O. **Undisturbed Areas.** Areas to be left undisturbed during construction shall be so indicated on the site plan and shall be so identified on the ground so as to be obvious to construction personnel.
- P. **Trash Receptacle.** The location and screening of any trash receptacles as required by this ordinance.
- Q. **Registered Designer Required.** The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. Architectural plans of buildings shall be prepared by and bear the seal of a Registered Architect. Engineering drawings, engineering estimates and associated cost estimates shall contain the signature and/or seal of a registered civil engineer.

SECTION 20.03 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission, or their professional consultants, shall determine that the following standards are observed:

- A. That all required information has been provided.
- B. That the proposed development conforms to all regulations of the zoning district in which it is located.
- C. That the applicant may legally apply for site plan review, including authorization from the owner.
- D. That the plan meets the specifications of Mt. Morris Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Fire Marshal.
- E. That soils not suited to development will be protected or altered in an acceptable manner.
- F. That the proposed development will not cause soil erosion or sedimentation problem.
- G. That the proposed development properly respects floodways and/or floodplains on or in the vicinity of the subject property.
- H. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause runoff onto neighboring property or overloading of water courses in the area.
- I. That the proposed development is coordinated with improvements serving the-subject property and with the other development in the general vicinity.

- J. That outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.
- K. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- L. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- M. That vehicular and pedestrian traffic within the site as well as to and from the site is both convenient and safe and includes berms, barriers, and sidewalks necessary to protect adjacent property from vehicle lights.
- N. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets and adjacent properties.
- O. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
- P. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
- Q. That all phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- R. The Township Board and Planning Commission may further require landscaping, fences and walls in pursuance- of these objectives and shall be provided and maintained in accord with any use to which they are appurtenant.
- S. The Township Board and Planning Commission shall have some latitude in specifying the walls, fences, greenbelts as they apply to a phased development if the particular phase of development and construction work is far enough removed from adjacent properties to afford the screening, etc. as otherwise required.
- T. The proposed site plan must be in accord with the spirit and purpose of this ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this ordinance and principles of sound planning.
- U. Adequate assurances are received so that clearing the site of topsoil, trees and other natural features before the commencement of building, operations, will occur only in those areas approved for the placement of physical improvements.
- V. The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.

- W. The soil and subsoil conditions are suitable for excavation and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.
- X. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetland, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.
- Y. The location of natural features and the characteristics of site topography have been considered in the designing and siting of all physical improvements.
- Z. That if the site has existing improvements, all site conditions have been brought up to the current standards of this ordinance.

SECTION 20.04 REQUIREMENTS FOR IMPACT ASSESSMENT

For land uses considered to have a significant potential impact on the environment, traffic, infrastructure, demands for public services and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval. Additionally, a traffic impact study shall be required for projects that equal or exceed peak hour or average daily traffic generation levels in Table 20.1 of this section.

The applicant may request a meeting with township staff, consultants and key agency staff prior to developing the Impact Study. The meeting shall be for the purpose of gathering information, not making a decision on the proposal. The Township reserves the right to hire experienced professionals to evaluate the Impact Study and, if necessary, prepare additional analyses, with the cost borne by the applicant.

The minimum contents of this impact assessment shall be:

- A. **Qualifications of Preparer.** Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
- B. **Site Description.** An area plan or aerial photograph illustrating the entire site and nearby properties.
- C. **Overall Site Conditions.** Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, 100 year floodplains, drainageways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity.
- D. **Wetlands.** Documentation by a qualified wetland specialist shall be required wherever the township determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.

- E. **Conceptual Site Plan.** Illustration of the very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing. For Planned Unit Developments, the required PUD concept plan shall meet this requirement.
- F. **Land Use Impacts.** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
- G. **Environmental Impact.** Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
- H. **Impact on Public Facilities and Services.** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to municipal fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- I. **Utility Impacts.** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.
- J. **Drainage.** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control contaminants and filter runoff shall be identified. Correspondence for the Genesee County Drain Commissioner shall be attached indicating their concerns and suggestions.
- K. **Storage and Handling of Waste and Hazardous Materials.** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment and details of the containment system. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- L. **Traffic Impacts.** For uses exceeding the thresholds indicated in the Table 20.1, a traffic impact study in accordance with Section 20.05 shall be included in the Impact Assessment.

SECTION 20.05 TRAFFIC IMPACT STUDIES

- A. **Intent.** Mt. Morris Township officials recognize that land use decisions can have a significant impact on traffic operations and safety. Therefore, the township requires traffic impact studies in certain cases to identify the anticipated traffic impacts to assist in decision

making. An intent of this section is to provide specific direction for the preparation of traffic impact studies where such studies are required by this Ordinance. The requirements of this section are also intended to help township officials determine the appropriateness of certain uses at proposed locations in terms of traffic impacts, and the adequacy of proposed access design.

- B. **Submittal Procedures.** The traffic impact study shall be submitted with the site plan or other submittal material. The applicant may discuss or meet with the Building and Zoning Administrator to determine if a study is needed, what type of study is needed and specific items to be addressed. The Township shall submit a copy of the traffic impact study to the road agency (Genesee County Road Commission or Michigan Department of Transportation) to give them the opportunity to provide input prior to the township taking action on the request.
- C. **Qualifications of Preparer.** The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations, and be either a registered engineer (PE) or a planner with AICP or PCP certification. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.
- D. **Traffic Impact Study Contents.** The extent of information to be provided depends upon the expected trip generation of the proposed project. The information provided in the traffic impact study shall be in accordance with the table at the end of this section and the items below.
1. Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis. Any previous traffic studies of the area should be referenced.
 2. Description of the requested zoning or use. When the request is for a rezoning, the study shall describe potential permitted uses within the requested zoning district. When the request is for a specific use, factors which relate to traffic generation should be provided such as the number and types of dwellings units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.

3. Description of existing peak-hour traffic volumes (and daily volumes if applicable) at intersections and on street(s) adjacent to the site. Existing level of service analysis shall be provided for intersections in the vicinity which are expected to experience an increase in traffic of at least five percent (5%) due to the proposed project. Existing traffic counts shall not be over two (2) years old from the date of report submittal.
4. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include existing right-of-way, lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, sight distance information, existing driveways and potential turning movement conflicts in the vicinity of the site.
5. Projects that will be completed and occupied within one year of a traffic impact statement submittal, must analyze background traffic (i.e. the expected increase in traffic volumes related to approved projects and historic annual percentage increases). For a Regional Traffic Analysis, the Genesee County Planning Commission's long range traffic projections may be used.
6. Forecasted trip generation of the proposed use for the a.m. peak hour (if applicable), the p.m. peak hour and an average weekday. A weekend forecast may also be required for certain commercial uses. The forecasts shall be based on one standard deviation above the average rate outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in southeast Michigan. For rezoning requests, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Building Department. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may accept in whole or in part the trip reduction rates used. For projects intended to be developed in phases, the trip generation by phase shall be described.
7. The projected traffic generated shall be distributed (in-bound v. out-bound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected peak hour turning movement volumes shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, Genesee County Planning Commission traffic model, and similar information.)
8. Level of service or "capacity" analysis at the proposed access points shall be completed using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects

requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated by the proposed project will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency. The township may require gap studies for unsignalized intersections where applicable.

9. The report shall include a map and description of the location and design of proposed access (driveways or new street intersections).
10. Mitigation/Alternatives: The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Documentation shall be provided from the applicable road agency regarding the proposed mitigation measures. The responsibility and timing of roadway improvements shall be described. Proposal improvements requiring road agency approval (new signals, roadway improvements, etc.) require a submittal of correspondence from the agency outlining their agreement.

E. **Modification of Study Requirements.** The requirement for a traffic impact study, or the study elements listed in item 5 above, may be modified by the Planning Commission. Reasons for the modification shall be documented, and may include the following factors:

- Roadway improvements are already scheduled which are expected to mitigate any impacts associated with the proposed project.
- The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
- A similar traffic study was previously prepared for the site and is still considered applicable.

**Table 20.1
Requirements for Various Types of Traffic Impact Studies**

Task	Trip Threshold ⁽¹⁾			
	Rezoning or Master Plan Amendment: contrast general impacts of various uses	Traffic Impact Assessment: less elaborate study for smaller projects	Traffic Impact Statement: The traditional study	Regional Traffic Analysis: A more comprehensive evaluation of long term impacts.
		50-99 Peak Hour, Peak Direction or 500-749 Daily	100 Peak Hour, Peak Direction or 750+ Daily	500+ Peak Hour, Peak Direction
PRE-APPLICATION MEETING OR DISCUSSION	✓	✓	✓	✓
STUDY AREA	depends on size of site and proposed zoning	typically just site access points, and intersections adjacent to the site	site access points and nearby intersections	usually a large area encompassing many streets, alternate routes and future roads
IMPACT ANALYSES:				
Existing site conditions (LoS) ⁽²⁾	◇	✓	✓	✓
Sight distance evaluation	✓	✓	✓	✓
Opposing driveway locations		✓	✓	✓
Existing conditions at intersections	◇	only if adjacent	selected nearby intersections	usually several intersections
Estimate trip generation for use	contrast typical permitted uses with those permitted in the requested zoning district	peak hour and daily impacts for the specific use	peak hour and daily impacts for the specific use(s), may be in phases	peak hr/daily impacts for each phase
Trip distribution analysis	◇	✓	✓	✓
Add in expected growth in traffic by the time the use is occupied (background traffic)	◇		✓	conditions 5-20 years in the future
Analyze future conditions at nearby intersections	◇	only if adjacent	✓	✓
Mitigation identification and evaluation	◇	✓	✓	✓
SITE ISSUES				
Evaluate number, location and spacing of access points	◇	✓	✓	✓
Evaluate access design, driveway queuing, etc.		✓	✓	✓
Evaluate site circulation		◇	◇	✓

OTHER ANALYSES			
Accident history		◇	◇
Gap analysis for unsignalized locations	◇	◇	◇
TSM/TDM mitigation measures ⁽³⁾		◇	✓
Evaluate long-range traffic impacts on transportation network model ⁽⁴⁾	◇	◇	✓
Key: ✓ = required ◇ = case-by-case basis			

Notes:

1. Based on Trip Generation Rates.
2. LoS = Level of Service as determined by techniques outlined in the Highway Capacity Manual.
3. TSM/TDM - Transportation System Management/Transportation Demand Management measures include programs for car- or van-pooling, off-peak shifts, new signal timing technology, etc.). Public transit use can be considered, with transit agency participation.
4. The Genesee County Planning Commission maintains a computer traffic simulation model which may be available to help evaluate long term traffic patterns.

SECTION 20.06 COPIES OF SITE PLAN AND IMPACT ASSESSMENT

Ten (10) copies of the site plan and Impact Assessment shall be presented to the secretary of the Planning Commission, or to the Township Clerk by the property owner or petitioner. All documents shall be submitted to the Township Clerk at least fourteen (14) days prior to the Planning Commission meeting. All information submitted must include complete documentation that shall be considered for approval by the Planning Commission. Incomplete submittals shall be returned to the applicant.

SECTION 20.07 SITE PLAN APPROVAL OR DISAPPROVAL

- A. The Planning Commission shall have the authority to approve, disapprove, or approve subject to compliance with certain modifications and conditions, the site plan and Impact Assessment.
- B. The Planning Commission, after review of a site plan and IA, submitted for a special land use permit, or a site plan submitted for a home occupation, shall recommend approval with any special conditions or disapproval with reasons to the Township Board. The Township Board approves or rejects, and regulates any conditions for, special land use permits or home occupations uses.
- C. Planning Commission approval and acceptance of the IA in no way guarantees approval of the corresponding site plan. Disapproval of the IA, or approval with conditions, shall mean rejection of the site plan until any or all deficiencies in the IA are corrected and approved. A site plan will not be approved if it failed to meet required standards, even if the IA is approved.

- D. The approval of a land use is contingent on compliance with site plan review standards. The transfer of the property to another person, corporation or group, requires conformity to the same conditions.
- E. For provisions regulating approvals of site plans prepared for special land use permits, refer to Article 19.

SECTION 20.08 NOTIFICATION OF APPROVAL OR DISAPPROVAL

The Planning Commission shall review and communicate its approval or recommend site plan modifications to the applicant within sixty (60) days after receipt of the site plan. Any modifications of the site plan desired by the Planning Commission shall be recorded in the minutes of the Planning Commission meeting, and a copy of the minutes shall be furnished to the applicant. In cases where modifications have been recorded, the applicant shall resubmit a site plan incorporating these modifications to the Planning Commission for their review. All revisions or modifications shall be clearly delineated on complete copies as required by the Township.

SECTION 20.09 MODIFIED SITE PLAN APPROVAL OR DISAPPROVAL

Upon receipt of the modified site plan, the Planning Commission shall render a review within sixty (60) days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety or the general welfare.

SECTION 20.10 SITE PLAN APPROVAL

Upon final site plan approval by the Planning Commission, a land use permit and a building permit may be applied for through the Zoning Administrator and Building Department. Development compliance with Township ordinances and the approved site plan is mandatory.

SECTION 20.11 APPROVAL EXPIRATION AND/OR REVOCATION

The approval of a site plan shall expire one (1) calendar year from the date of such approval unless construction has begun in accordance with the plan, or a time extension was requested and granted by the Planning Commission. If a project is not under construction with a building permit at the expiration of the approval time, site plan approval becomes null and void, and the developer shall resubmit a new application. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township shall give the applicant notice of intention to revoke such land use at least fourteen (14) days prior to a review hearing of the permit by the Planning Commission. After conclusion of such review, the Township may revoke approval of the development if the Planning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.

SECTION 20.12 AMENDMENT OF AN APPROVED SITE PLAN

A developer may request a change in an approved site plan. A change in an approved site plan which results in a major change, as defined in this section, shall require a plan amendment. Amendments shall follow the procedures and conditions herein required for original plan submittal and review. Any change shall require submittal of a revised site plan with a new date.

The Township Planning Commission shall have authority to determine whether a requested change is major or minor in accordance with this section. The burden shall be on the applicant to show good cause for any requested change in writing.

A request to change an approved site plan shall be made in writing to the Planning Commission. The request shall include a clear statement regarding the reasons for the proposed change and a revised site plan. The reasons may be based upon consideration, such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interests of Mt. Morris Township and the applicant or developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions.

The Planning Commission, upon finding such reasons and request reasonable and valid, shall notify the applicant whether, the change proposed is major or minor. If the change is deemed major, the applicant shall pay an appropriate fee, and the plan amendment process shall follow the procedures and conditions herein required for original site plan submittal and review.

Changes considered major (that is, those for which an amendment is required) include one or more of the following:

- A. A change in the original concept of the development.
- B. A change in the original use or character of the development.
- C. A change in the type of dwelling unit as identified on the approved site plan.
- D. An increase of two (2) or more dwelling units.
- E. An increase in nonresidential floor area of over five (5) percent.
- F. An increase of five (5) or more off-street parking or loading spaces.
- G. Rearrangement of lots, blocks, and building tracts.
- H. A change in the character or function of any street.

- I. A reduction in the amount of land area set aside for common open space or the relocation of such area(s).
- J. An increase in building height.

If the Planning Commission rules that a proposed change to a site plan is a minor change as defined by this section, the change request is forwarded to the Planning Commission for approval. If the changes are approved, the Planning Commission shall notify the Township Board, the Zoning Administrator, and other applicable agencies. As the revised site plan drawings are approved, they each shall be signed by the applicant or developer and the owner(s) of said property in question.

Minor changes shall include the following:

- K. A change in residential floor area.
- L. An increase of one (1) dwelling unit.
- M. An increase in nonresidential floor area of five (5) percent or less.
- N. Minor design variations in site layout which do not constitute major changes.
- O. Reduction of the number of units and conversion of that space to open space or drainage.
- P. Segmentation of the project into smaller phases if each phase is self supporting.

SECTION 20.13 MODIFICATION OF PLAN DURING CONSTRUCTION

All site improvements shall conform to the approved site plan including engineering drawings approved by the Planning Commission. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk without any assurances that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Planning Commission. Upon investigation, the applicant may be required to correct the changes so as to conform to the approved site plan.

SECTION 20.14 INSPECTION

The Building Official shall be responsible for inspecting all improvements for conformance with the approved final site plan. All building construction, site and sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by the Building Department, County Health Department, and County Road Commission, or designated Township Engineer, prior to covering. The applicant shall be responsible for requesting the necessary inspections after any applicable fees are paid according to the adopted Township fee schedule.

The Building Official shall obtain inspection assistance from the Township designated Fire Marshal or professional consultants where appropriate. The Building Official shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved site plan. The Building Official shall notify the Township Board and the Planning Commission in writing of any development for which a site plan was approved, or which does not pass inspection with respect to the approved site plan, and shall advise the Township Board and the Planning Commission of steps taken to achieve compliance. In such case, the Building Official shall periodically notify the Township Board and the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

SECTION 20.15 FINANCIAL GUARANTEE

A financial guarantee acceptable to the Township Board shall be required by the Township Board to insure the complete construction of structures and development of the land area as proposed and approved. Such financial guarantee may be up to an amount equal to the estimated cost of the site improvement, and may be reduced in proportion to the amount of work accomplished and accepted by the Building Official or the amount of land left undisturbed. The amount of the guarantee and time limit shall also be determined by the Board.

SECTION 20.16 FEE

Any application for site plan approval shall be accompanied by a fee as determined by the schedule of fees approved by the Township Board. Such a fee may be utilized by the Planning Commission to obtain services of one or more expert consultants qualified to advise regarding the proposed development's conformance with applicable Township ordinances, policies and standards, and for investigation and report of any objectionable elements which are of concern to the Planning Commission. After the proposed development application has been approved or disapproved by the Planning Commission.

