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## **CHAPTER 1**

### **General Provisions**

The Bethany Township hereby ordains these regulations for the use of land and structures within the Township.

#### **SECTION 101. SHORT TITLE.**

This Ordinance shall be known as the Bethany Township Zoning Ordinance.

#### **SECTION 102. PURPOSE AND OBJECTIVES.**

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience, and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

- (1) Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
- (2) Protect the community's quality of life and enhance the social and economic stability of the Township.
- (3) Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
- (4) Guide efforts to provide public services, such waste disposal, transportation, education, recreation and public safety.
- (5) Establish standards to guide physical development of each Zoning District and of the Township as a whole, and provide for enforcement of said standards.
- (6) Educate citizens and public officials about their shared responsibilities for wise use of community resources.
- (7) Strive to balance one property owner's right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.

#### **SECTION 103. INTERPRETATION.**

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings. Nor is this

Ordinance intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations permits, easements, covenants or agreements that may be in force, the provisions of this Ordinance shall control. Where provisions of any other Ordinance or regulation of Bethany Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

**SECTION 104. SEVERABILITY.**

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

**SECTION 105. REPEAL.**

The existing zoning ordinance and associated regulations of Bethany Township, as amended, are hereby repealed. However, said repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed. Nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Township under any section or provision of the Ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

**SECTION 106. EFFECTIVE DATE.**

The Ordinance shall take effect upon July 10, 2003, 30 days following the date of adoption by the Bethany Township Board.

**SECTION 107. LIABILITY**

The Township Zoning Administrator or any person charged with the interpretation and enforcement of this ordinance, acting in good faith and without malice for the Township in the discharge of his duties shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

## CHAPTER 2

### Definitions

#### SECTION 201. RULES APPLYING TO THE TEXT.

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

- (1) The specific shall control the general.
- (2) Words used in the present tense include the future tense; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (3) The word "person" includes an individual as well as a corporation, firm or any similar entity.
- (4) The word "structure" includes the word "building" or any part thereof.
- (5) The word "lot" includes the words "plot," "tract," or "parcel."
- (6) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (7) The word "used for" shall be construed to include the words "intended for, arranged for designed for or occupied for."
- (8) The term "he" shall be read as he, she, it or they.
- (9) 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," "either...or," the conjunction shall be interpreted as follows:
  - (a) "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - (c) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (10) References to departments, commissions, boards, and other officers are to those of the township, unless otherwise indicated.
- (11) A reference to a public official of the township is to that person who performs the function reefered to and may include a designee.

- (12) In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- (13) Any word or term not herein defined shall be used with a meaning of common standard use.

## **SECTION 202. DEFINITIONS.**

**ABUT.** To physically touch or border upon; to share a common property line.

**ACCESSORY STRUCTURE.** A structure attached or detached from a principal building on the same lot and customarily incidental to and subordinate to the principal building or use.

**ACCESSORY USE.** An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

**ADJACENT.** A lot or parcel of land which shares all or part of a common lot line with another parcel of land.

**ADULT CABARET.** A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the *primary live entertainment* is distinguished or characterized by an emphasis on the exhibition of *specific sexual activities* or *specified anatomical areas* for observation by patron therein.

**ADULT MEDIA.** Magazines, books, slides, CD roms or devices used to record computer images, or other *media* that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *hard-core material*.

**ADULT MEDIA STORE.** An establishment that rents and/or sells media, and that meets any of the following three tests:

1. 40 percent or more of the gross public floor area is devoted to *adult media*.
2. 40 percent or more of the stock in trade consists of *adult media*.
3. It advertises or holds itself out in any form as "XXX," "adult," "sex," or otherwise as a *sexually oriented business* other than *adult media store*, *adult motion picture theater* or *adult cabaret*.

**ADULT MOTION PICTURE THEATER.** An establishment emphasizing or predominately showing sexually oriented movies.

**AGRICULTURE, ANIMAL** means the use of land for the maintenance or production of animals or animals products but does not include livestock production facilities.



AGRICULTURE, CROP means the use of land for the production of row crops, field crops, tree crops, timber and the like.

AGRICULTURAL RETAIL FACILITY. A booth or stall located on a farm from which produce and farm products are sold to the general public.

AGRICULTURE SALES AND SERVICE means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

AGRICULTURAL STORAGE means facilities for the warehousing or agricultural products. Typical uses include grain elevators.

ANIMAL FEEDING OPERATION. See LIVESTOCK PRODUCTION

ANIMAL UNIT means a unit of measurement for any livestock production facility calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus all other animals on site multiplied by 1.0 per 1000 pounds of body weight.

ASSEMBLY BUILDING. A building for the primary purpose of group gatherings of 50 people or more for any purpose.

AUTOMOBILE CAR WASH. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

AUTOMOBILE/VEHICLE GAS/FUEL SALES. An establishment primarily engaged in the sale and installation of tires, gas or other fuels and other operational fluids and accessories for use in vehicles. The primary use must constitute over 50% of vehicle traffic to the establishment.

AUTOMOBILE/VEHICLE REPAIR. An establishment primarily engaged in engine and transmission repair that may require removal of the engine or body.

AUTOMOBILE SALES. An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.

BANK. A building designed to perform one or more services, including, but not limited to, the safeguarding of money and other valuables, the lending of money, the executing of bills of exchange such as checks, drafts and money orders, the issuance of notes, and the receipts of funds. The term "bank" includes, but is not limited to, banks, savings and loan operations, and credit unions.

**BAR.** A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink.

**BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

**BASEMENT.** A story of a building having part but not more than one half ( $\frac{1}{2}$ ) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.

**BEAUTY SALON.** See PERSONAL SERVICE BUSINESS.

**BERM.** An earthen buffer that obscures sight, traffic and sound.

**BLIGHT.** See existing Bethany Township Blight Ordinance.

**BODY SHOP.** See AUTOMOBILE/VEHICLE REPAIR.

**BUFFER.** A buffer may be open spaces, landscaped areas, fences, walls, berms and/or combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. Types of buffers required are regulated separately in this Ordinance.