ARTICLE 21
OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 21.00 NEED ESTABLISHED FOR OFF-STREET PARKING

In all zoning districts, off-street parking require parking and storage of self propelled motor vehicles for the use of occupants, employees, and patrons of 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.

SECTION 21.01 REQUIREMENTS

- A. Off-street parking spaces for residential uses shall be located on the same lot or parcel as the residence they are intended to serve.

- B. Off-street parking for nonresidential uses shall be either an the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured without crossing an arterial road, from the nearest point of the required off-street parking facility. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant when an application for a land use permit, a building permit, or a certificate of occupancy is filed. This section shall not be interpreted to permit the location of off-street parking spaces within a zoning district where parking lots are excluded, unless a variance is granted by the Zoning Board of Appeals. Provisions for joint uses of parking spaces are listed in Section 21.05.

- C. Vehicle parking is permitted only on approved parking surfaces including: residential driveways; shared driveways and private roads when those surfaces have been improved to include a parking lane; and improved parking lots in compliance with the standards of this Ordinance. Off-street parking on unimproved surfaces that do not meet the requirements of this Ordinance, including required residential yard areas, is prohibited.

**SECTION 21.02 OFF STREET PARKING SPACE LAYOUT, STANDARDS,
CONSTRUCTION AND MAINTENANCE**

Whenever off-street parking is required it shall be laid out, constructed and maintained in accordance with the following standards and regulations:

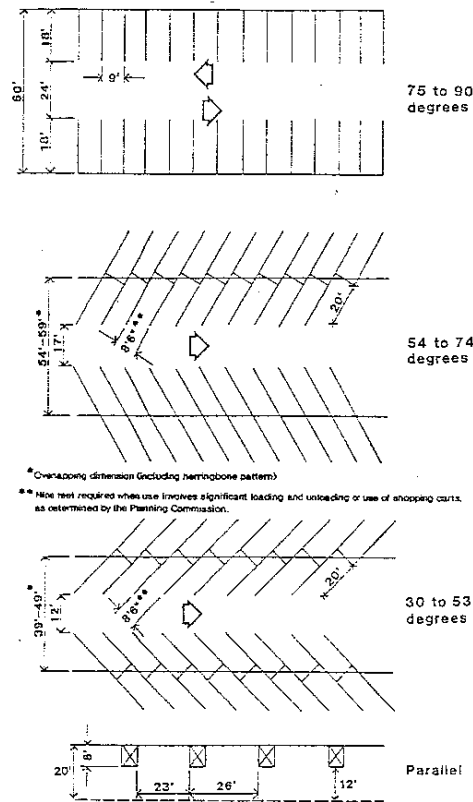
- A. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements: (See Figure 12)

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>
0°(Parallel)	12 ft.	8 ft.	23 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.
54°to 74°	17 ft.	8 ft. 6 in.	20 ft.
75°to 90°	24 ft.	9 ft.	18 ft.

Note: where a parking space is curbed, the vehicle overhang off the curb may be credited as two feet if abutting landscaping or abutting a sidewalk at least seven (7) feet wide.

- B. In districts other than the RA, RE and single family districts, all off-street parking areas must be paved with concrete or bituminous asphalt prior to building occupancy, and shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.
- C. Parking is prohibited in any yard area except in clearly defined driveways.

Figure 12



- D. All spaces shall be provided adequate access by means of maneuvering lanes. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- E. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. The parking area shall be surfaced before the occupancy permit is issued. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- F. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- G. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential District.

- H. All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. Shielding also shall be provided to minimize the shining of vehicle lights onto adjacent roads and properties.
- I. Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.

SECTION 21.03 OFF-STREET LOADING AND UNLOADING

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods or passengers.

- A. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.
- B. All required loading and unloading spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface:
- C. All loading and unloading in "M-1" and "M-2" Districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public arterial road loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet. Required loading areas shall not be included in calculations for off-street parking space requirements.
- D. The minimum number of loading spaces provided shall be in accordance with the following table:

Institutional, Commercial and Office Uses

up to 5,000 sq. ft. GFA	=	1.0 space
5,001 - 60,000 sq. ft. GFA	=	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	=	4.0 spaces, plus 1.0 space for each additional 20,000 GFA

Industrial Uses

up to 1,400 sq. ft. GFA	=	0
1,401 - 20,000 sq. ft. GFA	=	1.0 space
20,001 - 100,000 sq. ft. GFA	=	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	=	5.0 spaces

- E. A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movements. Parking spaces shall be designated and arranged so that it is more convenient for the parking space user to accomplish necessary backing movements on the private property rather than to back onto or from public rights-of-way. Parking spaces shall be designed so that no vehicle shall be permitted at any time to wait or stand within a public right-of-way. Such necessary directional signs and controls as are required by the Planning Commission and the Genesee County Road Commission shall be established and maintained by the owner or lessee of the parking lot.
- F. When required off-street parking in a nonresidential district abuts a residential district, there shall be located a landscaped buffer strip fifteen (15) feet wide and parallel to the common boundary. In lieu of a landscaped area, a solid wall or fence between six (6) and eight (8) feet in height shall be located along the common boundary.
- G. Except for single-family and two-family residential parking lots, all lots shall be lighted after dark throughout the hours when accessible to the public. The installation of such lighting shall be so hooded or shielded as to reflect the light away from abutting or neighboring residential property.
- H. Under no circumstances shall off-street parking spaces be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of merchandise, motor vehicles for sale, trucks, wrecked or junked vehicles, or the repair of vehicles is prohibited.
- I. The required off-street parking area shall be for occupants, employees, visitors, patrons and shall be limited in use to passenger vehicles not exceeding a net weight of three (3) tons and shall be for periods of less than forty-eight (48) hours.
- J. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this ordinance. Off-street parking for all uses except residential shall not be permitted within a minimum front yard setback nor within a minimum side yard setback unless otherwise provided in this ordinance.
- K. The amount of required off-street parking space shall be stated on an application for a land use permit or site plan to build a new building or enlarge an existing one. A Certificate of Occupancy will not be issued upon completion of any building or the extension or addition thereto unless and until all off-street parking and loading space requirements, shown on the plans, or made a part of the building permit, shall be in place and ready for use.

SECTION 21.04 BARRIER FREE PARKING REQUIREMENTS

Each parking lot that serves a building, except single- and two-family dwelling units, shall have a

number of level parking spaces, reserved for the physically-challenged, according to the following provisions:

A. **Location.** Parking spaces for the physically-challenged and accessible passenger loading zones that serve a particular building shall be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for the physically challenged shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

B. **Parking Spaces.** Parking spaces for the physically challenged shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle sixty (60) inches wide minimum (see Figures 13 and 14). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with the requirements in the Uniform Federal Accessibility Standards and the requirements of the American with Disabilities Act, as amended.

Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

Parking spaces and access aisle shall be level with surface slopes not exceeding 1:50 in all directions. One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated "van accessible" (see Figure 15).

C. **Signage.** Accessible parking spaces shall be designated as reserved for the physically challenged by a sign showing the symbol of accessibility (see Figure 16). Such signs shall not be obscured by a vehicle parked in the space.

D. **Passenger Loading Zones.** Passenger loading zones shall provide an access aisle at least sixty (60) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space (see Figure 13). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. (Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions).

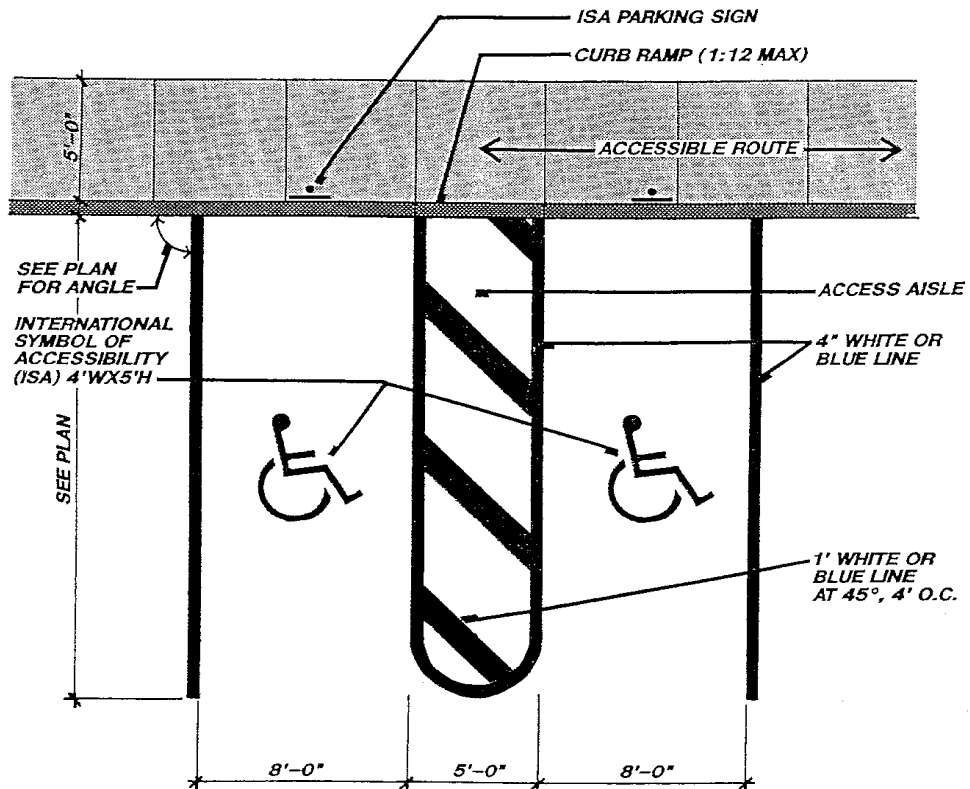
E. **Vehicle Clearance.** Provide minimum vehicle clearances of one-hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances. If accessible van parking spaces are provided, then the minimum vertical clearance should be one-hundred fourteen (114) inches.

F. **Compliance.** Accessibility shall be in compliance with the Township's Building Code and the American with Disabilities Act, as amended.

G **Requirements.** If parking spaces are provided for self parking by employees or visitors, or both, then accessible spaces complying with the following table shall be provided in each such parking area:

TOTAL PARKING IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1,000

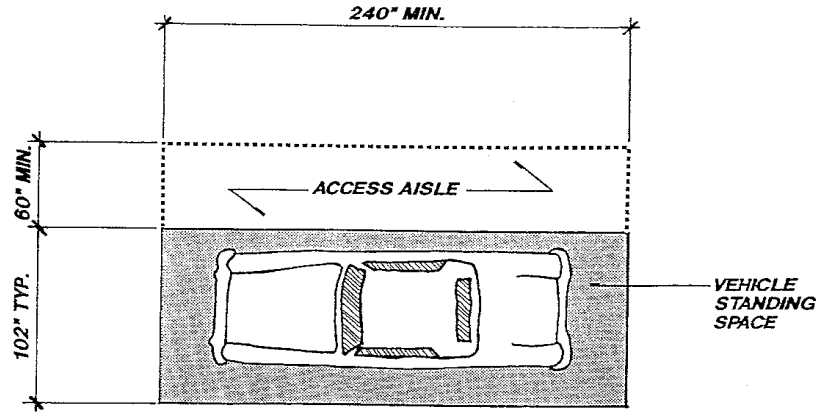
Figure 13



BARRIER-FREE PARKING SPACE LAYOUT-STANDARD

NOTE: BARRIER-FREE PARKING SPACES SHALL BE LOCATED TO THE NEAREST ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE

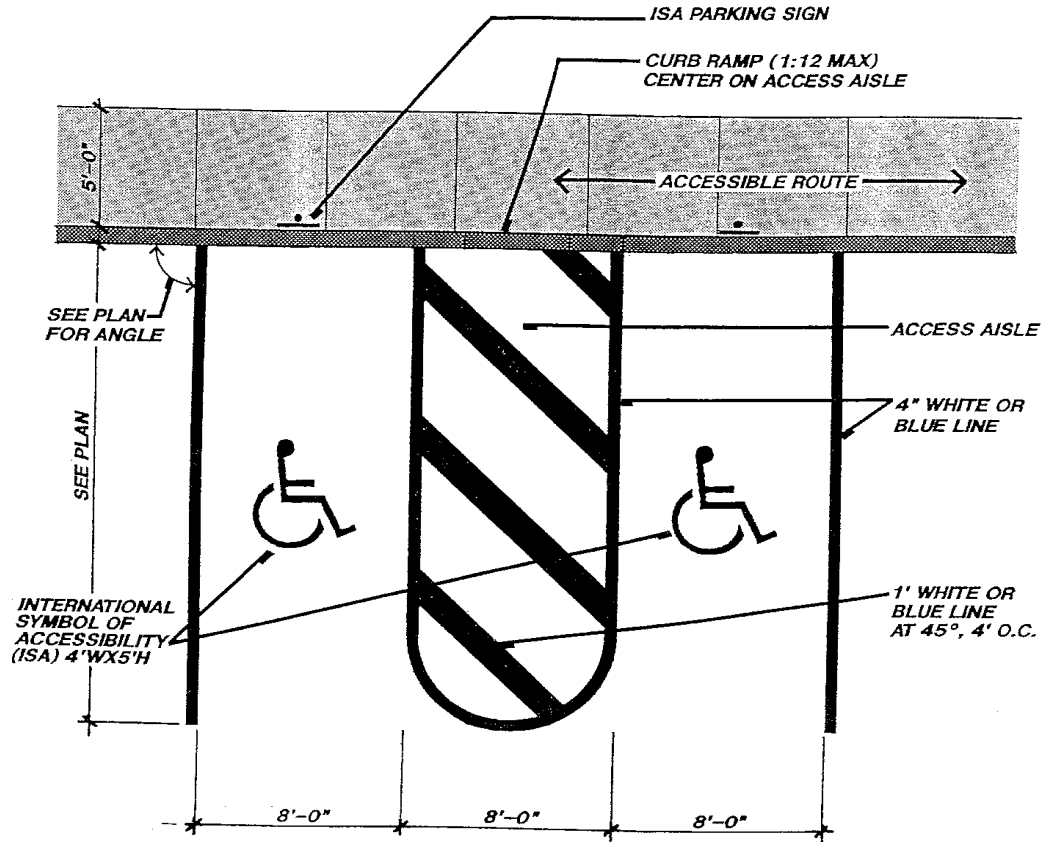
Figure 14



ACCESS AISLE AT PASSENGER LOADING ZONES

NOTE: VEHICLE STANDING SPACES AND ACCESS AISLES SHALL BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING 1:50 IN ALL DIRECTIONS. IF THERE ARE CURBS BETWEEN THE ACCESS AISLE AND THE PASSENGER LOADING ZONE, THEN A CURB RAMP SHALL BE INSTALLED.

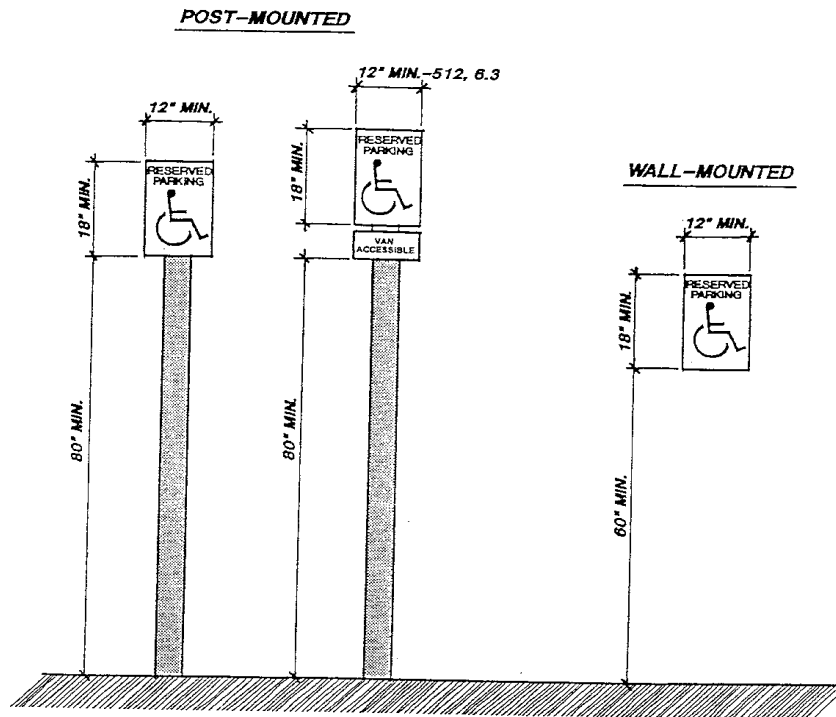
Figure 15



BARRIER-FREE PARKING SPACE LAYOUT VAN ACCESSIBLE

NOTE: BARRIER-FREE PARKING SPACES SHALL BE LOCATED TO THE NEAREST ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE. ONE (1) IN EVERY EIGHT (8) ACCESSIBLE SPACES, BUT NOT LESS THAN ONE, SHALL BE SERVED BY AN ACCESS AISLE 8'-0" WIDE MINIMUM AND SHALL BE DESIGNATED "VAN ACCESSIBLE"

Figure 16



BARRIER-FREE RESERVED PARKING SIGNS

NOTE: ACCESSIBLE PARKING SPACE SIGNS SHALL HAVE A MINIMUM HEIGHT AND SIZE TO PERMIT THE SPACE TO BE EASILY IDENTIFIED AND ARE ELEVATED SUCH THAT THEY SHALL NOT PRESENT A HAZARD TO PERSONS WALKING NEAR THE SIGN.

SECTION 21.05 JOINT USES OF PARKING AREAS

The joint use of parking facilities by two (2) or more uses is permitted whenever such joint use is practicable and satisfactory to each of the uses intended to be joined, and when all requirements for location, design and construction can be satisfied. In computing capacities for any joint use, the off-street parking requirements is the sum of the individual requirements that will occur at the same time, provided that the total of such off-street parking facilities required for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:

- A. Uses for which the joint off-street parking facilities serve do not operate during the same hours of the day or night.
- B. Not more than fifty (50) percent off street parking facilities required for theaters, churches, bowling alleys, dance halls and establishments for the sale and consumption of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities provided for by other buildings or uses.
- C. The required off-street parking for a particular use shall be reduced by its proportionate share of any publicly owned parking lot for which it has been specially assessed. A copy of any agreement between joint users shall be filed with the application for a building permit. The agreement shall include a guarantee for continued joint use.

SECTION 21.06 REDUCTIONS IN EXISTING OFF-STREET PARKING

Off-street parking existing at the effective date of this ordinance shall not be reduced at an amount less than hereinafter required for a similar new building or new use.

SECTION 21.07 PROVIDING EQUIVALENT FACILITIES

Any area once designated as required off-street parking shall never be changed to any other use unless and until equivalent facilities are provided elsewhere.

SECTION 21.08 INCREASE IN NEED FOR OFF-STREET PARKING

In a building or structure erected after the effective date of this ordinance whenever there is a change in use, or change in number of employees, or an increase in floor area, or in any other unit or measurement specified in Section 21.11 that creates a need for an increase of more than fifteen (15) percent in off-street parking facilities as determined by Section 21.11, off-street parking facilities shall be provided on the basis of the total floor area, as herein defined, or on the basis of the total units of measurement of the new use or of the altered or expanded existing use.

SECTION 21.09 MAINTENANCE OF PARKING FACILITIES AND EQUIPMENT

All paving, directional devices and protective equipment, landscaping and other equipment furnished or required in the parking facility shall be maintained to insure safe pedestrian movement, vehicular operation, adequate protection of adjoining properties, and to present a neat and attractive appearance of the facility.

SECTION 21.10 PLANS OF OFF-STREET PARKING AND OFF-STREET LOADING SPACES

Site plans showing required parking and loading-spaces shall indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking or loading area. Loading space as required in multiple family, commercial, and industrial zoning districts, shall not be construed as supplying off-street parking space. Loading and spaces or areas shall not be located on the front side of a commercial or industrial building.

SECTION 21.11 PARKING SPACES

Minimum number of off-street parking spaces by type and use shall be determined in accordance with the schedule below. For those uses not specifically described, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers to be most similar. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) additional parking space.

USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
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Residential

Residential, One-Family and Two-Family	Two (2) for each dwelling unit
Residential, Multiple-Family	Two (2) for each dwelling unit, plus one (1) additional space for each four (4) dwelling units.
Manufactured Housing Community	Two (2) for each mobile home site and one (1) for each employee of the manufactured housing community.
Boarding and Rooming House and Bed & Breakfast Facility	One (1) for each sleeping room.

USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Senior Citizen Apartments	One and one half (1.5) space for each dwelling unit
Senior “Interim Care” and “Intermediate Care” Units, Retirement Villages, etc.	One (1) space per each room or two beds, whichever is less, plus one (1) space per each employee expected during the peak shift
<i>Institutional</i>	
Churches, Temples or Synagogues	One (1) for each three (3) seats or six (6) feet pews based on maximum seating capacity in the main unit of worship
Hospitals	One and three quarters (1.75) spaces per in-patient bed plus one (1) space per each 175 gross square feet of hospital related office, research and administrative space. Other uses shall be computed separately.
Convents, Children’s Homes	One (1) per six hundred (600) feet of gross floor area.
Congregate care and dependent care (convalescent/nursing home units)	One (1) space per each three beds or two rooms, whichever is less, up to 120 beds, plus 3.0 spaces for each bed over 120; plus one (1) space for each employee during peak shift.
Group day care homes, adult foster care, group homes, adult congregate care facilities	One (1) space per four (4) clients, plus one (1) space per each employee plus designated drop-off spaces
Public, Private or Parochial Elementary and Middle School	One (1) for each classroom plus one space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of assembly seating area where there are no fixed seats.

USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Senior High Schools	One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium.
Private Clubs or Lodge Halls	One (1) for each three (3) people allowed within the maximum occupancy load as established by local, county, or State fire, building, or health codes.
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) for each two (2) member families or individuals.
Golf Course open to the general public, except miniature or “par 3” courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
Stadium, Sports Arena, or similar place of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench.
Theaters, Gymnasiums, Auditoriums (Indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees.
Libraries, Museums, and Noncommercial Art Galleries	One (1) for each two hundred and fifty (250) sq. ft. of gross floor area.
Day-care Centers, Preschool and Nursery Schools	One (1) space for each staff member plus one (1) space for every eight (8) children of licensed authorized capacity, plus adequate drop-off facilities.
<i>Business and Commercial</i>	
Auto Body Shop/Major Repair	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
Automobile Service Stations, Fuel Stations, Convenience Stores in conjunction with service or gas stations	Two (2) for each lubrication stall, rack, pit or pump, plus one for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee.

USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Auto Wash, Auto Reconditioning, Auto Cleaning (interior/exterior)	Two (2) spaces, plus one (1) designated space per each employee on peak shift, plus 12 stacking spaces per bay for a fully automatic car wash, 15 for a semi-automatic (motorist must leave auto) or 3 stacking spaces per bay for a self-serve car wash.
Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
Bowling Alleys	Five (5) for each one (1) bowling lane.
Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) feet of gross floor area.
Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly without fixed seats	One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area.
Furniture, Carpet, Appliance, Household Equipment Stores	One and one-half (1.5) per 1,000 sq. ft. of useable floor area.
Health Spas, Gymnasiums, and Health Clubs	Ten (10) for each club of spas plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
Mini or Self-Storage Warehouse	Minimum of six (6) spaces plus adequate loading area at each unit.
Miniature or “Par 3” Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary Establishments	One (1) for each one hundred (100) sq. ft. of gross floor area, plus a minimum of ten (10) stacking spaces.

USE

MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE

Motel, Hotel or Other Commercial Lodging Establishments

One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon one space for every two occupants based on maximum occupancy load.

Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms

Two and one-half (2.5) spaces for each one thousand (1,000) square feet of interior sales space plus one and one-half (1.5) spaces per one thousand (1,000) square feet of exterior display, plus three (3) spaces per service bay.

Open Air Business

One (1) for each six hundred (600) sq. ft. of lot area.

Repair Shop, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses

One (1) for each eight hundred (800) sq. ft. of usable floor area plus one (1) per employee.

Restaurant, sit-down type with liquor license

Twenty-two (22) spaces per 1,000 sq. ft. usable floor area, or 0.6 spaces per seat, whichever is greater.

Restaurant – standard (a family-type restaurant without a bar or lounge area)

Fourteen (14) spaces per 1,000 sq. ft. useable floor area or 0.5 space per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms.

Restaurant – fast food with drive-through window

Twenty-two (22) spaces per 1,000 sq. ft. of usable floor area, plus five (5) spaces between the pick-up window and the order station, plus ten (10) stacking spaces which do not conflict with access to required parking spaces per order pick-up station, plus spaces for employees of a peak shift.

USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Retail Stores, Except as Otherwise Specified Herein	One (1) for each three hundred (300) sq. ft. of gross floor area.
Shopping Center or Clustered Commercial	One (1) for each two hundred (200) sq. ft. of usable floor area, plus spaces required for supermarket.
Supermarket	One (1) for each one hundred seventy five (175) sq. ft. usable floor area.
Wholesale Establishment	One (1) for each five hundred (500) square feet of gross floor area.
<i>Offices</i>	
Banks, Savings and Loan Offices	One (1) for each two hundred (200) sq. ft. of gross floor area plus two (2) spaces for each 24 hour teller, plus four (4) stacking spaces for each drive through window.
Business Offices or Professional Offices, including Courthouses and Governmental Offices	One (1) for each three hundred (300) sq. ft. of gross floor area.
Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
<i>Industrial</i>	
General Manufacturing Establishments	One (1) space for every six hundred and fifty (650) square feet of gross floor area, plus one (1) space for each three-hundred fifty (350) sq. ft. of office space.
Light Industrial Manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.

USE

MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE

Research and Development

One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space.

Warehousing

One (1) space for every one thousand five hundred (1,500) sq. ft. of gross floor area, or one (1) space per employee at peak shift, whichever is greater.

ARTICLE 22
SITE DEVELOPMENT STANDARDS
APPLICABLE TO SPECIFIC USES

SECTION 22.01 INTENT AND SCOPE OF APPLICATION

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

SECTION 22.02 SITE DEVELOPMENT STANDARDS FOR NON-RESIDENTIAL USES

A. Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, Group "A" Cabarets, and Massage Parlors or Massage Establishments

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand and five hundred (1,500) foot radius (that is, not more than one such establishment within one thousand and five hundred (1,500) feet of another such establishment). The distance between uses shall be measured between the nearest property lines.
 - a. Adult Book or Supply Stores
 - b. Adult Motion Picture Theaters
 - c. Adult Motion Picture Arcade
 - d. Adult Motel
 - e. Adult Model Studio

- f. Adult Live Stage Performing Theaters
 - g. Adult Outdoor Motion Picture Theaters
 - h. Group "A" Cabarets
 - I. Massage Parlors or Massage Establishments
2. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a one thousand and five hundred (1,500) foot radius of the following:
- a. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Coin-operated amusement centers.
 - d. Disco or dance centers which typically cater to teens.
 - e. Ice or roller skating rinks.
 - f. Pawn shops.
 - g. Indoor or drive-in movie theaters.
 - h. Public parks, playgrounds, or other recreation uses.
 - i. Churches, convents, monasteries, synagogue, or similar religious institutions.
 - j. Day care centers or nurseries.
 - k. Any public, private or parochial nursery, primary, or secondary school.
 - l. Any residentially used or zoned land, including land that is zoned RA, RE, R-1, R-2, R-3, MF, or MHP.

The distance between uses shall be measured between the nearest property lines.

3. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified

Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

4. Any adult regulated use shall comply with the Township Adult Entertainment Licensing Ordinance.

B. Adult care and child care facilities

The following regulations shall apply to adult care and child care facilities which provide care for seven (7) or more individuals:

1. Licensing

In accordance with applicable state laws, all such facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards the State of Michigan has outlined for such facilities.

2. Outdoor Play Area - Child Care Facilities

A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than five thousand (5,000) square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with Section 18.32.

3. Setbacks

Buildings housing adult or child care facilities shall have a minimum side yard setback of at least forty (40) feet.

4. Loading

Such facilities shall provide an adequate and safe off-street location for loading and unloading passengers.

C. Airports and Aircraft Landing Fields.

1. These regulations shall not apply for private air strips that are used only by the owner or lessee of the premises for the maintenance of aircraft.
2. Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Transportation, Bureau of Aeronautics prior to submittal to the township for review and approval.
3. The parcel shall be located so as to abut an arterial road and to provide public access to and exit from said arterial.

D. Asphalt, Transit Mix And Concrete Plants

Concrete plants shall comply with the following regulations:

1. Setbacks

In order to reduce the effects of airborne dust, dirt and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than one hundred (100) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial.

2. Access

Asphalt, transit mix and concrete plants shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

3. Stacking Spaces

A minimum of five (5) stacking spaces large enough to accommodate the largest truck expected shall be provided on the premises for trucks waiting to be loaded. All stacking and waiting areas shall be contained on the site.

4. Hours of Operation

Mixing, loading, and related plant activities shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and 8:00 a.m. and 1:00 p.m., on Saturday. No activities on the property shall occur on Sundays, Thanksgiving Day, Christmas Day, New Years Day, and the days celebrating the Fourth of July, Memorial Day and Labor Day.

5. Layout

Concrete batch plants and operations shall be entirely enclosed within a building.

6. Outside Storage

Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage of processed materials, where necessary, awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen feet in height.

7. Screening

Plant facilities, including parking and loading areas, shall be screened in accordance with Section 18.32. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts.

8. Truck Traffic

Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Planning Commission approval. A schedule for cleaning and other necessary maintenance of roadways at the point of access shall be included on the plan.

9. Back-up Alarm

All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

10. Truck Washes

All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.

11. Pollution Control

- a. Plants shall comply with the dust and noise standards set forth in Article 25.00. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic.
- b. Plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDEQ groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.
- c. Appropriate measures must be taken to ensure that storm water discharged into drainageways, storm drains, wetland areas or groundwater meets applicable standards of the Genesee County Drain Commissioner.
- d. All hazardous materials used in the production process including additives, fixants and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Genesee County Emergency Program Manager and the Genesee County Health Department.

12. Plan Approval

The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Air Quality Control Division, Michigan Pollution Control Commission and MDEQ Ground Water Division. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval.

13. Excess Asphalt or Concrete

The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall include a means of sealing the recovery area to prevent leaching of hazardous materials into the ground. Storage of such excess materials on the site shall not exceed the limits specified in the approved recovery plan. Excess asphalt, concrete, or similar materials from other locations shall not be brought onto the site for recovery.

14. Financial Guarantee

Prior to issuance of a land use permit, the Township may require submission of a financial guarantee, in accordance with Section 20.15.

15. Height of Structure

Structures on site including stacks and towers shall not exceed a height of thirty-five (35) feet.

16. Odor

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air.

E. Automobile or Vehicle Dealers

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. Grading, Surfacing, and Drainage

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.

2. Driveway Location

The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. Servicing of Vehicles

Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

- a. Service activities shall be clearly incidental to the vehicle sales operation.
- b. Vehicle service activities shall occur within a completely enclosed building.
- c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- d. The building containing service operations shall be located a minimum of fifty (50) feet from any property line or the required setback which ever is greater.
- e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

4. Broadcasting Devices Prohibited

Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

5. Setbacks

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and other requirements for parking lots, as specified in this Ordinance.

6. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

F. Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler, and undercoating shops:

1. Frontage

Such uses shall have access to and front upon a hard surface, major thoroughfare.

2. Minimum Lot Width

The minimum lot width required for such uses shall be two hundred (200) feet.

3. Minimum Setbacks

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

**Minimum Setback
from Right-of-Way Line**

Nearest Edge of Pump Island	30 ft.
Nearest Edge of Unenclosed Canopy	20 ft.

4. Ingress and Egress

Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

5. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned and so that they do not face onto adjacent thoroughfares unless screened by landscaping.

6. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height.

7. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.

8. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

G. Automobile Wash or Vehicle Wash Establishment

The following regulations shall apply to Automobile Wash or Vehicle Wash Establishments:

1. Layout

All washing activities shall be carried on within a fully enclosed, roofed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned property. Entrances and exits shall not face abutting residentially zoned or used property.

2. Entrances and Exits

Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

3. Orientation of Open Bays

Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto any adjacent thoroughfares unless screened by landscaping or acceptable substitute.

4. Exit Lane Drainage

Exit lanes shall be sloped to drain water back to the wash building to drainage grates.

5. Truck Washes

Truck washes must be at least must be at least one hundred (100) feet from all property line and entirely screened from residential uses. The screening shall include both a wall and landscaping.

H. Bed And Breakfast Facilities

Bed and breakfast facilities shall be subject to the following regulations:

1. Bed and Breakfast as Accessory Use

The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than twenty five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.

2. Maximum Number of Units

No more than six (6) bed and breakfast sleeping rooms shall be established in a bed and breakfast dwelling unit. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.

3. Principal Residence

The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

4. Kitchen Facilities

There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.

5. Building Requirements

A building used for bed and breakfast operations shall comply with the following minimum requirements:

- a. There shall be at least two (2) exits to the outdoors, with separate means of egress provided from each room.
- b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.
- c. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
- d. At least one bathroom shall be provided for each two rooms on the same floor.

6. Parking

Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 21.00. Off-street parking in the front yard is prohibited.

7. Duration of Stay

Duration of stay of guests shall be limited to a maximum of seven days.

8. Guest Register

All Bed and Breakfast operations shall maintain a guest register. Such register is subject to inspection during reasonable hours by the Zoning Administrator.

9. Signs

Signs shall comply with Article 24.00 of this ordinance.

I. Campgrounds.

Campgrounds must comply with the minimum license requirements of Act 368 of 1978, as amended, the Administrative Rules being R 325.1551 through R 325.1599, and the township provisions listed below:

1. Minimum parcel size shall be ten (10) acres. The parcel shall have direct vehicular access to an arterial road.
2. The term "site" shall mean an individual campsite for tent or recreational vehicles. Each site designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets.
3. Bathroom and sanitary facilities shall comply with all applicable state and county health department regulations.
4. Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
5. Commercial enterprises shall not be permitted to operate in the campground, except that a convenience goods shopping building may be provided in a campground containing more than eighty (80) sites.
6. Each campground shall provide a dust-free vehicle parking area for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve, except in the case of sites specifically designated only for tent camping each parking space shall be two hundred (200) square feet in area and guest parking shall be provided at the ratio of not less than one (1) space per each ten (10) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
7. Each site shall contain a minimum of one thousand, five hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and at least forty (40) feet from any private street.

8. A common area shall be provided at a ratio of not less than one thousand (1,000) square feet for each site. This common area shall be developed with grass seed, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire campground.
9. Each recreational vehicle site shall have direct access to a hard surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with asphalt or concrete. 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 which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in Section 19.05.B.6.
10. Any open drainage-ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into a county drain system, subject to approval by the Genesee County Drain Commissioner.
11. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Genesee County Health Department and State Public Health regulations.
12. A minimum distance of twenty (20) feet shall be provided between all recreational vehicles and tents.
13. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets and buildings shall be subject to approval by the Planning Commission.
14. Maximum campground density shall not exceed fifteen (15) sites per acre (including roads and other common areas).
15. All such developments shall comply with Article 20, Site Plan Review.
16. A financial guarantee in an amount specified by the Township Board shall be posted prior to the start of construction.