**BUILDING.** Any structure, either temporary or permanent, having a roof supported by columns, walls or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to, tents, sheds, garages, greenhouses and other accessory structures.

**BUILDING, FRONT LINE OF.** The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR.** An individual appointed/employed to issues permits, collects fees, inspects sites, and issue enforcement actions.

**BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage.)

**CEMETERY.** Property used for interring of the dead.

**CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

**COMMERCIAL RECREATIONAL USE.** See RECREATIONAL USE, COMMERCIAL.

**COMMON LAND.** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

**CONDOMINIUM ACT.** Act 59 of 1978, as amended.

**CONDOMINIUM, EXPANDABLE.** A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONDOMINIUM SUBDIVISION.** See SUBDIVISION.

**CONDOMINIUM SUBDIVISION PLAN.** The site, survey, and utility plans, floor plans and sections, showing the existing and proposed structures and improvements.

**CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

**CONSOLIDATED MASTER DEED.** The final amended master deed for a contractible condominium project, expandable condominium project, or a condominium project

containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

**CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONTRACTOR (INTENSIVE USE).** A business establishment that provides construction services and involves intensive outdoor site use, such as storage of materials and/or equipment, other than licensed motor vehicles, and fabrication or other activities that may cause noise or vibrations at levels described in Chapter 4, Section 402, for I-1 and I-2 zoning districts.

**CONTRACTOR (NONINTENSIVE USES).** A business establishment that provides construction services where all activities, other than parking of licensed motor vehicles, are confined within a building.

**CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

**CONVERTIBLE AREA.** A unit or 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 express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and other needed attention for compensation.

**CONVENIENCE STORE.** A retail operation selling a variety of items including grocery products and items that may be required by neighborhood residents on a day to day basis such as newspapers, magazines, seasonal needs, etc.

**COVERAGE, LOT.** That percent of the plot or lot covered by the building area.

**CROPS.** A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

**CUL DE SAC.** A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

DAY NURSERY. A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

DEGREE OF NONCONFORMANCE. A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.

- (a) USE. A Use is any item listed in the DISTRICT REGULATIONS chapters of this Ordinance as allowed by Right or by Special Use Permit.
- (b) SETBACK. The square footage of a building that is within a required setback area.
- (c) AREA. The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
- (d) WIDTH OR DEPTH. The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its Zoning District.
- (e) PARKING. The number of off-street parking spaces which a parcel lacks to conform with the requirements of the Zoning Ordinance.

DENSITY. The number of dwelling units situated on or to be developed upon gross acre of land.

DEPTH. Depth is the distance from a property line to a structure.

DEVELOPMENT. The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use, and/or any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENT PLAN. A comprehensive long range plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

DISPLAY PUBLICLY. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal, unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than *adult media* are on display to the public.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-In is also interpreted to include "fast food" operations which serve food in disposable containers.

DUMPSTER. A container used to hold trash, garbage, refuse, or rubbish which is designed to be emptied into a garbage collection truck by mechanical means.

DWELLING. Any building, or portion thereof which is designed or used exclusively for residential purposes.

DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:

- (a) SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit.
- (b) TWO FAMILY DWELLING is a building containing not more than (2) dwelling units.
- (c) MULTIPLE DWELLING is a building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT. A building or portion thereof designed exclusively for residential occupancy by one family having cooking facilities.

EASEMENT. A grant of one or more property rights by a property owner to and/or for use by the public or another person or entity.

ENTERTAINMENT. For the purposes of this ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of underground surface or overhead electrical gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

ESTABLISHMENT. Any business regulated by special use permit that is also defined as a sexually oriented business.

EXCAVATION. Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

EXPLICIT SEXUAL MATERIAL. Any hard core material.

FAMILY. Two or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.

FARM. A tract of land which is directly devoted to agricultural purposes. A farm includes cultivation of crops and horticulture. A farm does not include establishments operated as roadside stands, nurseries, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables, kennels, quarries, gravel or sand pits.

FARMING, GENERAL. The practice of agriculture on a farm as defined above.

FARM ANIMAL, RECREATION. Horses. See KENNEL for dog and cat keeping

FAST FOOD RESTAURANT. See Drive-In Restaurant.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, decorate or separate areas.

FIELD CROPS. A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

FILLING. Depositing or dumping of any matter onto, or into the ground except common household gardening and ground care.

FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE. See ACCESSORY STRUCTURE.

GOLF COURSE, MINIATURE. See RECREATIONAL USE, COMMERCIAL.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. For the purposes of calculating parking and loading requirements, the gross

floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

**GROSS PUBLIC FLOOR AREA.** The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture or video arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

**HARD-CORE MATERIAL.** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**HARD SURFACE.** At least five (5") inches of reinforced concrete or two (2") inches of bituminous surface laid over five (5") inches of compacted crushed stone. Paved and hard surface shall have the same meaning for purposes of this Ordinance.

**HEIGHT, MEASUREMENT OF.** The height of a building, fence, or wall at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

**HOME OCCUPATION** Any business carried on by one or more members of a family residing on the premises, providing it:

- (a) is operated in its entirety within the principal dwelling or accessory structure;
- (b) does not have a separate entrance from outside the building;
- (c) does not involve alteration or construction not customarily found in dwellings or accessory structures;
- (d) does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- (e) does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure, with a maximum total area for the home occupation of five hundred (500) square feet;
- (f) does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except



for one (1) nonanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.

- (g) does not employ more than one (1) person other than family members residing on the premises.
- (h) is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
- (i) home occupations specifically exclude tattoo and piercing parlors and massage studios.