J. Cemeteries and Pet Cemeteries.

Cemeteries and pet cemeteries, public or private, are subject to the following conditions:

1. Cemeteries are allowed as special land uses only in the RA District.

2. Cemeteries containing any structures shall have direct access on an arterial road. Structures shall not be located nearer than one hundred (100) feet from any property line.
3. Minimum lot area for cemeteries shall be ten (10) acres, with at least three hundred thirty (330) feet of public road frontage.
4. Cemeteries shall have two (2) access drives spaced at least two hundred (200) feet apart along the public road frontage.

K. Churches And Religious Institutions

The following regulations shall apply to all Religious Institutions, including churches, synagogues, temples, and so forth. Where the term “church” is used, the term shall include and regulate all types of structures used for organized worship purposes.

1. Lot Width and Size

The minimum lot width for religious institutions shall be three hundred and thirty (330) feet, unless a greater width is specified in the Schedule of Regulations for the district in which the institution is located. A religious institution shall be located on a site of not less than two (2) acres that shall remain available for the exclusive use of the church facility. If located on a parcel having six hundred and sixty (660) feet or more of frontage, two (2) entrances/exits spaced at least three hundred and thirty (330) feet apart shall be required.

2. Parking Setback

Off-street parking shall be provided in accordance with the provisions of this Ordinance and shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property line.

3. Building Setback

Religious institutions shall comply with the following building setback requirements, unless larger setbacks are specified in the Schedule of Regulations for the district in which the institution is located.

Front Yard: 50 feet
Side Yards: 25 feet
Rear Yard: 50 feet

4. Frontage and Access

Religious institutions shall be located with not less than one property line on a paved collector or arterial road. All vehicular access to the site shall be from the collector or arterial road.

5. Landscaping

Religious institutions shall comply with the landscaping requirements for nonresidential facilities as set forth in Section 18.32.

6. Maximum Height

Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height. However, in no event shall the building height exceed thirty-five (35) feet.

7. Churches in Existing Structures

If a church is proposed to be located in an existing structure in a residential zoning district, such occupancy may be permitted provided that the structure retains its existing floor area and its external residential character and continues to meet all of the other requirements of this Ordinance for religious institutions prior to occupancy of the structure by the religious institution. Parking, landscaping and all other requirements for religious institutions shall be applicable for a converted existing structure and the structure's site.

8. Traffic Generation Characteristics

Current or future principle or accessory uses which may generate traffic or that are out of scale or character with the neighborhood may serve as the basis for denial of the special use, however, any such ruling must be consistent with the Religious Freedom Restoration Act.

9. Housing.

The proposal shall include a detailed description of any housing to be provided in association with the proposed church or school. This description shall include the number of units and/or beds, their location, the number of persons to occupy the housing and any housing related support facilities such as common areas for eating, cooking, recreation, assembly, and similar common areas. The Planning Commission shall review the proposed housing and determine whether it is appropriate for the proposed location using the general review standards in Section 19.04. Additionally, all such housing shall be found to meet all state, federal or local building codes or regulations applicable to such housing.

L. Coal, Coke And Fuel Yards

Prior to establishment of a coal, coke, or fuel yard (including propane fuel distributors), an impact assessment shall be prepared in accordance with Section 20.04, and submitted to the Planning Commission for review.

M. Colleges and Other Education Institutions

Colleges, universities, and other institutions of higher learning, public or private, offering

courses in general, technical, or religious education are subject to the following conditions:

1. Any use permitted herein shall be developed only on sites of at least fifteen (15) acres in area.
2. All access to said site shall be directly from an arterial road.
3. Ancillary services, such as a bookstore, cafeteria or restaurant, are permitted uses as long as they are situated on the campus grounds.
4. The proposal shall include a detailed description of any housing to be provided in association with the proposed school or educational institution. This description shall include the number of units and/or beds, their location, the number of persons to occupy the housing and any housing related support facilities such as common areas for eating, cooking, recreation and assembly. The Planning Commission shall review the proposed housing and determine whether it is appropriate for the proposed location using the general review standards in Section 19.04. Additionally, all such housing shall be found to meet all state, federal or local building codes or regulations applicable to such housing.

N. Commercial Recreational Uses.

Commercial, fee-based recreation uses, institutional or community recreation centers, swimming pool clubs, golf courses, golf driving ranges, gun ranges, and similar outdoor recreation uses are subject to the following conditions:

1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a paved arterial road. The site shall be so planned as to provide all access directly to said arterial road.
2. Front, side and rear setbacks shall be at least fifty (50) feet and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives.
3. Off-street parking shall be provided so as to accommodate not less than one-half (½) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the user will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a land use permit, by-laws of the organization shall be provided in order to establish the ownership involved for computing the off-street parking requirements. In those cases wherein the proposed

use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of permitted occupancy usage.

4. Whenever a pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height, and entry shall be provided by a controlled gate.
5. If the use is a rifle/pistol shooting range or war game club, a trap and skeet shooting range or club, or an archery range, a fence at least six (6) feet high shall be erected around the perimeter of the property. On-site facilities shall not be located within two hundred (200) feet of the property line. If the site is used for "war games" utilizing air guns, laser guns or similar equipment, a fence at least six (6) feet high shall be erected around the perimeter of the property. In addition, ropes, ribbons or similar materials shall be erected or hung from trees to form a visible line of demarcation at least fifty (50) feet inside of and parallel to the perimeter fence. Signs clearly stating NO TRESPASSING shall be erected around the perimeter fence as approved by the Zoning Administrator. Site plans for any use described in this paragraph may be forwarded to the County Sheriff for approval and determination of adequate safety.

O. Composting Centers

1. The applicant shall submit an Impact Assessment in accordance with Section 22.04, describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.
2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated) curbing area, landscaped buffers, sales area and fencing.
3. Commercial composting operations shall be at least five hundred (500) feet from any residential district except RA.
4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
6. The applicant shall describe acceptable methods for control of odors.

7. A landscaped greenbelt, as described Section 18.34 shall be provided on all property boundaries unless waived by the Planning Commission in consideration of adjacent uses and topographic features.
8. Access shall be provided solely on Class A road truck routes.
9. All storage areas shall be enclosed in a building.

P. Convalescent Homes, Nursing Homes, Rest Homes, And Orphanages And Congregate Care Facilities

The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and congregate care facilities.

1. Frontage and Access

Such uses shall front onto a paved arterial or collector road and the main means of access to the hospital for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be from a residential street in a platted subdivision.

2. Setbacks

The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.

3. Open Space

Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

Q. Dog Kennels, Commercial or Private.

1. All dog kennels shall be operated in conformance with all applicable county and state regulations. Permits for kennels are valid for one (1) year and must be renewed annually at the Township Zoning Administrator's Office.
2. The minimum lot size shall be ten (10) acres for the first ten (10) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent property lines and two

hundred (200) feet from the road right-of-way and two hundred (200) feet from all residences on adjacent lots.

4. Each dog shall be allotted the following minimum areas: Sixty (60) square feet for outside dog run, and sixteen (16) square feet for inside sleeping area. A chain-link fence shall, divide each dog's area from adjoining spaces.
5. Outdoor runs and breeding areas shall have concrete or other American Kennel Club recognized surfaces that are suitable for cleaning in a manner that eliminates odors and maintains a sanitary condition for the animals. The kennel owner is encouraged to contact the Environmental Health Division of the Genesee County Health Department for guidance in the proper disposal of animal waste.
6. The entire shelter area, breeding area, and exercise runs shall be enclosed by a sight-obscuring and sound-reducing wall or fence not less than six (6) feet in height.
7. The Township Building Official or other person designated by the Township Board, will review the construction and maintenance of the kennel annually. The inspection will include sanitation, size of runs, exercise areas and general appearance. All fees for inspection by Township, county or state agencies or approved kennel associations will be paid by the owner/operator.
8. The applicant may be required to post a financial guarantee, the amount of which to be determined by the Township Board, before a permit is granted or renewed.

R. Drive-in Establishments

1. General Provisions

The following provisions shall apply to all drive-in establishments:

- a. Location of Driveways
Driveways serving drive-in establishments shall be located off of a minor or principal arterial. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- b. Screening
An obscuring wall or greenbelt shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in Section 18.34.

2. Drive-In Theaters

The following regulations shall apply to Drive-In Theaters:

- a. Setbacks
The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
- b. Frontage and Road Access
Such uses shall front onto a paved principal arterial and the main means of access to the theater shall be via the arterial. In no case shall access to a drive-in theater be from a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- c. Access Drive Design
The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.
- d. Stacking Space
A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.

S. Essential Public Services Structures, Storage Yards And Substations

Essential public services structures, substations, and similar uses shall comply with the following regulations:

- 1. Location**
Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of existing development.
- 2. Design**
All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Section 18.34. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities cannot be located in the required front yard.
- 3. Off-site Impact**
Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Section 18.34.

4. Security Fencing

Security fencing may be permitted, subject to the requirements in Section 18.12. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.

T. Fast-food and Drive-through Restaurants

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. Minimum Frontage

The site shall have a minimum of one hundred (100) feet of frontage on a principal arterial road or highway.

2. Location of Driveways

Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).

3. Control of Sound Level

Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

4. Stacking

Stacking space and lanes shall be provided as specified in Article 21.

U. Feedlots; Commercial Feeding Operations.

1. Minimum lot areas of twenty (20) acres are required for commercial feeding operations.

2. All structures and confined lots designed to house or contain livestock shall have a setback of at least one thousand and five hundred (1,500) feet from any existing family residence, except that of the feedlot operator. A minimum setback distance of one thousand and five hundred (1,500) feet shall be maintained between any existing church, school, business, recreation area (public or private), public building, or area zoned other than RA.

3. New residences, churches, schools, businesses and recreation areas not connected with feedlot operations shall maintain a setback distance of at least one thousand and five hundred (1,500) feet from any existing feedlot operation. Permission to build within the setback distance must be secured from the Planning Commission, who shall ascertain that the owner of the proposed structure or use is aware of the existing feedlot.

V. Funeral Homes or Mortuaries

The following regulations shall apply to Funeral Homes and Mortuaries:

- 1. Assembly Area**
A minimum of 9,000 sq. ft. (30 car capacity) shall be provided off-street for vehicles to be used in funeral processions.
- 2. Screening**
Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Section 18.34.
- 3. Caretaker's Residence**
A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building.
- 4. Loading Requirements**
One (1) loading berth shall be provided per five thousand (5,000) square feet of gross floor area, and one (1) additional berth shall be provided for each additional ten thousand (10,000) square feet of floor area. Each loading berth shall measure at least ten (10) feet wide and twenty five (25) feet long.
- 5. Location**
Such uses shall front onto a paved arterial or collector road and the main means of access shall be via the paved road.

W. Golf Courses and Related Uses.

Golf courses, pro shops, country clubs including restaurants and or lounges, and golf driving ranges, which may or may not be operated for profit, are subject to the following conditions:

1. The site shall be so planned to provide all access directly onto or from a major hard surfaced arterial road.
2. The site plan shall be laid out to achieve an efficient relationship between the major road and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
3. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than one hundred (100) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.

4. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence at least six (6) feet in height, and entry shall be by means of a controlled gate.

X. Junk Yards or Salvage Yards

The following regulations shall apply to Junk Yards and Salvage Yards:

1. Setbacks

A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line which abuts a residentially-zoned district.

2. Screening

The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

3. Surfacing

All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine any wind-borne dust within the boundaries of the site.

4. Regulated Activities

Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

5. Permits

All required Township, County, and State permits shall be obtained prior to establishing a junkyard.

6. Stacking

Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

Y. Large Scale Institutional Uses, including Large Scale Churches

Large scale institutional uses including large scale churches and educational facilities, as defined in Article 2.00 shall be subject to the conditions that follow:

1. Frontage

The site shall have at least two hundred (200) feet of frontage on a hard-surfaced major thoroughfare with an existing or planned right-of-way of not less than one hundred (100) feet. All ingress and egress to the site shall be directly onto such major thoroughfare(s).

2. Setbacks

All buildings, structures, and parking and loading areas shall be set back a minimum of one hundred (100) feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of Section 18.34 of this Ordinance.

3. Traffic

Traffic from events (including church worship services) and other large assemblies shall be controlled by the institution or church or by its agents so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including church worship services) and assemblies, a description of the method(s) of traffic control, and a traffic impact study shall be presented to the Planning Commission for approval.

4. Associated Uses

Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools (if not the primary use), convents, and others shall meet all requirements of this Ordinance for such uses.

5. Parking Screening

All parking spaces and aisles shall be screened from off-site view in accordance with the requirements of Section 18.34 as determined appropriate at the sole discretion of the Planning Commission.

6. Sound Control

There shall be no outside loudspeakers or other amplified sound outside of a totally enclosed building.

7. Storage

Storage of buses, trucks, and maintenance equipment shall occur entirely within a completely enclosed building.

Z. Mini-Warehouses

1. Lot Area

The minimum lot area for mini-warehouses shall be two (2) acres.

2. Permitted Use

Mini-warehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

3. Site Enclosure

The entire site, exclusive of access drives, shall be screened from adjacent properties and road rights-of-way. The Planning Commission shall approve the appropriate screening for the site consistent with one (1) or more of the following options:

- a. Six (6) foot high masonry wall enclosure in order to protect nearby adjacent lots that may be adversely affected by the warehouses and truck traffic accessing the warehouse site.
- b. Six (6) foot chain link fence may be permitted along property lines that do not abut a residentially zoned district or residential use.
- c. Landscape screening in accordance with the provisions of Section 18.34.

4. Orientation of Open Bays

Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or screening in compliance with Z.3 above.

5. Exterior Appearance

The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

6. Resident Manager

A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the minimum dwelling unit floor area requirements of the RM-1 District provisions of this Ordinance.

7. On-Site Circulation and Loading/Unloading

- a. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
- b. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot wide travel lanes.
- c. The loading/unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate loading/unloading areas and traffic direction throughout the site.

8. Location

No mini-warehouse building shall be located within five hundred (500) feet of a section line road.

AA. Motels And Hotels

The following regulations shall apply to motels and hotels:

1. Design

Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.

2. Services

Motels and hotels shall provide customary services, such as maid service, linen service, telephone and/or desk service.

3. Parking

Off-street parking for semi-trailers shall be specifically designated and separated from passenger vehicles.

BB. Nursery Schools and Child Care Centers (with more than six children)

Nursery schools, group day-care homes, and child care centers with more than six children must meet the following conditions:

1. Each child cared for shall be provided with a maintained outdoor play area of a minimum one hundred fifty (150) square feet.
2. The total play space shall contain a minimum of five thousand (5,000) square feet in area, and shall be screened from any adjoining residential lot.
3. Facilities shall not be located closer than fifteen hundred feet to any of the following except when located within and operated as part of an approved commercial or industrial use:
 - a. Another licensed group day-care home; unless it is providing day care to the dependents of its employees.
 - b. Another adult foster care large group home as defined in this Ordinance;
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article 6 of the Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws;

- d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

CC. Oil and Gas Processing Plants

The following regulations shall apply to oil and gas processing or sweetening plants:

1. Setbacks:
 - a. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial, or industrial establishments, wetlands, or surface water.
 - b. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or manufactured housing communities, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.
2. Density: There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
3. Screening: Oil and gas processing facilities shall be screened in accordance with Section 18.34.
4. Air Pollution Control: Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.
5. Fire Detection: The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.
6. Noise: Oil and gas processing plants shall comply with the noise and all other performance standards set forth in Article 25.

7. Automatic Alarm System: In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate.

The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher or other designated official or agency and plant operating personnel.

8. Site Security: The following security measures shall be maintained on the site:
 - a. Fencing: The site shall be fully enclosed with a six (6) foot high chain link fence.
 - b. Locking of the Facility: All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
 - c. Signs: "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
 - d. Lighting: The site shall be adequately lighted, in accordance with the provisions of this Ordinance.
 - e. Telephone Monitoring System: In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
9. Preventative Maintenance: The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
10. Site Closure: In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
11. Other Approvals: The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Waste Management Division, Michigan Pollution Control Commission, Genesee County Health

Department, Genesee County Road Commission, Genesee County Drain Commissioner, MDEQ Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.

12. Performance Guarantee: Prior to issuance of a building permit, the Township may require submission of a financial guarantee.

DD. Open-air Business, Commercial Outdoor Display, Sales or Storage

The following regulations shall apply to all such uses, whether operated year round or on an intermittent basis, or as a principal or accessory use:

1. Driveway Location

The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.

2. Setbacks

Parking shall be setback a minimum of ten (10) feet from any road right-of-way line. No outdoor storage shall be permitted in any required front, side, or rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.

3. Lot Width

The minimum lot width for open-air businesses shall be one hundred and fifty (150) feet.

4. Loading and Parking

All loading, truck maneuvering and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.

5. Storage

Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.

6. Sales and Display

All outdoor sales and display areas shall have an approved paved or aggregate surface and a stormwater drainage system.

- 7. Screening**
All outdoor sales, display or storage area property lines adjacent to a residential district shall be screened in accordance with Section 18.34.
- 8. Outdoor Display of Vehicles**
The outdoor display of new or used automobiles, boats, manufactured homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 22.02.E.
- 9. Plant Material Nursery**
Nurseries which deal with plant materials shall comply with the following:
 - a. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
 - b. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
- 10. Flea Markets**
Flea markets shall not be permitted as a year round use.
- 11. Permit Required**
A temporary endeavor permit shall be required for all intermittent uses.

EE. Party Stores

The following regulations shall apply to all party stores as defined herein. Failure to comply with these requirements shall constitute a basis for denial of a special use request for a party store.

- 1. Location**
A party store shall be located on a County road with an ultimate right-of-way of not less than one-hundred (100) feet.
- 2. Proximity to Other Party Stores**
A new party store location shall not be established within less than a two-thousand and five-hundred (2,500) foot radius of an existing party store.
- 3. Party Store Lot and Structure**
A party store shall be housed in a structure that complies with all dimensional requirements of this ordinance in order to assure that distribution of the beer, wine and liquor served on the premises can be carefully controlled consistent with State of

Michigan licensing requirements. The lot where the structure is located must be able to provide all required parking and other site amenities consistent with the provisions of this and other applicable regulations.

FF. Roadside Stands and Permanent Structures for the Sale of Produce Raised on the Farm.

In agriculture districts, each farm may have one (1) temporary roadside stand or one permanent building space operated on the same premises by the proprietor of the stand or his family. The allowance and use of such structures shall not be construed to provide the basis for rezoning land from RA to a commercial designation. These provisions are intended to recognize a roadside stand as a legitimate extension of an existing agricultural use of land. The stand and/or structure shall be located and constructed to meet the following requirements:

1. The structure and/or stand shall not be more than one (1) story in height.
2. The floor area of the roadside stand shall not exceed four hundred (400) square feet and the floor area of the permanent building space devoted to the retail sale of produce shall not exceed one thousand and five hundred (1,500) square feet.
3. A permanent structure shall meet all setback requirements. A temporary, moveable stand shall be located no closer than ten (10) feet from any part of the road right-of-way and shall be removed during the non-sales season.
4. Parking as required in Article 21 shall be provided. Provisions shall be made to allow cars to turn-off the road and safely park outside of the right-of-way. The roadside stand and related parking shall be designed and constructed to provide clear vision zones as required in Section 18.36.
5. Advertising signs shall only be permitted as specifically provided in Township sign regulations.

GG. Schools, Public/private/parochial

Public, private and parochial elementary intermediate or high schools licensed by the State of Michigan to offer courses permitted subject to the following conditions:

1. The minimum lot or parcel width shall be three hundred (300) feet.
2. The minimum lot or parcel area shall be:
 - ten (10) acres for elementary schools
 - twenty (20) acres for intermediate schools
 - forty (40) acres for high schools

3. The lot or parcel location shall be such that at least one (1) property line abuts a collector road or arterial road. All ingress and egress shall be directly onto said roads.

HH. Stables, Riding Arenas, and Livestock

1. Private Stables

Private stables, as defined in Article 2.00 of this Ordinance, are intended for the keeping of horses or other large animals for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements:

a. Minimum Size

For private use by the owner or lessee of the land and dwelling, the following number of animal units are allowed on the designated usable land as provided in the following table:

<u>Site Acreage</u>	<u>Number of Animal Units</u>
less than 3	0
3 to less than 5	1
5 to less than 7	2
7 to less than 9	3
9 to 10	4

One (1) animal unit is equivalent to:

- 1) one (1) horse or donkey or mule or cow, or
- 2) three (3) pigs, or
- 3) fifteen (15) sheep or goats, or
- 4) thirty (30) fowl, or
- 5) four (4) miniature equine.

b. Setbacks

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line.

c. Maintenance

All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All

manure shall be stored at least two hundred (200) feet from any property line and shall not be a nuisance.

It shall be unlawful for any person to own, possess, or harbor any rabbits, chickens, ducks, geese, or other poultry, unless the same are kept in a sanitary condition, free of offensive odors, and in an enclosed yard or coop, which shall be located not less than 100' from any property line. All livestock must be confined to the rear yard.

2. Public Stables

Public stables, as defined in this Ordinance, shall comply with the following:

- a. Minimum Size
Public stables shall have a minimum of one (1) acre per animal, but in no event shall there be less than twenty (20) acres.
- b. Setbacks
All buildings in which animals are kept shall be located a minimum of two hundred (200) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. Horses may be pastured to the property line, except that horses may be pastured no closer to any road than the required front yard setback or the established front yard building line of the house on the parcel, whichever is greater.
- c. Maintenance
All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored not less than two hundred (200) feet from any property line.
- d. Supervision
Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

3. Riding Arenas

Riding arenas may be permitted as an accessory use in the RA District subject to the following requirements:

- a. Minimum Size
Riding arenas shall have a minimum of one (1) acre per animal on the site at any one time, but in no event shall there be less than ten (10) acres.

- b. Private Use
Riding arenas shall not be open to the general public. Accordingly, grandstands and other public facilities shall be prohibited. However, observation platforms or similar viewing facilities are permitted.

- c. Setbacks
The riding arena shall be located at least two hundred (200) feet from any property line. Outdoor tracks shall be permitted provided they are setback at least fifty (50) feet from any property line.

All buildings in which animals are kept shall be located a minimum of two hundred (200) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line.

- d. Maximum Height
Riding arenas shall comply with the height requirements for the district where they are located.

- e. Maintenance
Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored not less than two hundred (200) feet from any property line.

- f. Permitted Use
Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables established consistent with the provisions regulating stables in this section.

- g. Approval Criteria
The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:
 - 1) All requirements set forth in this section shall be complied with.
 - 2) The arena will be for private use only for riding horses that are permanently stabled on the same property.
 - 3) No living quarters will be located in the arena building.
 - 4) The arena will be compatible in terms of appearance and function with surrounding land uses.

- 5) The arena is not likely to negatively affect the value of other property in the area in which it is located.

4. Stables for Breeding and Training Horses

Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in Article 2.00, and shall be subject to the regulations applicable to farms.

II. State Licensed Child and Adult Foster Care Facilities Other than Adult Foster Care Family Homes or Family Day Care Homes

The following regulations shall apply to State Licensed Child and Adult Foster Care facilities other than Adult Foster Care Family Homes or Family Day Care Homes and related sites:

1. The site for the facility shall front on a major road with a right-of-way of not less than sixty-six (66) feet.
2. The site shall include an outdoor open space and recreation area of not less than five hundred (500) square feet for each occupant of the facility. The open space and recreation area shall be located in side or rear yard areas.
3. Paved parking areas shall be provided on the site in the rear or side yard areas. Parking spaces shall be provided in accordance with the provisions of Article 21.
4. The site shall be screened consistent with the requirements of Section 18.32.

JJ. Truck Stops

Truck stops shall be subject to the following regulations:

1. **Minimum Lot Size and Width**
Minimum lot size shall be five (5) acres. Minimum lot width shall be 300 feet.
2. **Location**
No such site shall abut residentially zoned property.
3. **Parking**
Adequate parking and maneuvering area shall be provided for truck layover, truck scales and stacking at fuel islands.
4. **Ingress and Egress**
Ingress and egress drives shall be a minimum of thirty six (36) feet in width. No more than one (1) such drive or curb opening shall be permitted for every one hundred fifty (150) feet of frontage (or fraction thereof) along any street. No such entrance or exit drive shall face any property zoned or used for residential purposes.

5. **Layout**

All lubrication equipment, vehicle wash equipment, and repair facilities shall be enclosed entirely within a building. Fuel pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so that they do not face onto adjacent thoroughfares unless screened by landscaping.
6. **Outside Storage**

Outside storage of inoperable, wrecked or partially dismantled vehicles or parts salvage is prohibited. Disabled vehicles shall be removed from the site within two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height. Outdoor storage of truck parts or supplies is prohibited.
7. **Vehicle Sales and Storage**

The storage, sales, or rental of new or used trucks, trailers, and any other vehicles on the premises is prohibited.
8. **Groundwater Protection**

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

KK. Veterinary Clinics

Veterinary clinics shall comply with the following requirements:

1. Small Animal Clinics

All activities shall be conducted within a completely enclosed building. If the small animal clinic does not include outdoor kennels, animal runs or exercise areas, the setbacks of the district for principal buildings shall apply. Outdoor animal runs and kennels shall meet the setback requirements for kennels.

2. Large Animal Clinics

a. Range of Services

The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

b. Accessory Office Uses

Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

- c. Setbacks
All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building to be used by the public.
- d. Maintenance
All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated so as not to be a nuisance and to control odors and flies.
- e. Setback of Stable or Paddock
No stable or confined paddock area shall be located nearer than one hundred (100) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

LL. Wireless Communications Facilities

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

1. Purpose and Intent

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, the regulations included in this Ordinance further intend to:

- a. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- b. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

- d. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- e. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- f. Promote the public health, safety and welfare.
- g. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- h. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- i. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- j. The Township finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component plays an important part in the promotion of the public health, safety and welfare.

2. Development Regulations

All wireless communications facilities, as defined in Article 2, shall be developed in accordance with the following minimum specifications and standards:

a. Standards and Conditions Applicable to All Facilities

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and

conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
5. The following additional standards shall be met:
 - (i) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - (ii) The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 - (iii) Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
 - (iv) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes,

which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

- (v) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- (vi) Where an attached wireless communication facility is proposed on the roof of a building and if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- (vii) The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (viii) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (ix) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site

plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

6. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in this subsection. In this regard, the security shall, at the election of the Township, be in the form of: (a) cash; (b) surety bond; (c) letter of credit; or, (d) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.

b. Standards and Conditions Applicable to Special Land Use Facilities

Applications for wireless communication facilities which may be approved as special land uses under the provisions of this Zoning Ordinance shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions previously described in this subsection 22.02.LL, and in accordance with the following standards:

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - (i) Proximity to an interstate or major thoroughfare.
 - (ii) Areas of population concentration.
 - (iii) Concentration of commercial, industrial, and/or other business centers.
 - (iv) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (v) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (vi) Other specifically identified reason(s) creating facility need.

2. The proposal shall be reviewed in conformity with the colocation requirements of this subsection.

3. Colocation of Wireless Communication Facilities.

It is the policy of the Township to minimize the overall number of locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in this subsection. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should colocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of these regulations. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with this policy.

4. Feasibility of Colocation

Colocation of wireless communications facilities shall be deemed to be "feasible" for purposes of this Ordinance where all of the following are met:

- a. The wireless communication provider under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
- b. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The colocation being considered is technologically reasonable, that is, the colocation will not result in unreasonable interference to or from other nearby equipment, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in parts this subsection.

5. Requirements for Colocation.

- a. Approval for development and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
- c. The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

6. Removal of Equipment.

A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

- a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

- b. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
- c. The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
- d. Upon the occurrence of one or more of the events requiring removal, specified above, the property owner or persons who had used the facility shall immediately make application to secure any required demolition or removal permits, and upon approval of the permits, immediately proceed with and complete the demolition or removal, restoring the premises to an acceptable condition as reasonably determined by the Township.
- e. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 22.03 SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL USES

A. Housing for the Elderly.

The following site development standards shall apply to housing for the elderly and shall supersede other specific zoning district requirements:

1. Minimum Floor Area

All dwelling units shall have at least three hundred fifty (350) square feet of floor area (not including kitchen and sanitary facilities).

2. Lot Coverage

Total coverage of all buildings and structures including dwelling units and related service buildings, shall not exceed thirty percent (30%) of the total site.

B. Model Homes and Model Manufactured Homes.

- 1. Model homes in platted subdivisions or condominium developments shall comply with the following standards:

- a. **Permitted Use**
The model home shall be used solely as a sales and promotion office for the subdivision or condominium in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.
- b. **Termination**
Use of the home for sales and promotion shall cease as soon as all lots in the subdivision or condominium are sold to potential end users within two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.
- c. **Appearance**
The model home and site shall be maintained to look like a typical single family dwelling at all times.
- d. **Parking**
A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Article 21.
- e. **Maximum Number of Model Homes**
The maximum number of model homes in a subdivision or condominium shall be four (4).

2. Model houses in manufactured home parks shall comply with the provisions of this subsection except that the maximum number of model homes shall be eight (8).

C. Multiple Family Residential Development (Apartments and attached condominiums, rental or owner occupied).

The following site development standards shall apply to multiple family residential development intended to be marketed as rental or owner-occupied dwellings. These standards are in addition to the requirements of the zoning district where the proposed development will be located.

1. **Maximum Building Length.**
No building containing multiple family dwellings shall exceed an overall length of one hundred and sixty (160) feet measured along the front of connecting units, inclusive of architectural features that are attached or connect the parts of a building.
2. **Separation of Buildings.**
Exterior building wall faces shall be separated from all other exterior building wall

faces by an open space area of not less than thirty (30) feet. Where adjacent buildings are established with a corner-to-corner relationship, the average separation between the angled wall surfaces shall be not less than thirty (30) feet. However, in no event shall any part of a building be constructed within fifteen (15) feet of any other building.

3. **Open Space.**

Open space, as defined in this Ordinance, shall be provided for every multiple family dwelling built under these regulations in accordance with the following schedule:

Type of Dwelling	Minimum Open Space Area per Type of Dwelling (In square feet)
Efficiency and one (1) bedroom	1,500
Two (2) bedrooms	2,000
Three (3) or more bedrooms	2,500

4. **Sidewalks and Handicapped Accessibility.**

Sidewalks shall be installed to provide safe pedestrian access between buildings and parking areas intended to be used by occupants or users of the buildings. Handicapped accessible parking spaces, ramps and sidewalks shall be provided in accordance with state and federal regulations.

5. **Common Facilities.**

Where common facilities such as swimming pools, club houses, and similar buildings are provided for the use of residents in the multiple family complex, the following additional regulations shall be enforced:

- A. Additional parking shall be provided for any employees, customers or guests that will use the facility.
- B. Paved pedestrian access routes shall be provided so that residents are not required to walk on parking lot or vehicle drive surfaces to gain access to the facility.
- C. Hours of operation shall be posted and maintained as posted so that use of the facilities shall not interrupt the peaceful use and enjoyment of the multiple family complex residents or neighboring land uses.

D. Supervision of common facilities shall be provided as necessary by the owners of the multiple family residential complex to assure the safe and peaceful operation of the common facilities.

6. **Parking.**

Parking spaces shall be provided for each unit in accordance with the rate established in Article 21. Additionally, in no instance shall the parking spaces intended for the use by occupants of a dwelling be located further than one-hundred and fifty (150) feet from the building where the dwelling is located.

ARTICLE 23
NONCONFORMITIES

SECTION 23.00 INTENT

- A. It is the intent of this article to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival.
- B. It is recognized that lots, structures, and uses of land and structures exist within the districts established by this ordinance and subsequent amendments, that were lawful before this ordinance was passed or amended, and that those lots, structures, and uses of land and structures would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. Such uses are declared by this article to be incompatible with permitted uses and special land uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature that are prohibited generally in the district involved.
- D. To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position; except that where demolition or removal of an existing building has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

SECTION 23.01 NONCONFORMING LOTS OF RECORD

A. Single Lot of Record.

- 1. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment to this ordinance. Provided further, that lot width and area conforms to the pattern previously established for development of the immediate area, and that all required yard setbacks can be provided. The purpose of this provision is to allow utilization of single recorded lots that lack required width or depth as long as reasonable living standards can be assured to exist on the lot.
- 2. Yard requirement variances may be obtained through approval of the Board of Appeals. Side yard variances, however, shall not be required for any single lot of

record in a platted subdivision at the effective date of adoption or amendment to this ordinance where the subdivision restrictions provide for lesser side yards than required by this ordinance and that such lesser side yards were allowed by the then existing Township Ordinances in effect at the time of the recording of said restrictions. Furthermore, side yards for such lots shall be not less than ten (10) feet unless a variance is obtained through approval of the Board of Appeals.

B. Two (2) or More Lots of Record.

1. If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lots involved shall be considered to be an undivided parcel for the purposes of this article
2. Any portion of the parcel that does not meet lot width and area requirements shall not be used or occupied. Moreover, any division of the parcel that leaves the remaining land with width or area below ordinance requirements shall not be allowed.

SECTION 23.02 NONCONFORMING USES OF LAND

On land where no building is located or where a conforming building is located, if an existing lawful use is no longer permitted by this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful subject to the following provisions:

- A. Such nonconforming use shall not be enlarged, nor its structure expanded, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. Such nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months or for a total of eighteen (18) months during any three (3) year period, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district where the land is located. Seasonal nonconforming uses of land are excepted from this provision.

SECTION 23.03 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on lot area, lot coverage,

height, yards, or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Such structure may not be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch, provided that other requirements relative to yard space and land coverage are met.
- B. Should the structure be destroyed by any means, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should the structure be damaged by any means and the value of reconstruction will be greater than fifty (50%) percent of the structure's value, the structure shall not be reconstructed except in conformity with the provisions of this ordinance.
- D. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 23.04 NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be permitted in the district under the term of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed 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. In any business or industrial district, if no structural alterations are made, any nonconforming use of a structure or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and

safeguards in accord with the purpose and intent of this ordinance. Where a nonconforming use of a structure, land or structure and land in combination, is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulation of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- F. Where nonconforming use status applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 23.05 ELIMINATION OF NONCONFORMING USES AND STRUCTURES

- A. By authority of applicable state legislation, the Township Board, through its designated agents, may acquire properties where nonconforming buildings or uses are located and may remove such uses or structures. The Township Board may use condemnation or other means available for acquisition of the property. The resultant property may be leased or sold for a conforming use or may be used by the township for a public use. The net cost of such acquisition may be assessed either against a special district as a public improvement, or may be paid from general funds.
- B. The Township Board also has the right to condemn or purchase an interest in private property. The Township Board may purchase or condemn the right to conduct a particular nonconforming use, but leave the property owner with the property itself. The property may be used only for uses allowed in that zoning district.

SECTION 23.06 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. 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 any official charged with protecting the public safety, upon order of such official.

SECTION 23.07 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses, except as provided for, herein.

SECTION 23.08 DECLARATION OF NONCONFORMING BUILDING OR USE

- A. **Survey.** The Building Official shall, upon the direction from the Township Board, compile a list of existing nonconforming buildings, structures, and uses within a category as of a specific date. Such nonconforming structures, buildings and uses in existence prior to the enactment of this ordinance or a section of this ordinance shall be considered existing legal nonconforming uses.

- B. **Maintenance of Record.** The Building Official shall maintain a record of such nonconforming uses, structures and buildings, which shall be organized by survey sections, and wherever possible, by named plats within sections. Periodic review shall be made of this record. Abandonment of building, structure or use shall be reported to the Planning Commission and the Township Board by the Building Official.