**HORTICULTURE.** The cultivation of a garden or orchard.

**HOSPITAL.** An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include a rest home, nursing home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

**HOTEL.** See MOTEL.

**INDIVIDUAL STORAGE FACILITY.** A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

**INDOOR USE.** A use, the majority of which is contained within a structure.

**INSTITUTION, EDUCATIONAL.** A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

**INSTITUTION, HUMAN CARE.** A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, and mental, physical or substance abuse rehabilitation facilities.

**INSTITUTION, RELIGIOUS.** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL.** Any profit or nonprofit use or facility in which activities for leisure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veterans organizations.

**JUNK/SALVAGE YARD.** A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the

characteristics of salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

**KENNEL.** Any facility, on a single parcel, where more than three (3) dogs, three (3) cats, or other household pets, over four (4) months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

**LICENSED RECREATIONAL VEHICLE/EQUIPMENT.** A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicle include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by a State in prominent display to be considered licensed.

**LINGERIE MODELING STUDIO.** An establishment or business that provides the services of live models modeling lingerie to individuals, couples or small groups in rooms smaller than six hundred (600) square feet.

**LIVESTOCK PRODUCTION FACILITY** means a facility where farm animals, as defined in the Right to Farm Act, such as dairy cattle, poultry, beef cattle, sheep, swine, horses, etc. are confined with a capacity of 50 animal units or greater and the associated manure storage facilities. Pasture systems are excluded.

**LOADING BERTH/SPACE.** An off-street space at least ten (10') feet wide, fifty (50') feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

**LOT.** A parcel of land separated from other parcels of land by description on a recorded plat or by another recorded description, including in a condominium unit in a condominium subdivision; having frontage on a public or private street and having sufficient size to comply with the requirements of this Ordinance for minimum area, setbacks, coverage and open space.

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

**LOT: CORNER, INTERIOR AND THROUGH.**

**CORNER LOT.** A lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.

**INTERIOR LOT.** A lot other than a corner lot.

**THROUGH LOT.** An Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

**LOT LINES.**

**LOT LINE, FRONT.** The lines abutting a lot as defined herein: That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street.

**LOT LINE, REAR.** Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.

**LOT LINE, SIDE.** Any lot line that is not a front or rear lot line.

**LOT, WIDTH OF.** The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback.

**LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

**LUMBER YARD.** A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

**MANUFACTURING.** An operation in which raw materials or partially finished material is processed into goods for sale. This processing can include stamping, rolling, forging, plating, heat treating, forming, molding and assembly.

**MANURE STORAGE AREA** means a holding area or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with a livestock production facility.

**MASSAGE STUDIO.** An establishment offering massage therapy and/or body work by a massage therapist licensed under Michigan state law or under the direct supervision of a licensed physician.

**MASTER DEED.** The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

MASTER PLAN. See "Development Plan".

MEDIA. Anything printed or written, or any picture, drawing, photograph, motion picture, film, video tape or videotape production, or pictorial representation or any electrical or electronic reproduction of anything that is or may be used as a means of communication., Media includes but shall not be necessarily limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media and undeveloped pictures.

MEDIA SHOP. A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to *adult media shops*. IN that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop be treated as an adult media outlet. See special conditions in Chapter 13, Special Use Permits, for media shops in which adult media constitute more than ten (10%) percent but less than forty (40%) percent of the stock in trade or occupy more than ten (10%) percent but less than forty (40%) percent of the floor area.

MINING. Mining includes the extraction of minerals, including solids, such as coal, ores, liquids, such as crude petroleum and gases such as natural gases. Mining also includes quarrying, groundwater diversion, soil removal, milling, crushing, screening, washing and flotation of materials, and any other preparation customarily done at the mine site or as part of a mining activity.

- (a) Excavation approved by a governmental body or competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- (b) Excavation of limited scope and duration and which is undertaken for the immediate use and development of the land excavated, pursuant to a valid building permit issued from the Township, such as for purposes of building construction, septic tanks or swimming pools. However, the removal from the site of soils in excess of five hundred (500) cubic yards shall not be undertaken unless and until a soil extraction permit shall first have been obtained from the Township Board in accordance with Section 4 of this Ordinance. Soil removal in connection with an excavation for immediate use and development of land shall be completed within ninety (90) days of issuance of the building permit.
- (c) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds. However, the removal from the site of soils in excess of five hundred (500) cubic yards shall not be undertaken unless

and until a soil extraction permit shall first have been obtained from the Township Board in accordance with Section 4 of this Ordinance.

- (d) Graves.

MINISTORAGE. See INDIVIDUAL STORAGE FACILITY.

MOBILE/MANUFACTURED HOME. A detached single family dwelling unit with all of the following characteristics:

- (a) Designed for long-term occupancy.
- (b) Contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (c) Designed to be transported after fabrication on its own wheels, flatbed, trailer, or detachable wheels.
- (d) Arriving at a site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of seven hundred and twenty (720) square feet, and including appliances and furniture and ready for occupancy except for minor incidental location operations.

MOBILE HOME CONDOMINIUM PROJECT. A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

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

MOBILE HOME SPACE. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

MOBILE HOME STAND. That part of an individual Mobile Home site which has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

MODULAR HOME. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients. The term

"motel" shall include buildings designed as "auto courts," "tourist courts", "travel lodge", "motor courts", "motor hotels", and similar names which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.

**NONPROFIT ORGANIZATION.** The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in Bethany Township.

**NONCONFORMITY.** Any use of land or building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located. Private roads existing at the time of adoption of this Ordinance are legal nonconforming uses of land.

**NONCONFORMING USE.** Any use of a building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**NUISANCE.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrates movement or people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibrations, shock waves, heat, electronic or atomic radiation, objectionable effluent, and traffic.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale.

**OFFICE.** An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or computer consulting, bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

**OPAQUE.** Not pervious to light.

**OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building.

**OUTDOOR ASSEMBLY.** These uses include outdoor amphitheaters, race tracks, drive in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity.

**OUTDOOR USE.** A use, of which the majority is conducted outside of a structure of any kind.

**PARCEL.** See LOT.

**PERSONAL SERVICE BUSINESS.** A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming, dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

**PLANNED UNIT DEVELOPMENT.** An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

**PLAT.** A map of a subdivision of land.

**POND.** An artificially or naturally confined body of still water, less than one (1) acre in size, excluding swimming pools.

**PRIMARY LIVE ENTERTAINMENT.** On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PRIVATE ROADS.** Roads not meeting the Gratiot County Road Commission standards.

**PUBLIC BUILDING.** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, municipality without reference to ownership of the building or the realty upon which it is situated. A building belonging or used by the public for the transaction of public or quasi-public businesses.

**PUBLIC SERVICE INSTALLATION.** A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.

**PUBLIC STREET.** Any vehicular way which: (1) is an existing state, county, or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way

lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

**RECREATIONAL USE, COMMERCIAL.** Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, etc.

**RECREATIONAL USE, PRIVATE.** A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee.

**RESTAURANT.** An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.

**RESTAURANT WITH ENTERTAINMENT.** Any restaurant, as defined above, with live presentations of any kind other than adult cabaret.

**RETAIL.** Businesses engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RIGHT-OF-WAY.** A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities. The right-of-way is delineated by legally established lines or boundaries.

**RUBBISH.** A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.

**SADOMASOCHISTIC PRACTICES.** Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

**SALES AREA.** The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

**SEASONAL USE.** See "Temporary Building Use" and "Temporary Outdoor Use."

**SERVICE AREA.** Anywhere fuel is dispensed or any service of the business is performed.



S.E.V. The State Equalized Valuation of the property in question. This is presumed to be fifty percent (50%) of the property's true cash value.

**SERVICE BUSINESS.** A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also "Office Business," "Financial Business," "Personal Service Business."

**SETBACK.** The minimum unoccupied distance between front, side or rear lot line and the principal and accessory buildings, as required herein.

**SEXUALLY ORIENTED BUSINESS.** An inclusive term used to describe collectively: *adult cabaret; adult motion picture theater; video arcade; bathhouse; massage studio; and/or sex shop.*

**SEXUALLY ORIENTED TOYS OR NOVELTIES.** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

**SEX SHOP.** An establishment offering goods for sale or rent and that meets any of the following tests:

1. The establishment offers for sale items from any two of the following categories: (a) *adult media*, (b) lingerie, (c) leather goods marketed or presented in a context to suggest their use for *sadomasochistic practices*; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
2. More than 5 percent of its stock in trade consists of *sexually oriented toys or novelties*.
3. More than 5 percent of its gross floor area is devoted to the display of *sexually oriented toys or novelties*.

**SIGN.** A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

- (a) **AREA, OR SURFACE AREA, OF SIGN.** That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

- (b) ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (c) ELECTRONIC MESSAGE BOARD. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- (d) FREESTANDING SIGN. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)
- (e) GROUND LEVEL. The elevation to be used for computing the height of signs. Defined as the roadway center line grade elevation at its intersection with the center line of the driveway serving the parcel which is located nearest to the sign location.
- (f) ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.
- (g) INTEGRAL SIGN. Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like which are made an integral part of the walls of the structure (or roof for farm buildings).
- (h) JOINT SIGN. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.
- (i) LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- (j) MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- (k) PROJECTING SIGN. A sign, other than a wall sign, which projects 18" or more from and is supported by a wall of a building or structure.
- (l) ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- (m) ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

- (n) SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- (o) SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
- (q) PORTABLE SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- (r) WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

SITE, AREA. The total area within the property lines excluding rights-of-way, easements, etc.

SITE CONDOMINIUM. See CONDOMINIUM SUBDIVISION PLAN.

SITE PLAN. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

SOIL or SOILS. Peat, gravel, sand, clay, subsoil, topsoil, earth or other soils, including overburden.

SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

SPECIFIED ANATOMICAL AREAS. (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola; and/or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three (3) horses are boarded.

**STATE LICENSED RESIDENTIAL FACILITY.** A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence. None of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

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

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

**STREET.** A public thoroughfare which affords the principle means of access to abutting property.

**STREET, FUNCTIONAL CLASSIFICATION.** Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.

- (a) PRINCIPAL ARTERIAL. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.
- (b) MINOR ARTERIAL. Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
- (c) COLLECTOR. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
- (d) LOCAL. Serves as direct land access and access to higher systems.

STREET LINE. The legal line of demarcation between a street right-of-way line and abutting land.

STRUCTURE. See also "BUILDING."

SUBDIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of land less than 40 acres or the equivalent, and that is not exempted from the platting requirements of Act 288 of 1967, as amended. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of Act 288 of 1967 as amended or the requirements of this Ordinance.

SUBSTANTIAL PROPERTY RIGHT. A veritable right to specific material property.

SWIMMING POOL. An artificially contained body of water for the purpose of swimming excluding hot tubs. A swimming pool is greater than 2 ft deep at any point.

TATTOO AND PIERCING PARLOR. An establishment whose principle business activity, either in terms of operation or as conveyed to the public, is the practice of one or more of the following: (1) placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN. An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use. See also "BAR."

TEMPORARY BUILDING USE. A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

TEMPORARY OUTDOOR USE. A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

TRAILER. A structure, standing on wheels, towed or hauled by another vehicle and used for short term occupation, carrying materials, goods or objects or for use as a temporary office.

TRUCK TERMINAL. An area and buildings where cargo is stored and where trucks are loaded and unloaded on a regular basis.

USE. The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship due to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals under the provisions of this Ordinance and Act 184 of 1943 as amended.

VIDEO VIEWING BOOTH OR ARCADE BOOTH. Any booth, cubicle, stall or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

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

WHOLESALE BUSINESS. A wholesale business is an enterprise, which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

WIRELESS COMMUNICATION FACILITY. Any personal wireless services and structures as defined in the Telecommunications Act of 1996 which includes and provides FCC licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ENSM) paging, and similar services that currently exist; or that may in the future be developed.

**YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

**YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.

**YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.

**YARD, SIDE.** A yard between the nearest point of the main building and any side line.

**ZONING ADMINISTRATOR.** Administers and enforces the zoning ordinance.

**ZONING DISTRICT.** Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same.

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## CHAPTER 3

### General Requirements

#### SECTION 301. NONCONFORMITIES.

- (1) **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- (2) **HISTORIC PROPERTIES.** Any nonconforming property in Bethany Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- (3) **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.

- (a) The nonconformity existed legally before the effective date of this Ordinance.
- (b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
- (c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
- (d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right of way, or over a neighboring property

line.

- (4) **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- (5) **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- (6) **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired PROVIDED that such restoration does not exceed fifty percent (50%) of its assessed value, as determined by the assessing officer, exclusive of foundations, provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
- (7) **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
- (8) **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- (9) **NONCONFORMING LOTS.** In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- (10) **INVENTORY OF NONCONFORMITIES.** The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Bethany Township. Listed properties shall be

arranged in the order of the Township Assessor's parcel identification numbers. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Zoning Administrator. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued.

All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

Each listing in the Inventory of Nonconformities shall include the following information.

- (a) Date each parcel listed on inventory.
- (b) Parcel identification number.
- (c) Property address.
- (d) Current owner(s).
- (e) Property description.
- (f) Parcel dimensions.
- (g) Current zoning district.
- (h) Current use of property.
- (i) Description of all nonconformities (Use, lot, structures, and signs), and date nonconforming status occurred, if known.

## **SECTION 302. USE REGULATIONS.**

- (1) **BUILDING PERMITS REQUIRED.** All construction requires a building permit.
- (2) **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within two (2) years of the date of issuance.
- (3) **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
  - (a) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - (b) Buildings or structures necessary for provision of essential services.
  - (c) Gardens, garden ornaments and usual landscape features within required yard space.
  - (d) Fences, walls, and screens within required yard space.
  - (e) Retaining walls.
  - (f) Off street parking for licensed autos, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated

- capacity.
  - (g) Home Occupations.
  - (h) Use of premises as a voting place.
  - (i) Storage sheds, playhouses, and shelters for transit or school bus passengers.
  - (j) Radio or TV antennas.
  - (k) Swimming Pools – See applicable State laws.
  - (l) Front yard handicap access facilities in residential districts, with proof of need.
- (4) **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Central Michigan District Health Department and applicable State agencies.
- (5) **INOPERATIVE OR DISMANTLED VEHICLES.** The storage of dismantled, wrecked and/or unlicensed vehicles within any district is expressly prohibited unless contained within a licensed junkyard or an enclosed structure or storage does not exceed thirty (30) days.
- (6) **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- (7) **STORAGE OF GARBAGE.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- (8) **FENCES, WALLS AND NONBOTANICAL SCREENS.** In all agricultural, residential and commercial districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within twenty (20') feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or six (6') feet in any side or rear yard. Fences which enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision. All fences shall be located at least one (1) foot from all property lines.
- (9) **STORAGE OF EQUIPMENT AND MATERIALS.** In all commercial and industrial districts, the open storage of any equipment, vehicles and all materials, shall be screened from public view, from a street and from adjoining properties by

an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less in height than four feet six inches (4'6") measured from the surface of the adjacent building flooring.

- (10) **HEAVY EQUIPMENT STORAGE.** Overnight parking of commercial vehicles licensed for road use, in excess of one and one half (1.5) tons rated capacity, including all semitruck tractors and trailers, is allowed in all districts except in any Residential Zoning District where the lot is less than one (1) acre in area. If there is deed restriction to limit heavy equipment storage, that deed restriction will take precedence over this regulation. This regulation does not apply to emergency vehicles or equipment.
- (11) **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
  - (a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the municipality.
  - (b) All such buildings or structures shall be constructed and located per state and federal requirements.
  - (c) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.

### **SECTION 303. DWELLING REGULATIONS.**

- (1) **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Manufactured Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Manufactured Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
- (2) **MANUFACTURED HOME INSTALLATION.** In the event that a dwelling is a Manufactured Home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission. Each Manufactured Home must have a perimeter wall or skirting which has the same dimensions as the Dwelling. No Manufactured Home shall have any towing mechanism, undercarriage or chassis exposed.

(3) SITUATIONS IN WHICH TEMPORARY DWELLINGS ARE ALLOWED. Use of a Manufactured Home for a temporary Dwelling may be authorized under the following circumstances.

- (a) SINGLE FAMILY HOME UNDER CONSTRUCTION BY OWNER. One (1) Manufactured Home, housing only the owner(s) of a Parcel and their immediate family members, may be placed on any Parcel. The Temporary Permit shall be valid for up to one (1) year, and may be renewed not more than once for the same period by the Zoning Administrator.
- (b) REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING. One (1) Manufactured Home may be placed temporarily on a Parcel. The Manufactured Home may house only the owner(s) of the Parcel and immediate family members during the repair of a Single Family Home. The Temporary Permit shall be valid for up to six (6) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Building Inspector.
- (c) ADDITIONAL REQUIREMENTS. All of the following requirements must be met before any Temporary Permit may be issued for placement and temporary occupancy of a Manufactured Home.
  - 1. UTILITIES. The proposed water supply and sanitary facilities must be inspected and approved by the Central Michigan District Health Department.
  - 2. BUILDING PERMIT. A building permit must have been issued to the Parcel owner(s) for construction or repair of a Single Family Home on the Parcel.
  - 3. COMPLY WITH DISTRICT REGULATIONS. Placement of the Manufactured Home must comply with all Setback and Lot Coverage requirements for the applicable Zoning District.
  - 4. APPLICATION CONTENTS. All applications for temporary manufactured home and recreational vehicle occupancy shall be made to the Building Inspector and shall contain
    - a. The name of the owner of the manufactured home or recreational vehicle.
    - b. The location of the proposed parking site as to street or road and house number, business address or by legal property description where no house number or business address is available.
    - c. The make, width and length of the manufactured home or recreational vehicle and the vehicle license number, if any.

d. The date of the application.