ARTICLE 24
OUTDOOR ADVERTISING AND SIGN REGULATIONS

SECTION 24.00 PURPOSE AND INTENT

- A. The purpose of this Article is to regulate signs and outdoor advertising within Mt. Morris Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the Township Master Plan, and this Zoning Ordinance; and enhance the aesthetic appearance within the Township. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township to:
1. Recognize that the proliferation of signs is distracting to motorists and non-motorized travelers, reduces the effectiveness of signs that provide safety directions and warnings to the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
 2. Reduce visual pollution caused by a proliferation of signs that negatively influence the Township's appearance, quality of life and, ultimately, property values.
 3. Prevent signs that are potentially dangerous to the public due to structural deficiencies, disrepair, distraction for motorists, limitations on sight distance or close proximity to roads.
 4. Eliminate potential conflicts between business signs and traffic control signs that could create confusion and hazardous consequences.
 5. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be to identify an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
 6. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
 7. Prevent placement of signs that will conceal or obscure signs of adjacent uses.
 8. Protect the public right to receive messages, such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
 9. Prevent off-premise signs from conflicting with land uses.

10. Maintain and improve the image of the Township by encouraging signs of consistent size that are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
 11. Restrict the use of portable commercial signs for use only to announce a grand opening or a specific event in recognition of the significant negative impact on traffic safety and aesthetics caused by a proliferation or more frequent use of such signs.
- B. Where other more general provisions of this Ordinance may conflict with the specific requirements of this article, the requirements of this article shall supersede the general requirements. Signs as regulated herein may be located within required yard areas as limited by these provisions.

SECTION 24.01 DEFINITIONS

For purposes of enforcement of these sign regulations, the following words and phrases shall be defined as indicated below.

Business center: a grouping of two or more business establishments on one or more parcels of land that may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or different manufacturer's vehicles available. However, used vehicle sales lots shall be considered a separate use in determining the maximum number of free-standing signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

Banner: a fabric, plastic or other non-rigid material sign without enclosing structural framework.

Billboard: see off-premise sign.

Business Sign: A sign advertising the name, services, goods or any other aspect or feature of a commercial business.

Canopy sign: a non-rigid fabric marquee or awning-type structure that is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo; see wall sign.

Changeable message sign (reader board): a permanent reader board that is designed and intended for changeable messages via mechanical, electronic or manual manipulation, including time/temperature signs.

Commercial vehicle sign: a commercial vehicle that contains sign copy and parked on a non-residential lot in a manner and duration intended to have it serve as a sign. This does not include such a vehicle parked in a location approved by the Planning Commission or Zoning Administrator.

Community identification sign: a sign placed at or near the entrance to a unified residential development consisting of at least five (5) dwellings and displaying the name of the residential community or other unified development such as an apartment complex, condominium community, senior housing complex, manufactured housing community or similar residential use.

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

Directional sign: a sign that assists motorists in determining or confirming a correct route; specifically, “enter” or “exit” and parking signs. Business identification or logo on such a sign is considered and calculated as part of the allowable square footage of wall or free-standing signs.

Freestanding sign: a sign that is attached to the ground and that stands free, unattached to any building or structure. Examples of free-standing signs are illustrated in this Article, and include, ground signs, base-mounted or monument signs, center pole signs and post and panel signs.

Ground (monument) sign: a sign constructed as a monument or supported by one (1) or more poles, posts, or brace(s).

Noncommercial signs: a sign that contains non-commercial messages such as designation of public telephones, rest rooms, restrictions on smoking, political or religious philosophy or opinion.

Off-premise signs (Billboards): a sign that identifies a use or advertises products and services not available on the site or parcel where the sign is located; a sign that directs travelers or provides a message unrelated to the site where the sign is located.

On-premise sign: a sign advertising a business, service or product sold or produced on the same site or parcel.

Pole sign: a sign supported on the ground by a pole, posts, brace or other support, and not attached to any building or other structure.

Political sign: a temporary sign typically used in connection with local, state or national elections.

Portable sign: a sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory or government signs.

Premises: shall mean a unit of contiguous property under common ownership.

Projecting sign: a sign, other than a wall sign, that is affixed to any building wall surface and the leading edge of the sign extends more than twelve (12) inches beyond the building wall surface.

Real estate sign: an on-premise temporary sign advertising the availability of property or structures for sale, lease or rent.

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

Residential Identification: A sign identifying the name of the occupant, excluding the street address.

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

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

Temporary Grand Opening Signs: a temporary sign used to announce the grand opening of businesses that are new to a particular location or under new ownership.

Wall sign: a sign placed or painted flat on the wall surface of a building or extending as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps. This definition does not include roof signs as separately defined herein.

Window sign: a sign placed on or adjacent to the glass area of a window pane.

SECTION 24.02 PERMITTED COMMERCIAL, OFFICE AND INDUSTRIAL SIGNS

Subject to the review and approval of the Planning Commission, the following accessory business signs are permitted in C-1, C-2, C-3, C-4, OS, M-1, and M-2 Districts provided that all other standards of this article are met. A land use permit for the sign shall be obtained from the Zoning Administrator.

- A. **Number and type permitted:** Each business or industrial establishment on a separate lot shall be permitted one (1) wall, one (1) canopy sign and one (1) free-standing sign meeting the area, height and setback requirements of this section except for businesses in a business center that

are regulated by subsection 24.02.B below. However, if a business is permitted and chooses to use both canopy and wall signs, the total area of both signs shall not exceed the maximum area permitted for a single wall or canopy sign.

- B. **Business center sign:** For a group of businesses meeting the definition of a business center in this article, one free-standing sign advertising the entire center and meeting the area, height and setback standards of this section is permitted. In addition, wall or canopy signs shall be permitted for individual businesses in a business center. Individual businesses in a business center shall not be permitted to establish free-standing signs.

- C. **Area, height and setback of free-standing signs:** Except as provided by the bonus provisions in this section, the maximum surface display area per side of all free-standing signs shall be two hundred (200) square feet; the maximum height shall be thirty-five (35) feet and all signs shall be setback at least ten (10) feet from all road right-of-way or road easement lines. If the building for a business is entirely located within one thousand (1,000) feet of I-75 or I-475, free-standing business signs oriented toward and visible from either of those expressways may be increased to seventy-five (75) feet in height.

- D. **Area of wall or canopy signs:** Wall or canopy signs shall be permitted one and one-half square feet of sign surface area for each foot of principal business frontage to a maximum of two-hundred (200) square feet per business establishment. In the case of corner lots, only the front facade as determined by the Zoning Administrator, shall be used in computing the permitted sign area. The computation of permissible wall sign area is illustrated in Figure 22 below:

FIGURE 17

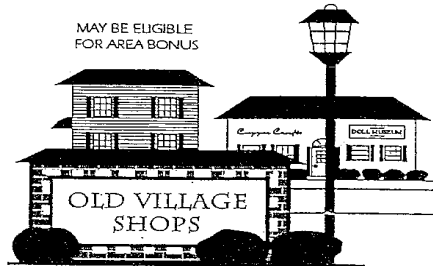


FIGURE 18

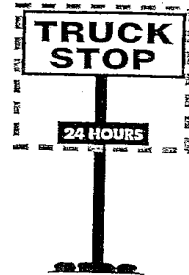


FIGURE 19

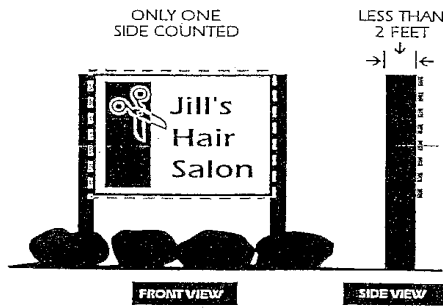


FIGURE 20

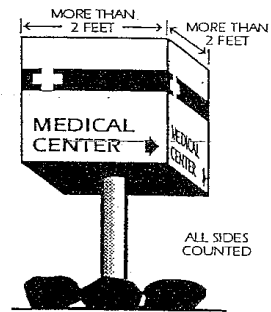


FIGURE 21

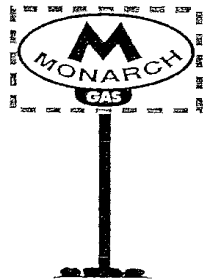
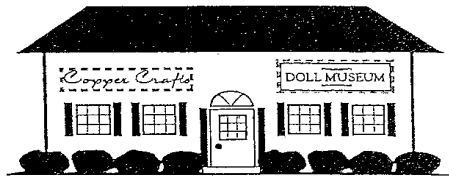


FIGURE 22



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

SECTION 24.03 OTHER SIGNS - PERMIT REQUIRED

Subject to review and approval by the Planning Commission, the following signs are permitted provided that all other standards of this article are met. A land use permit for the sign shall be obtained from the Zoning Administrator.

- A. **Off-premise signs and billboards:** Off-premise signs, including billboards, are permitted only in M-1 and M-2 Districts, provided that such signs are located within three-hundred (300) feet of the I-75 or I-475 right-of-way, and shall not be located within one-thousand (1,000) feet of residentially zoned land. Such signs must be separated by at least two-thousand linear (2,000) feet from any other off-premise signs. Off-premise signs shall be limited to an area of one thousand two hundred (1,200) square feet and to a height of thirty (30) feet. Such signs are also regulated by the Highway Advertising Act, Public Act 106 of 1972.
- B. **Construction signs:** One construction sign per site is permitted in any district with a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for all districts; setback a minimum ten (10) feet from any property line or public street right-of-way; and that such signs shall be erected during the construction period only and shall be removed fourteen (14) days after an occupancy permit is issued.
- C. **Institutional bulletin board signs** for a church, school, college, museum, library or other similar uses are permitted permanent signs with a minimum setback from the street right-of-way of ten (10) feet and shall not exceed fifty (50) square feet in area and a maximum height of six (6) feet.
- D. **Real estate development sales sign in any district** provided that there shall be only one real estate development sign per project. The maximum height of any such sign shall be six (6) feet and the maximum size of any such sign shall be thirty-two (32) square feet.
- E. **Community identification signs** shall be permitted, not to exceed one permanent sign per entrance to a residential development. The sign shall not exceed sixty four (64) square feet in area and a maximum height of six (6) feet. Two signs in a "wing-wall" arrangement facing opposite directions on opposite sides of an entrance drive may be permitted by the Planning Commission in cases where it is demonstrated that a single two-sided sign could not be seen by approaching traffic from both directions on a single road or where the two-sided sign will create a safety hazard.
- F. **Agribusiness or recreational use sign:** In Rural Agricultural Districts, one (1) permanent sign that identifies a permitted agribusiness such as a greenhouse, dog kennel, orchard, nursery,

or other specialized use or recreational use such as a golf course, ski club, riding stable, shall be permitted. Such sign shall not exceed fifty (50) square feet in area with a maximum height of six (6) feet.

- G. **Menu board sign:** Up to two (2) menu board signs, each no greater than twenty-four (24) square feet in area with a maximum , in any commercial district where the a conforming use includes a drive-through facility. The menu board may contain a communication system for placing orders for food or other merchandise. The menu board shall not be located between the front wall of the principal structure on the site and the street.
- H. **Change of sign message or business:** The Zoning Administrator may authorize a change in the lettering or business advertised on a sign if no additional surface area or change in location is proposed for an existing sign.

SECTION 24.04 TEMPORARY SIGNS - PERMIT REQUIRED

Temporary signs are permitted in any C-1, C-2, C-3 or C-4 district, provided that all other standards of this article are met and a land use permit for the sign has been obtained from the Zoning Administrator. Such temporary signs may be double-faced and shall not exceed thirty two (32) square feet in surface display area per face and shall not exceed six (6) feet in height. Portable signs, as defined herein, shall not be permitted to be used as temporary signs. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business during the grand opening or business special event. All temporary signs and wind-blown devices shall be located on the site where the business is located and shall be setback not less than ten (10) feet from all road right-of-way.

- A. **Temporary Grand Opening Signs:** One temporary grand opening signs shall be permitted on a site for a period not to exceed fourteen (14) days for those businesses that are new to a particular location. A business shall only be allowed to use a temporary grand opening sign once during the existence of the business at a particular location. In the event new owners acquire the business and the business name changes when the new owners begin operation, the business shall be considered to be “new” purposes of enforcement of this subsection.
- B. **Business or Institutional Special Event Signs:** Each business, school, church or other institution may advertise special events such as sidewalk sales, seasonal displays and special programs for a period not to exceed thirty (30) days in any calendar year. Signs for such special events shall be subject to the review and approval of the Planning Commission.

SECTION 24.05 OTHER SIGNS - NO PERMIT REQUIRED

The following signs are permitted in any district provided that all other standards of this article are met. A land use permit from the Zoning Administrator is not required.

- A. **Residential identification signs:** signs identifying the address and occupant of a residence not exceeding two (2) square feet in area in all single family districts and

Farming Residential Districts. The size can be increased to sixteen (16) square feet in Farming Residential Districts for lots with five (5) or more acres.

- B. **Flags:** decorative flags or flags with the insignia of a nation, state, community organization, college, university or corporation.
- C. **Miscellaneous signs** on vending machines, gas pumps, and ice containers indicating the contents or announcing on-premise sales, provided that the sign on each device does not exceed two (2) square feet in area.
- D. **Model signs:** temporary signs directing the public to a model home or unit, that do not exceed six (6) square feet in area.
- E. **Warning signs:** such as no trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet; or if more than one (1) such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
- F. **Regulatory, directional and street signs:** erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual and other signs erected in to comply with other governmental regulations.
- G. **Driveway directional signs:** no more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. (Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable business sign square footage, as specified in Table 24.1.)
- H. **Rental office directional signs:** up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of ten (10) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.
- I. **Parking lot signs:** indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of six (6) feet in height, and do not exceed six (6) square feet in area.
- J. **Garage sale and estate sale signs** provided that they are not attached to public utility poles and do not exceed six (6) square feet in area; and that they are erected no more than ten (10) business days before the sale day and are removed within one (1) business day after the announced sale.

- K. **Gas station pump island signs** located on the structural supports identifying "self-serve" and "full-serve" operations, provided that there is no business identification or advertising copy on such signs, that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area.
- L. **Historical marker:** plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
- M. **Integral signs:** names of buildings, dates of construction, and commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area. Such signs shall not be used for purposes of advertising products or uses.
- N. **Non-commercial signs:** provided that such signs do not exceed two (2) square feet in area.
- O. **Political signs:** provided that the lot contains a permitted and occupied building. Such signs shall not be placed within the public street right-of-way line and the total size of such signs on a lot shall not exceed thirty-two (32) square feet in area. If related to an election, such signs shall be removed within ten (10) business days following the election for which they are erected.
- P. **Real estate signs** advertising a single lot or residence not exceeding an area of eight (8) square feet.

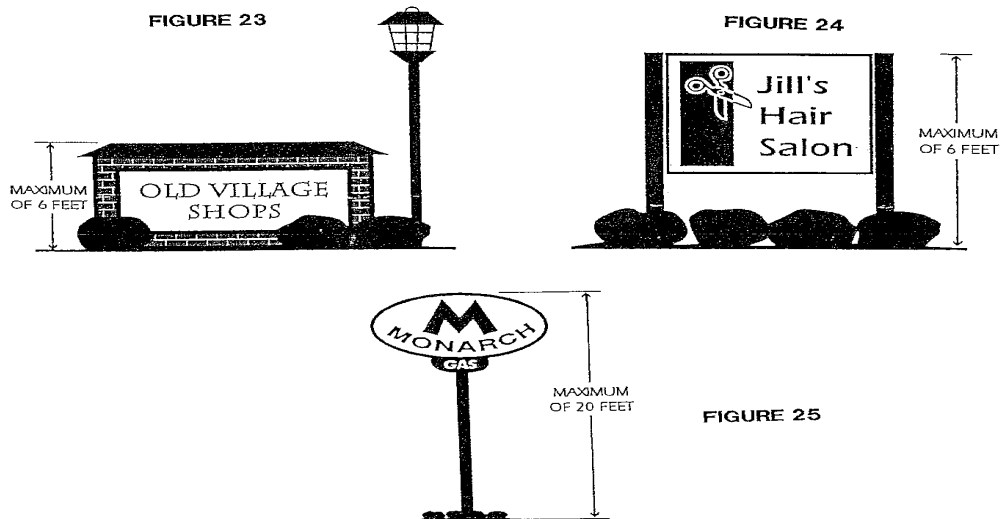
SECTION 24.06 GENERAL STANDARDS FOR PERMITTED SIGNS

The following standards shall apply to any sign allowed with or without a permit by this article.

A. Measurement of allowable sign area and height:

1. The allowable area for signs shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a triangle, circle, parallelogram or rectangle including any frame.
2. Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, the same size, contain the same message and are separated by no more than two (2) feet. Figures 18 through 23 illustrate the intended method of measuring sign area.

3. For purposes of calculating sign area allowed as wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) that includes the portion of the canopy that contains a message, symbol and/or logo.
4. Sign heights shall be measured from the mean ground elevation of the site to the highest vertical extent of the sign. The sign shall not be placed on a berm or other elevated feature unless specifically approved as part of the site plan or sign permit if there was no site plan review. The measurement of sign heights is illustrated in Figures 24 through 26 below:



B. Sign setbacks:

1. All permanent signs, shall be setback a minimum of ten (10) feet from any public street right-of-way line, except residential identification signs allowed by this article that are not required to be set back from the public or private street right-of-way. The required setback distance for all other signs shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the street right-of-way.
2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all non-residential signs shall be setback at least one-hundred (100) feet from any residential district.

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

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

E. Illumination: Illuminated signs shall be directed or shaded such that no direct ray from the illumination shall interfere with the vision of persons on the adjacent streets or of adjacent property owners. The use of colored lights that might be confused with traffic signals will not be permitted. Underground wiring shall be required for all illuminated signs not attached to a building.