- (4) **STRUCTURES TO BE OF UNIFORM QUALITY.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- (5) **MAINTENANCE.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- (6) **ONE SINGLE FAMILY DWELLING PER PARCEL.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- (7) **FOUNDATION.** All single family dwellings, except manufactured homes located in manufactured home parks, must be firmly attached to a permanent foundation meeting the Township Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
- (8) **DIMENSIONS.** All single family dwellings must have a minimum width across any front, side and rear elevation of fourteen (14') feet and comply in all respects with the Township Building Code, including minimum heights for habitable rooms.
- (9) **ROOF.** All one or two family dwellings, other than manufactured homes located inside manufactured home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6") inches beyond the walls.
- (10) **EXTERIOR DOORS.** Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- (11) **RECREATIONAL VEHICLE (RV).** Recreational vehicles may be used as dwellings if they are placed on property owned by the resident of the RV and if they are not kept on the property more than six (6) months each calendar year. No RV may be rented to another party or occupied by another party other than the owner of the land on which the RV is placed. During the period when the RV is placed on the owner's property, it must be hooked to a well and septic system located on the same property.
- (12) **ACCESSORY BUILDING NOT FOR DWELLING USE.** No portion of an

accessory building in an AG, R-1 or R-2 Zoning District is to be used as a dwelling.

- (13) ATTACHED GARAGE YARD REQUIREMENTS. Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- (14) STATE LICENSED RESIDENTIAL FACILITY. No State licensed residential facility for six people or less shall be located within one thousand (1000') feet of another state licensed residential facility.
- (15) PONDS. Ponds of less than one (1) acre in area may be constructed as a landscaping enhancement to residential uses after plan review and issuance of a building permit by the Township.

#### **SECTION 304. PARCEL REGULATIONS.**

- (1) MINIMUM LOT FRONTAGE. The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.
- (2) ACCESS TO A STREET. All parcels created after the effective date of this Ordinance shall have access to a public street. In addition, any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, shall have a hard surfaced approach to a public street.

#### **SECTION 305. STRUCTURE REGULATIONS.**

- (1) PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapters, must be adhered to, as well as any requirements listed herein.
  - (a) Open porches, paved terraces and patios. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
  - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.
  - (c) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
  - (d) Signs, subject to provisions of Chapter 12.
- (2) PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be



permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.

- (a) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.
  - (b) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the C Zoning Districts or in any Industrial Zoning District, subject to the Special Use regulations for accessory uses.
  - (c) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.
- (3) **ABANDONED BUILDINGS AND STRUCTURES.** Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable Township codes.

### **SECTION 306. BUFFERING REGULATIONS.**

- (1) **INTENT AND PURPOSE.** The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

The objectives of this approach are, to give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means, according to a specific list of options noted in item (c), and to encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

- (2) **SITUATIONS REQUIRING A BUFFER.** Buffers are required on commercial or industrial property on the side which abuts residentially zoned property.

Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.

- (3) LOCATION. Buffer yards shall be located on any parcel of land where conflicts in land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the bufferyard will be 100% within the boundaries of the proposed new land use. These bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way or yard.
- (4) BUFFERYARD REQUIREMENTS. The type of bufferyard required shall be determined based on the proposed new land use and existing land use as a joint activity between the proponent, the neighboring land use and the Planning Commission. Buffers may consist of any suitable combination of landscaping, fences, berms, distance or other mutually agreed upon means.

(a) The Planning Commission, proponent and any neighboring land user shall determine the character of the buffer based on the following criteria:

1. Traffic impact
2. Increased building and parking lot coverage.
3. Increased outdoor sales, display and manufacturing area.
4. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
5. Visual, noise and air pollution levels
6. Health, safety and welfare of the Township.

Where consensus cannot be reached, the Planning Commission shall determine the appropriate buffer using information from all parties and sound judgment. The justification for any buffer determined under these conditions must be documented in the site plan and minutes of the meeting where the buffer was determined.

(b) Buffer yard Types and Development Standards: bufferyard requirements are stated in terms of the depth of the bufferyard and the number of plant units required per every 100 linear feet of bufferyard. The requirements may be satisfied by any of the options indicated for any given bufferyard type.

1. Where required, berms shall be a minimum of three (3) feet in height measured from the average grade at the base to the top of the berm with a slope not greater than three (3) feet of run for each

one (1) foot of rise. Additional plant materials, sufficient to provide a virtually opaque barrier may be substituted for a fence, where an opaque fence is required, upon approval of the Planning Commission after consultation with adjacent property owners or occupants.

2. Where required by this ordinance, plant material shall be as follows:
  - a. Deciduous trees shall be planted not more than thirty (30') feet nor less than fifteen (15') feet on centers.
  - b. Evergreen trees shall be planted not more than thirty (30') feet nor less than ten (10') feet on centers.
  - c. Multi stem deciduous trees shall be planted not more than ten (10') feet on centers.
  - d. Deciduous shrubs and spreading evergreens shall be planted not more than five (5') feet nor less than four (4') feet on centers.
  - e. Where plant materials are planted are planted in two (2) or more rows, planting shall be in staggered rows.
- (d) Existing plant material or fences may be counted as contributing to the total bufferyard requirement.
- (e) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- (f) Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.
- (g) All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
- (h) A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
- (i) The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as

determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned. If the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.

## CHAPTER 4

### District Regulations

#### **SECTION 401. DIVISION OF THE TOWNSHIP.**

For the purposes of this Ordinance, all land within Bethany Township except streets and alleys, is divided into the following Zoning Districts:

AG	Agricultural
R-1	Residential: Single Family
R-2	Residential: Multiple Family
R-3	Residential: Manufactured Housing
C-1	Commercial
I	Industrial

#### **SECTION 402. OFFICIAL ZONING MAP.**

The boundaries of Zoning Districts are defined and established as shown on a map entitled "Bethany Township Zoning Map" which accompanies this Ordinance. This map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Bethany Township Clerk or his/her designee.