F. Construction and Maintenance: Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

G. Sign Safety: All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.

H. **General Standards:** The number, display area and height of signs within the various zoning districts are provided in Table 24.1 and its accompanying set of footnotes. Some additional standards for specific types of signs are given below:

1. **Canopy signs:** may be used as an alternative to wall signs and may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage.
2. **Wall signs:** signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the roof or parapet by more than one (1) foot from the structure surface to which it is attached.

SECTION 24.07 PROHIBITED SIGNS

The following signs shall be prohibited in any district in the Township:

- A. **Commercial vehicles or construction trailers used as signs.** A commercial vehicle or construction trailer shall not be parked on any business premises or an industrial lot for a period exceeding forty-eight (48) hours for the intended purpose, as determined by the Zoning Administrator, of advertising a product or serving as a business sign.
- B. **Home Occupations** shall not be advertised by signs affixed to vehicles parked or stored in a yard of the lot or homesite where the home occupation is conducted.
- C. **Exterior string lights** used in connection with a commercial enterprise. However, holiday decorations may be placed on a commercial site not more than forty-five (45) days before the holiday and shall be removed within ten (10) days following the holiday for which they were erected.
- D. **Non-regulatory signs** placed in any public right-of-way, attached to a utility pole or affixed to a tree.
- E. **Off-premise signs** erected for the purpose of advertising a product, event, person or subject, unless otherwise provided for in this ordinance or covered under the State Highway Act.
- F. **Portable signs** as defined, except when approved for grand openings or business special events unless otherwise provided for in this ordinance.
- G. **Signs having moving members** or parts excluding barber poles and electronic time/temperature signs that do not contain business messages.
- H. **Electronic signs** that display business messages.

- I. **Signs using high intensity lights** or flashing lights, spinners, animated devices and all other sign devices that will create a visual hazard for passing traffic.
- J. **Signs that obstruct vision** or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- K. **Signs that simulate** or could in any way be confused with the lighting of emergency vehicles or traffic signals.
- L. **Home occupation signs** and symbols that identify a home occupation.
- M. **Roof signs** as defined herein.

SECTION 24.08 ADMINISTRATION AND APPEALS OF SIGN REGULATIONS

- A. The regulations of this section shall be administered and enforced by the Zoning Administrator.
- B. The Zoning Board of Appeals may, upon application by the property owner, make reasonable adjustment in the size and location requirements for any sign provided that the criteria for such variances are met as required by Article 26.

Table 24.1 SUMMARY OF SIGN DIMENSIONAL STANDARDS AND REGULATIONS

DISTRICT	SUMMARY OF PERMITTED SIGNS NUMBER AND TYPE ⁽¹⁾							
	Permit Required			No Permit Required				
	#	Type	Max s.f.	Max Ht. Ft.	#	Type	Max s.f.	Max Ht. Ft.
RA Rural Agricultural RE Rural Estate	1	church/school	48	6	1	res. i.d.	16	n/a
	1	construction	32	6	1 ⁽⁹⁾	directional	4	3
	1	real estate sales	16	6		n/a warning	6	n/a
	1	community/development identification	64	6	1	real estate sales (single lot/residence)	8	4
	1	agribusiness	48	6				
	⁽⁴⁾	political	32	6				
R-1, R-2 and R-3 Single Family Residential, and MHP Manufactured Home Park	1	church/school	48	6	1	res. i.d.	2	n/a
	1	construction	32	6	1 ⁽⁹⁾	directional	4	3
	1	real estate development sales	32	6		n/a warning	6	n/a
	1	community/development identification	64	6	1	real estate sales (single lot/residence)	8	4
	⁽⁴⁾	political	32	6				
C-1 Local Commercial, C-2 Community Commercial, C-3 Regional Commercial, and C-4 Service Commercial	2	business signs ^(5,6,7)	64 ^(5,6,7)	6	1 ⁽⁹⁾	directional	4	3
	1	business center sign	64	6		n/a warning	6	n/a
	1	construction	32	6				
	1	real estate development sales	32	6				
	⁽⁴⁾	political	32	6				
OS Office Service	1	business sign ^(5,6,7)	64 ^(5,6,7)	6	1 ⁽⁹⁾	directional	4	3
	1	business center sign	64	6		n/a warning	6	n/a
	1	church/school	48	6				
	1	construction	32	6				
	1	real estate sales	16	6				
	⁽⁴⁾	political	32	6				
M-1 Light Industrial and M-2 Heavy Industrial	1	business sign	64	6	1 ⁽⁹⁾	directional	4	3
	1	business center sign	64	6		n/a warning	6	n/a
	1	construction	32	6				
	1	real estate sales	16	6				
	⁽⁸⁾	billboard	1,200	30				
	⁽⁴⁾	political	32	6				
PUD Planned Unit Development District	1	church/school	48	6	1 ⁽⁹⁾	directional	4	3
	1	residential identification	2	6		n/a warning	6	n/a
	1	construction	32	6				
	1	real estate sales	8	6				
	1	community/development identification	64	6				
	⁽⁴⁾	political	32	6				

Footnotes to Table 24.1

1. This listing is not all inclusive. See sections 24.02 through 24.05 for a complete listing of permitted signs and require standards and conditions.
2. A changeable message sign or reader board attached to the sign may be allowed provided that any such changeable message sign shall be included as part of the allowable sign area. Any logo or business identification shall be counted toward the area calculation of any sign.
3. The maximum height applies only to free-standing signs. The maximum height for free-standing business signs oriented to and visible from U.S. Highway 23 may be increased to twenty (20) feet. The height of the sign shall be measured from the average grade measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign atop a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.
4. No limitation is placed on the number of political signs, however, the area restriction applies to the cumulative area of all political signs on a site.
5. Businesses not in a business center are permitted one wall or canopy business sign and one free-standing business sign per establishment. Businesses in a business center are limited to only one wall or canopy business sign per establishment. Only one free-standing business sign for the entire center is permitted. The maximum area applies to each permitted sign.
6. Wall or canopy signs shall be limited to ten percent (10%) of the surface area of the facade that forms the principal business frontage or sixty (60) square feet per business establishment, whichever is greater.
7. The Planning Commission may permit up to a ten (10) percent increase in the maximum permitted free-standing sign area if extensive landscaping and a decorative base consistent with the materials of the principal building are provided.
8. The maximum number of billboard signs on a site shall be limited by the number of billboard signs that can fit on a site while maintaining a minimum 2,000 foot spacing between signs on the site and a 1,000 foot spacing from billboard signs on any other site. Billboard signs shall be located within 500 feet of the highway frontage and shall be separated at least 1,000 feet from any residential district.
9. One directional sign is permitted per approved driveway entrance.

ARTICLE 25
PERFORMANCE STANDARDS

SECTION 25.01 INTENT AND SCOPE OF APPLICATION

A. Intent

The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

B. Scope of Application

After the effective date of this Ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Article. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this Article. Compliance with these standards is required at time of construction and with any change of operations.

C. Submission of Additional Data

Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Article, provided that the Planning Commission finds that no harm to the public health, safety and welfare will result and that the intent of this Ordinance will be upheld.

D. Right to Farm Act

The right to farm is recognized to exist as a natural right and is a permitted use. The phrase "right to farm" as used herein includes the use of irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors, farm laborers and application of natural and/or chemical fertilizers, insecticides and herbicides; all for the purpose of producing from the land agricultural products such as (but not limited to) vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds, dairy products, fowl or livestock. The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays, at night and in the day, and the noise, odors, dust and fumes that are specifically permitted as part of the exercise to this right.

It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted is more than offset by the benefits from farming to the neighborhood, community, and society in general.

SECTION 25.02 PERFORMANCE STANDARDS

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section.

A. Noise

1. Definitions

The terms used in this section shall have the meaning ascribed to them as follows. Terms used in this section but not defined below or in Section 2.01 shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

- a. A-Weighted Sound Level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. Day-Night Average Sound Level:** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 PM to 7:00 am the following day increased by 10 dB(A) before averaging.
- c. Emergency:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- d. Impulsive Sound:** Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, impact, machines such as presses engaged in punching and forming, and discharge of firearms.
- e. Noise:** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- f. Noise Disturbance:** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or

real property. For the purposes of this ordinance, a Noise Disturbance shall be further defined as any sound which exceeds the limits set forth in Table A, following, or other standards set forth in this section.

- g. Noise Sensitive Zone:** An area which contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
- h. Pure Tone:** Any sound which can be distinctly heard as a single pitch or a set of single pitches.
- i. Sound:** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- j. Sound Level:** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.
- k. Vibration:** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

2. Noise Disturbances Prohibited

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Examples of noise disturbances include, but are not limited to:

a. Sounds Which Exceed Limits in Table A

Any sound which exceeds the limits set forth in Table A, following, shall be deemed a Noise Disturbance.

b. Loading and Unloading

Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 PM and 7:00 am in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.

c. Construction

Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound therefrom creates a noise disturbance across a residential district boundary or within a noise sensitive zone, between the hours of 8:00 PM and 7:00 am on Monday through Saturday or any time on Sundays or holidays. This provision shall not apply to emergency work of public service utilities, or servicing of wells and septic systems.

d. Vibration

Operating of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

e. Noise Sensitive Zones

Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the values shown in Table A, provided that conspicuous signs are displayed indicating the presence of the zone.

3. Exceptions

a. Emergency Exceptions

The provisions in this section shall not apply to (a) the emission of sound for the purpose of alerting persons to existence of an emergency, or (b) the emission of sound in the performance of emergency work.

b. Additional Exceptions

The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legal manner:

- Snow plowing, street sweeping, and other public works activities.
- Agricultural uses.
- Church bells, chimes, and carillons.
- Lawn care and house maintenance that occurs between 8:00 am and 9:00 PM.
- Licensed vehicles being operated on a road or street.
- Trains and aircraft when on the ground.
- Crushing of concrete as a redi-mix plant, if the crushing takes place between the hours of 8:00 A.M. and 6:00 P.M., on Monday through Friday only. To the extent there is a conflict, this subsection takes precedence over the requirements of Section 18.15. Further, the activity must be inspected and permitted by the DEQ, and with township approval.

4. Variances

An application for a variance from the provisions in this section may be submitted to the Zoning Board of Appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of sound from the equipment on the overall sound level in the area. The statement shall include a study of the background sound levels, predicted level of sound at the boundary line due to the proposed operation, and

justification for the variance. Upon review of the request for a variance, the Zoning Board of Appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance would not create a threat to the health, safety, and welfare of the public. The Zoning Board of Appeals may impose conditions of operation when granting a variance.

5. Maximum Permitted Sound Levels by Receiving Zoning District

Sound emitted by any source is considered a Noise Disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in Table A, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Maximum Permitted Average A - Weighted Sound Levels		
Receiving Zoning District	Time	Average Sound Level, db(A)
Residential	7:00 am to 10:00 PM	55
	10:00 PM to 7:00 am	50
Commercial & Industrial	7:00 am to 6:00 PM	65
	6:00 PM to 7:00 am	55

Notes Related to Sound Level Table

- a. Correction for Tonal Sounds.
For any source of sound which emits a pure tone sound, the maximum sound level limits shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. Correction for Impulsive or Impact-Type Sounds.
For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive. Such sounds may be characterized by duration, beat frequency, or periodic character.
- c. Planned Development.
Where the receiving district is a planned development district, the applicable standard above shall be based on the types of uses within the planned development.

B. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion

Dust, smoke, soot, dirt, fly ash, and products of wind erosion that will be produced as a result of site operations shall be subject to the regulations established in conjunction with the Air

Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The readily detectable drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, eloquesent salts, wetting, covering, landscaping, fencing, or other means.

C. Odor

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, in the determination of the designated Township official, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

D. Lighting, Glare and Heat

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (½) of one (1) foot candle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

E. Fire and Safety Hazards

1. General Requirements

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Act, Michigan Public Act 97 of 1941, as amended. Fire fighting and fire protection equipment acceptable to the Board of Fire Underwriters shall be readily available at the site.

2. Storage Tanks

All storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by an impermeable structure capable of containing one and one half (1 ½) times the capacity of the largest tank so enclosed. The potential contact surface of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks which hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks which contain flammable material shall conform to Michigan Public Act 165 of 1985, as amended, and be registered with the Michigan State Police Fire Marshall. The location and contents of all such tanks shall be indicated on the site plan.

3. Detonable Materials

The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the Fire Chief and the following restrictions:

Proposed Activity	Restrictions
Storage, Utilization or Manufacture of 5 lbs. or less	Permitted Accessory Use in M-1 and M-2 Districts
Storage or Utilization of Over 5 lbs.	Special Land Use in M-1 and M-2 Districts
Manufacture of Over 5 lbs.	Not Permitted

Detonable materials covered by these requirements include, but are not necessarily limited to the following:

- a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
- b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
- c. Propellants and components thereof such as dry nitrocellulose, pyrodex, boron hydrides, and hydrazine and its derivatives.
- d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.

- e. Blasting explosives such as dynamite and nitroglycerine.
- f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
- g. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
- h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

Gunpowder for personal use otherwise permitted by law, and legal fireworks shall be exempt from these requirements.

F. Sewage Wastes and Water Pollution

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including but not limited to, Mt. Morris Township, the Michigan Department of Health, the Michigan Department of Environmental Quality, Michigan Department of Environmental Quality, the Genesee County Health Department, and the U.S. Environmental Protection Agency.

The location, storage, or discharge of any materials in a manner that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, or plant life is prohibited.

G. Stationary Source Emissions

Emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations. Compliance with all air discharge permits is required.

H. Electromagnetic Radiation and Radio Transmission

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

I. Radioactive Materials

Radioactive material wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by state and Federal agencies which have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

SECTION 25.03 PROCEDURES FOR DETERMINING COMPLIANCE

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. Official Investigation

Upon receipt of evidence of possible violation, the Zoning Administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator shall notify the owner or operation of a facility that a report of a suspected violation has been received. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
2. A description of the existing or proposed machinery, processes, and products.
3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article. The test methods should be specified by the applicant or its laboratory at the time of application.
4. Measurement of the amount or rate of emissions of the material purported to be in violation.
5. Copies of permit applications.

B. Method and Cost of Determination

The Zoning Administrator shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the Township.

C. Appropriate Remedies

If, after appropriate investigation, the Zoning Administrator determines that a violation does exist, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed response shall be given written notice of the violation. The Zoning Administrator shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

1. Correction of Violation within Time Limit

If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Administrator shall note "Violation Corrected" on the Township's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Administrator may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.

2. Violation Not Corrected and No Reply from Owner or Operator

If there is no reply from the owner or operator within the specified time limits (thus establishing admission of violation, as provided Section 25.03, subsection A), and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the Zoning Administrator shall take such action as may be warranted to correct the violation.

3. Reply Requesting Extension of Time

If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the Zoning Ordinance, but that more time is required than was granted by the original notice, the Zoning Administrator may grant an extension if-

- a. The Zoning Administrator deems that such extension is warranted because of the circumstances in the case, and
- b. The Zoning Administrator determines that such extension will not cause imminent peril to life, health, or property.

4. Reply Requesting Technical Determination

If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within thirty (30) days, the Township shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be paid by the Township.

ARTICLE 26
ZONING BOARD OF APPEALS

SECTION 26.00 CREATION OF ZONING BOARD OF APPEALS

- A. There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its power as provided for in Act 110 of the Public Acts of 2006, as amended. The ZBA shall consist of five (5) members and not more than two (2) alternate members, as follows:
1. The first member shall be a member of the Township Planning Commission selected by the Planning Commission and appointed by the Township Board;
 2. The second, third, fourth and fifth members shall be selected and appointed by the Township Board from among the electors residing in the township.
 3. The Township Board may appoint two (2) alternate members for three (3) year terms. The alternate members may be called on a rotating basis, or as specified in the rules of procedure of the Zoning Board of Appeals, to sit as regular members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest as allowed by State Law. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- B. The Planning Commission member of the Zoning Board of Appeals shall serve for his/her term of office on the Planning Commission. All other members shall be appointed for terms of three (3) years.
- C. Except for the Planning Commission representative described in A.1 above, members of the Township Board, the Planning Commission, or any employee of the Township Board shall not serve simultaneously as a member, or as an employee of the ZBA. Members of the ZBA shall be removable by the Township Board for non-performance of duty or misconduct in office, upon filing of written charges and after public hearing before the Township Board.
- D. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the ZBA is present.

SECTION 26.01 MEETINGS

All meetings of the ZBA shall be held at the call of the Chairman, and at such times as the ZBA may determine. All meetings of the ZBA shall be open to the public. The ZBA 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.

SECTION 26.02 NOTICE OF APPEAL HEARING

The Zoning Board of Appeals shall make no determination in any specific case until it shall have conducted a public hearing. The ZBA shall fix a reasonable time for such hearing, and shall give due notice thereof, by mail, to all parties concerned, including to all persons to which real property is assessed within three hundred (300) feet of the subject property in question, and to the occupants of all structures within 300 feet. The notice is to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll, and if the tenant's name is not known, the term occupants may be used. A fee for such hearings shall be established by the Township Board.

SECTION 26.03 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals possesses limited and specific powers and duties. The ZBA may not change the zoning district classification of any property. It may not change any of the stated terms of this ordinance. It has powers to act on those matters where this ordinance provided for an administrative review, interpretation, or exception, and to authorize a variance as defined in this section and in the laws of the State of Michigan. These powers include:

- A. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this ordinance. Any such ruling or decision must be found to meet criteria listed in Section 26.04(A) below.
- B. **Interpretation of Zoning Text and Map.** To make interpretations of the zoning text and map; the defining of ambiguous words and phrases; the verification of definite boundaries between zoning districts; and the location of proper setback lines, in the event that such boundaries or locations should be unclear or subject to dispute.
- C. **Criteria for Granting Variances.** Variances and appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the ZBA, however, at least one of the applicable criteria must be found by the ZBA. The ZBA shall have no authority to grant variances related to the use of land, buildings or structures.
 1. **Practical Difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional

provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

2. **Substantial Justice.** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
3. **Public Safety and Welfare.** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.
4. **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.
5. **No Safety Hazard or Nuisance.** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
6. **Relationship to Adjacent Land Uses.** The development permitted upon granting of a variance will relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas.