#### **SECTION 403. INTERPRETATION OF BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply.

- (1) Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- (2) Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- (3) Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

#### **SECTION 404. SCOPE OF REGULATIONS.**

No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

#### **SECTION 405. DISTRICT REGULATIONS TABLES.**

Regulations for all Zoning Districts are contained together in the following two tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Bethany Township.

- (1) **USES TABLE.** This table appears on three (3) pages. Each page describes permitted activities for two to four related Zoning Districts which are identified in the left-hand column of each page. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described by Chapter 6 - Special Use Permits and the conditions.
- (2) **DIMENSIONS TABLE.** This table appears on one page. The table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

**TABLE OF PERMITTED USES**

<b>District</b>	<b>Uses Permitted by Right</b>	<b>Uses Permitted by Special use Permit</b>
<p align="center"><b>AG Agriculture</b> See Chapter 5 for additional regulations</p>	<p>Farming Forestry Farming Field Crops Fruit Orchards Truck farming Horticulture Nurseries and Greenhouses Animal agriculture Farm Recreation animals Agricultural Retail Facilities Single Family Homes Home Occupations State Licensed Residential Facilities for 6 or fewer residents Cemeteries Veterinary Hospitals Bed and Breakfasts</p>	<p>Kennels Production of Fur Bearing Animals Grain and Seed Elevators Wholesale Agricultural Product Storage Livestock Auction Yards Religious, Social, Educational and Human Care Institutions Golf Courses Public Parks Public and Private Airports Soil Resource Extraction State Licensed Residential Facilities for 7 or more residents Temporary Outdoor Uses Accessory Uses Wireless Communication Public Buildings Public Service Installations Recreational Vehicle Campground</p>
<p align="center"><b>R-1 Residential Single Family</b> See Chapter 6 for additional regulations</p>	<p>Single Family Homes Home Occupations Cemeteries Day Nurseries Bed and Breakfasts State Licensed Residential Facilities for 6 or fewer residents</p>	<p>Planned Unit Development Religious, Social, Educational and Human Care Institutions Public Buildings Public Service Installations Golf Courses Public Parks Agricultural Retail facilities Temporary Outdoor Uses State Licensed Residential Facilities for 7 or more residents</p>
<p align="center"><b>R-2 Residential Multiple Family</b> See Chapter 7 for additional regulations</p>	<p>Single Family Homes Two Family dwellings Multiple Family dwellings Temporary Outdoor Uses Home Occupations State Licensed Residential Facilities for 6 or fewer residents Cemeteries Day Nurseries Bed and Breakfasts</p>	<p>Planned Unit Development Religious, Social, Educational and Human Care Institutions Golf Courses Public Parks Funeral Homes State Licensed Residential Facilities for 7 or more residents Public Buildings Public Service Installations</p>

District	Uses Permitted by Right	Uses Permitted by Special use Permit
<p><b>R-3 Manufactured Housing Park</b> See Chapter 8 for additional regulations</p>	<p>Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this article. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities. Home Occupations Public Service Installations Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations.</p>	<p>None</p>
<p><b>C Commercial</b> See Chapter 9 for additional regulations</p>	<p>Multiple Family Dwellings Professional and Admin. Offices Personal Services Retail Food Other retail goods, service, repair Funeral Homes Wholesale sales Building supply and showrooms Veterinary hospitals Vehicle repair Auto and vehicle sales Outdoor sales Contractors Commercial Recreation Drive-in establishments Ministorage Day Nurseries Restaurants Bed and Breakfasts Commercial Schools Utility Service Buildings Public Buildings Temporary Outdoor Uses</p>	<p>Car Wash Hotel/Motel Malls Planned Unit Developments Religious, Social and Human Care Institutions. RV Parks Outdoor Assembly</p>
<p><b>I Industrial</b> See Chapter 10 for additional regulations</p>	<p>Truck terminals. Fuel sales Vehicle repair Contractors Greenhouses Production, processing, assembling, treatment or packaging of nonfood goods Manufacturing Warehousing and storage Distribution Bulk storage Commercial schools Laboratories Public Utility installations</p>	<p>Restaurants, including drive-ins Industrial parks Soil Resource Extraction Petroleum or flammable liquid production, refining and storage. Sewage treatment and disposal Incinerators Sexually Oriented Business High Intensity Food processing Incarceration Facility</p>



**TABLE OF DIMENSIONAL REGULATIONS**  
This table shows the minimum footages necessary

District	AG See Chapter 5	R-1 See Chapter 6	R-2 See Chapter 7	R-3 See Chapter 8	C See Chapter 9	I See Chapter 10
Lot area minimum	43,560	43,560	43,560	See district regulations	None	None
Lot width minimum	165'	150'	150'		None	None
Front yard minimum	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46		50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46
Rear yard minimum	25'	25'	35'		35'	35'
Side yard, minimum each	20'	20'	30'		15' 50' where abuts AG or R district	15' 100' where abuts AG or R district
Corner yard minimum	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46		50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46	50' from the R.O.W. line or 83' from the center of the road whichever is greater, except on M-46
Minimum housing unit	960 s.f.	960 s.f.	960 s.f.		NA	NA
Maximum structure height	35' or 2.5 stories	35' or 2.5 stories  20' for accessory structures	> 10' from principal structure 20' for accessory structures		35' or 3.5 stories	None
Maximum lot coverage	None	25%	25%		None	None

<b>Accessory Structures</b>	> 10' from principal structure	> 10' from principal structure No accessory structures in front yard	> 10' from principal structure No accessory structures in front yard		NA	> 10' from principal structure No accessory structures in front yard
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## CHAPTER 5

### AG – Agricultural District Regulations

#### SECTION 501. INTENT AND PURPOSE.

This district is intended for agricultural and single family residential uses together with compatible uses. The purpose of this zone is to encourage the preservation of agricultural farming practices.