D. **Exceptions.** To hear and decide, in accordance with the provisions of this Ordinance, requests for exceptions, and for situations on which this Ordinance specifically authorizes the Board of Appeals to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following:

1. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

2. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 3. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is shaped such or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 4. Permit modification of obscuring wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
- E. **SPECIAL/TEMPORARY LAND USES:** A proposed use of land, which is inconsistent with a strict construction of defined uses within a given land use classification, which can be made substantially compatible with the otherwise permitted uses in the district, by way of the imposition of permanent case specific restrictions and additional development standards and requirements; or with an allowance of the use on a temporary basis, with the imposition of case specific restrictions and additional development standards and requirements.
- F. **Miscellaneous Permits.** The Zoning Board of Appeals may grant permits for temporary uses and activities, where authorized in this ordinance and subject to the requirements stated therein, and after full consideration of the general intent of this ordinance. Permits shall be required for, but not limited to the holding of circuses and carnivals.

SECTION 26.04 APPEALS

The ZBA shall select a suitable time and place for the hearing of the appeal. Due notice shall be given of the hearing to all affected parties. Testimony may be given at the hearing by any person, in person, or through any duly authorized agent or attorney. The Township Board shall be given notice of such hearing by the Zoning Administrator.

- A. **Appeals of a Decision by the Zoning Administrator.** An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board or bureau of the township, county, or state affected by a decision of the Zoning Administrator. Such appeals shall be taken within such times as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the ZBA a "Notice of Appeal" Specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which action being appealed was taken. An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him, that by reason of the facts stated in such certification, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed except by the issuance of a restraining order by a court of record. The ZBA shall reverse an order of the Zoning Administrator or other Enforcement Official only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based on an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based on erroneous interpretation of the Zoning Ordinance or zoning law.
5. Appeals from Denial of Board of Appeals may be taken to Genesee County Circuit Court.

B. Appeals of Decisions Affecting Special Land Uses and Planned Unit Developments. The ZBA shall not have jurisdiction over appeals of decisions affecting special land uses and planned unit developments.

C. Appeals. The ZBA shall hear and decide other appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this ordinance.

SECTION 26.05 DECISIONS OF THE ZBA

A. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises. To that end the ZBA shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

B. The ZBA shall return a decision upon each case within thirty (30) days after a request or appeal has been filed, unless further time is agreed upon by the parties concerned.

C. Any decision of the ZBA shall not become final until the expiration of five (5) days from the date of entry of such order, unless the ZBA shall find immediate effect is necessary for the preservation of property or personal rights, and shall so certify for the record.

D. The concurring vote of a majority of the members of the ZBA present at the meeting shall be necessary to reverse any order, requirement, decision, or determination, or to decide in favor of the applicant on any matter upon which they are required to pass under this ordinance, or to effect any variation in the ordinance.

E. The decision of the Zoning Board of Appeals shall be final. A person having an interest affected by the zoning ordinance, however, may appeal to the circuit court.

SECTION 26.06 TERMS OF APPEAL

The Zoning Board of Appeals may require the appellant, or applicant requesting special action by the ZBA, to submit all necessary surveys, plans or other information necessary for the ZBA to thoroughly investigate the matter before it. The ZBA may impose such conditions or limitations in granting such appeal or application as it may deem necessary to comply with the spirit and purpose of this ordinance.

SECTION 26.07 APPROVAL PERIOD

Exceptions, variances, and boundary and setback determinations shall be vested in the affected property, and shall pass with title to such property. If no action is taken regarding any exception, variance, and boundary and/or setback determination granted by the Zoning Board of Appeals within one calendar year from the date the decision to grant such relief is made, the action taken with regard to the matter will be void, and another application will need to be submitted by the applicant.

SECTION 26.08 ATTORNEY

Legal consultation is available to the Zoning Board of Appeals from the Township's designated Township Attorney. If such consultation is not sufficient to resolve the issue, the Township Board shall secure and appoint a specialist in the area of dispute to assist the ZBA.

ARTICLE 27
ZONING ADMINISTRATION

SECTION 27.00 INTENT

It is hereby provided that the provisions of this ordinance shall be administered and enforced by the Zoning Administrator or other Township official so designated by the Township Board.

SECTION 27.01 RESPONSIBILITY

Before beginning or undertaking any work, it shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing or remodeling of any building or structure, to see that a proper building permit has been issued and that such work and land use conforms with the provisions of this Ordinance.

SECTION 27.02 CONFORMANCE

A Building Permit shall not be issued to erect or alter a building or structure, or to make a use of land or make any changes in use thereof, unless the same shall be in conformity with the provisions of, this ordinance. The Zoning Administrator shall record nonconforming uses and structures according to provisions in Section 23.08(A).

SECTION 27.03 APPLICATIONS FOR PERMITS

- A. **Building Permits.** Applications for Building Permits shall be filed with the Zoning Administrator, upon forms furnished and approved by the Township Board. The application shall be printed in ink or typewritten, and shall be submitted with information required, herein. Applications shall be accompanied by bankable funds as herein required payable to the Township Treasurer.

- B. **Special Land Use Permits.** Applications for special land use permits shall be filed with the Zoning Administrator, upon form furnished and approved by the Township Board. The form shall be completed and submitted, along with other materials, to the Township Planning Commission. The Township Planning Commission reviews the application and related documents and, after a public hearing, makes a determination regarding the proposed special land use. If the Planning Commission approves the request for a special land use, the Zoning Administrator shall issue a special land use permit subject to compliance with any and all conditions determined appropriate by the Planning Commission. Additional requirements for special land uses are in Articles 19 and 22, herein.

SECTION 27.04 EVIDENCE OF OWNERSHIP

All applications for permits under the provisions of this ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.

SECTION 27.05 PLANS

- A. The Zoning Administrator shall have the power to issue Building Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

- B. It shall be unlawful for the Zoning Administrator to approve any plans or issue permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a Building Permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by the appropriate plot plan, site plan, or subdivision plat.
 - 1. Plot plans - required for all single-family and two-family dwellings when constructed on individual lots.

 - 2. Site plans - required for all special land uses; all land uses in the following zoning districts: MF, OS, C-1, C-2, C-3, C-4, M-1, M-2, PUD; all site or attached condominium subdivisions; and other uses as specified in this ordinance.

 - 3. Subdivision plats for subdivisions submitted for approval according to the Michigan Land Division Act and the Mt. Morris Township Subdivision Control Ordinance.

- C. Plot plan, site plan and subdivision plat.
 - 1. Plot plan requirements are maintained and available from the Township Building Department.

 - 2. Site plan requirements are described in Article 20.

 - 3. Subdivision plat requirements are listed in the Mt. Morris Township Subdivision Control Ordinance and the Michigan Land Division Act.

SECTION 27.06 FEES

The Township Board shall, by resolution, determine and set the fees to be charged for:

- All permits, certificates and copies thereof;

- Fees for appeals to the Zoning Board of Appeals;

- Fees for application to the Planning Commission for special land use approval and site plan review;
- Fees for rezoning applications; and
- Fees for all other applications and services provided for in this Ordinance.

SECTION 27.07 VOIDING OF PERMIT

Any permit granted under this section shall become null and void unless the permitted use has been constructively undertaken within one (1) year of the granting of the permit.

SECTION 27.08 INSPECTIONS

It shall be the duty of the Building Department to inspect all properties to assure conformance with the intent of the permits.

SECTION 27.09 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy issued by the Township Building Department shall be proof of compliance with all building code requirements and related site improvements required by the provisions of this Ordinance.

SECTION 27.10 RECORDS

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this ordinance, shall be filed with the Township Clerk and be a part of the Township records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee as determined by the Township Board.

SECTION 27.11 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township of Mt. Morris and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 27.12 INTERPRETATION

- A. For interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, other than

the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

- B. Where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control.
- C. Nothing in this ordinance shall 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. Uses, districts, zoning classifications and permissible activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 27.13 VIOLATIONS

- A. Any and all buildings or land use activities considered possible violations of this ordinance observed by or communicated to a Township official or employer shall be reported to the Zoning Administrator.
- B. The Zoning Administrator shall inspect each alleged violation he/she observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
- C. All violations shall be corrected within the immediate fourteen (14) calendar day period after the order to correct is issued, or in such longer period of time, not to exceed three (3) months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township Attorney, who is authorized to and shall initiate procedures to eliminate such violation.
- D. Any person, firm or corporation violating any of the provisions of the Charter Township of Mt. Morris's Zoning Ordinance (#327 of 1972, as amended) shall be responsible for a municipal civil infraction and be subject to the following:
 - (1) First Offense: The civil fine for a first offense infraction shall be no less than One Hundred Fifty Dollars (\$150.00):
 - (2) Second Offense: The civil fine for a second offense infraction shall be no less than Two Hundred Fifty Dollars (\$250.00);
 - (3) Repeat Offense: The civil fine for any infraction which is a third or greater offense shall be no less than Five Hundred Dollars (\$500.00).
[MCL 125.3407]

- (4) in the discretion of the Township Attorney and/or Township Board, to the initiation of an action to abate any such violation(s) in a court of competent jurisdiction
- (5) Each day a violation exists and/or occurs will be deemed to be a separate violation. Subjecting any person, firm, or corporation who violates any provision of this Ordinance to multiple enforcement actions and/or penalties.
- (6) In addition to the above civil fines, upon an admission or finding of responsibility for a municipal civil infraction, the Township shall also be entitled to reimbursement for all costs, expenses, and/or charges incurred by the Township in the cleanup and/or abatement of a municipal civil infraction violation.
- (7) If the municipal civil infraction affects real property and the owner of said property is found responsible for said municipal civil infraction, the court may order the owner to abate the violation. If the owner of said real property fails to abate the violation in the time allowed by the court, the Township shall have the right to enter upon the land to abate the municipal civil infraction violation and shall have the right and power to add any and all costs incurred by the Township for the abatement and cleanup of the violation to the tax roll of the property upon which the violation was located and to levy and collect such costs in the same manner as provided for the levy and collection of ad valorem real property taxes against said property.
- (8) The Township may also utilize all other sanctions authorized and provided for in Chapter 600 of the Revised Judicature Act of 1961, Subchapter 87, being MCLA §600.8701 through §600.8735, as amended, in prosecuting municipal civil infraction violations.
- (9) Failure of an alleged violator to appear within the time specified in a municipal civil infraction citation or at the time scheduled for hearing or appearance shall be a misdemeanor and the penalty shall be a fine not to exceed \$500.00, or imprisonment in the Genesee County Jail for a term not exceeding 90 days, or both fine and imprisonment.
- (10) A municipal civil infraction action brought for any violation of this chapter shall follow the procedures set forth in Chapter 600 of the Revised Judicature Act of 1961, including Subchapter 87 therein, specifically MCLA §600.8701 through §600.8735, as amended.

SECTION 27.14 PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 27.15 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE 28
AMENDMENTS**

SECTION 28.00 INITIATING AMENDMENTS

The Township Board may amend to supplement the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more property owners in Mt. Morris Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

SECTION 28.01 FEES

The Township Board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid at the time of filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by a government agency or body.

SECTION 28.02 AMENDMENT PROCEDURE

The procedure for amending this ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

- A. A petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for a public hearing on the petition. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice thereof to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice and proof thereof shall be delivered as required by state law. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Planning Commission and by any other governmental agency or body.

- B. Following the public hearing, the Township Planning Commission shall report its findings and recommendation for disposition of the proposed zoning amendment to the Township Board. Simultaneously, the Township Planning Commission shall submit its recommendations to the County Planning Commission for review and recommendation to the Township Board. The County Planning Commission, within thirty (30) days of receipt shall notify the Township Clerk of its disapproval with the proposed amendment, or approval of the amendment shall be conclusively presumed. Note: The step of notification to the County Planning Commission is required unless the County Board of Commissioners has passed a resolution waiving county right of review.

- C. The Township Planning Commission shall act within ninety (90) days of the filing date of the zoning amendment petition, unless the time limit is extended by agreement between the petitioner and the Planning Commission.

- D. After receiving the proposed amendment recommendation, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. The Planning Commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.
- E. The Board may deny or adopt the amendment with or without changes, by a majority vote of its membership. If the Township Board deems it advisable to consider changes to the amendment petition, the board shall refer the same to the Township Planning Commission for a report thereon within a time specified by the Board.
- F. An application for a rezoning which has been denied by the Township Board shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Township Board, to be valid.

SECTION 28.03 AMENDMENT PETITION

- A. If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:
 - 1. A legal description of the property, including a street address and the tax code number(s).
 - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - 3. The name and address of the petitioner.
 - 4. The petitioner's interest in the property. If the petitioner is not the owner of record, the name and address of the owner(s) of record, and that owner(s) signed consent to the petition.
 - 5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information.
 - 6. Identification of the zoning district requested and the existing zoning classification of the property.
 - 7. A vicinity map showing the location of the property, and adjacent land uses and zoning classifications.
 - 8. An Impact Assessment, as described in Section 20.04, in all instances where the land use classification proposed is found by the Planning Commission, for

reasons articulated on the record prior to the scheduling of a public hearing, to have significant potential impact on the environment, traffic, infrastructure, demands for public services and/or significant impacts on surrounding properties due to scale.

- B. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
 2. Name and address of the petitioner.
 3. Reasons for the proposed amendment.

SECTION 28.04 REVIEW CRITERIA FOR AMENDMENT OF THE ZONING ORDINANCE

In reviewing any petition for a zoning amendment the Planning Commission shall identify and evaluate all factors relevant to the petition. The Environmental Assessment shall be reviewed and approved if responses and comments describing impacts of a project are acceptable to the Planning Commission. The Planning Commission shall report its findings in full, along with its recommendation for action on the petition, to the Township Board. A copy of the Planning Commission recommendation shall be sent to the Genesee County Planning Commission (if required) for a review and recommendation to the Township Board. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A. Review criteria for an amendment to the Official Zoning Map:
1. Consistency with the goals, policies and future land use map of the Township Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the Township, the Planning Commission and Township Board shall consider the consistency with recent development trends in the area.
 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
 3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
 4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the

environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

5. The capacity of the Township's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare".
6. The apparent demand for the types of uses permitted in the requested zoning district in the Mt. Morris Township area in relation to the amount of land currently zoned and available to accommodate the demand.
7. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
8. Other factors deemed appropriate by the Planning Commission and Township Board.

B. Review criteria for amendment of the Zoning Ordinance Text

1. Documentation has been provided from Township Staff or the Board of Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
2. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the Township's standards are outdated.
3. The Township Attorney recommends an amendment to respond to significant case law.
4. The amendment would promote implementation of the goals and objectives of the Township's Master Plan.
5. Other factors deemed appropriate by the Planning Commission and Township Board.

SECTION 28.05 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST

An application for an amendment to the Official Zoning Map (that is, a rezoning request) that has been denied, shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.

SECTION 28.06 PUBLICATION

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general

circulation within Mt. Morris Township. The notice of adoption shall include the following information:

- A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.
- C. The place and time where a copy of the ordinance may be purchased or inspected.

SECTION 28.07 REFERENDUM

In accordance with Section 402 of Act No. 110 of the Public Act of 2006.

- 1) Within 7 days after publication of a zoning ordinance under section 401, a registered elector residing in the zoning jurisdiction of a county or township may file with the clerk of the legislative body a notice of intent to file a petition under this section.
- 2) If a notice of intent is filed under subsection (1), the petitioner shall have 30 days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the clerk of the legislative body requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the zoning jurisdiction for their approval.
- 3) Upon the filing of a notice of intent under subsection (1), the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until 1 of the following occurs:
 - (a) The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.
 - (b) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is inadequate.
 - (c) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The legislative body shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

- 4) A petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

SECTION 28.08 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a provision of a decree issued by a court of competent jurisdiction as to any specific lands in the Township, may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

ARTICLE 29
SEVERABILITY

SECTION 29.00 SEVERABILITY

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 judged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

**ARTICLE 30
RESPONSIBILITY**

SECTION 30.00 GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the ordinance, and said Board is hereby empowered, in the name of Mt. Morris Township to commence and pursue any and all necessary and appropriate action and/or proceedings in the Circuit Court of Genesee County, Michigan, or any other court having jurisdiction.

The Township Board also is empowered to restrain and/or prevent any noncompliance with or violation of any provisions in this ordinance, and to correct, ready and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

**ARTICLE 31
ENACTMENT**

SECTION 31.00 ENACTMENT

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety and welfare of the people of the Township of Mt. Morris and are hereby ordered to become effective thirty (30) days after the date of its publication as required by law. Such publication shall be preceded by a public hearing and by approval by the Township Board, in that order. The effective date of this ordinance is hereby declared to be February 15, 1999 .

February 2012:

Text revised to include addendums adopted following the effective date of this ordinance.

November 2014:

Text revised with regards to the keeping and housing of livestock in certain residential districts.

July 2018:

Text to include Hoop Houses. 18.55

July 2018:

Text to include Solar Energy Collector Systems. 18.53

August 2018:

Text to include Indoor and Outdoor Shooting Range. 18.54

January 2019:

Text revised in regards to violations. 27.13

January 2019:

Text revised to include Co-Location to Marihuana Facilities. 13.05

August 2019:

Text revised to include hospitals in C-2 zoning 11.03 I.

September 2020:

Text revised in regards to Essential Services. 18.43

September 2020:

Text to include Recreational Marihuana Use. 18.58

October 2020:

Text revised in regards to Ponds. 18.50