#### SECTION 502. USES PERMITTED BY RIGHT.

- |                              |                                    |
|------------------------------|------------------------------------|
| 1. Forestry                  | 9. Farm Recreation animals         |
| 2. Farming                   | 10. Agricultural Retail Facilities |
| 3. Field Crops               | 11. Single Family Homes            |
| 4. Fruit Orchards            | 12. Home Occupations               |
| 5. Truck farming             | 14. Cemeteries                     |
| 6. Horticulture              | 15. Accessory Uses                 |
| 7. Nurseries and Greenhouses | 16. Veterinary Hospitals           |
| 8. Animal Agriculture        | 17. Bed and Breakfasts             |

#### SECTION 503. USES PERMITTED BY SPECIAL USE PERMIT.

- |   |   |
|---|---|
| 1. Kennels  | 9. Public and Private Airports            |
| 2. Production of Fur Bearing Animals                          | 10. Soil Resource Extraction              |
| 3. Grain and Seed Elevators                                   | 11. Temporary Outdoor Uses                |
| 4. Wholesale Agricultural Product Storage                     | 12. Accessory Uses                        |
| 5. Livestock Production Facility and Auction Yards            | 13. Wireless Communication                |
| 6. Religious, Social, Educational and Human Care Institutions | 14. State Licensed Residential Facilities |
| 7. Golf Courses   | 15. Public Buildings                      |
| 8. Public Parks   | 16. Public Service Installations          |
|   | 17. Recreational Vehicle Campground       |

Regulations for Special Uses are found in Chapter 13, Special Land Use Permits.

#### SECTION 504. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Forty-three thousand, five hundred and sixty (43,560) square feet
2. Lot Width, minimum – One hundred and sixty-five (165') feet
3. Front Yard, minimum – The greater of fifty (50') feet from the right of way or eighty three (83') feet from the center of the road.
4. Rear Yard, minimum - Twenty-five (25') feet

5. Side Yard, each, minimum - Twenty (20') feet. Where a C or I district abut the AG district, the side yard shall be fifty (50') feet in the C or I district
6. Corner Yard, minimum – Fifty (50') feet for both the front and side yards
7. Housing Unit, Minimum – Nine hundred sixty (960) square feet
8. Height, maximum – Thirty-five (35') feet or two and one half (2.5) stories
9. Lot coverage, maximum percent- none
10. Accessory Structures - No accessory Structures may be located closer than ten (10') feet to the principal structure or in the front yard. Accessory structures may be located in side yards in front of the principle structure's front building line, may not be located within the required front yard.

## CHAPTER 6

### R-1– Single Family Residential District Regulations

#### SECTION 601. INTENT AND PURPOSE.

This district is intended for single family residential uses together with compatible recreational uses. The purpose of this zone is to encourage a residential environment of low density dwellings and limited agricultural uses.

#### SECTION 602. USES PERMITTED BY RIGHT.

1. Single Family Homes
2. Home Occupations
3. Cemeteries
4. Day Nurseries
5. Bed and Breakfasts

#### SECTION 603. USES PERMITTED BY SPECIAL USE PERMIT.

1. Planned Unit Development
2. Religious, Social, Educational and Human Care Institutions
3. Golf Courses
4. Public Parks
5. Agricultural Retail facilities
6. Temporary Outdoor Uses
7. Public Buildings
8. Public Service Installations
9. State Licensed Residential Facilities

Regulations for Special Uses are found in Chapter 14, Special Use Permits.

#### SECTION 604. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Forty-three thousand, five hundred and sixty (43,560) square feet.
2. Lot Width, minimum – One hundred and fifty (150') feet.
3. Front Yard, minimum – The greater of fifty (50') feet from the right of way but no less than eighty-three (83') feet from the center line of the road.
4. Rear Yard, minimum - Twenty-five (25') feet.
5. Side Yard, minimum – Twenty (20') feet. Where an R-1 and C or I district abut, the side yard shall be fifty (50') feet in the C or I district.
6. Corner Yard, minimum – Fifty (50') feet for both front and side yards.
7. Housing Unit, Minimum – Nine hundred sixty (960) square feet.
8. Height, maximum – Thirty-five (35') feet or two and one half (2.5) stories.
9. Lot coverage, maximum percent- Twenty-five (25%) percent.
10. Accessory Structures - No accessory Structures may be located closer than ten (10') feet to the principal structure. Accessory structures may be located in side yards in front of the principle structure's front building line, may not be located within the required front yard.

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## CHAPTER 7

### R-2 Multiple Family Residential District Regulations

#### SECTION 701. INTENT AND PURPOSE.

This intent and purpose of this district is to provide a variety of housing styles, designs and costs to meet the needs of existing and potential residents while promoting development and preservation of neighborhoods of higher density than in the R-1 district.

#### SECTION 702. USES PERMITTED BY RIGHT.

- |                              |                       |
|------------------------------|-----------------------|
| 1. Single Family dwelling    | 5. Home Occupations   |
| 2. Two Family dwelling       | 6. Cemeteries         |
| 3. Multiple Family dwellings | 7. Day Nurseries      |
| 4. Temporary Outdoor Uses    | 8. Bed and Breakfasts |

#### SECTION 703. USES PERMITTED BY SPECIAL USE PERMIT.

- |   |                                 |
|---|---------------------------------|
| 1. Planned Unit Development                                   | 5. Public Parks                 |
| 2. Funeral Homes  | 6. Public Buildings             |
| 3. Religious, Social, Educational and Human Care Institutions | 7. Public Service Installations |
| 4. Golf Courses   |                                 |

Regulations for Special Uses are found in Chapter 14, Special Use Permits.

#### SECTION 704. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Forty-three thousand, five hundred and sixty (43,560) square feet.
2. Lot Width, minimum – One hundred and fifty (150') feet.
3. Front Yard, minimum – The greater of fifty (50') feet from the right of way line or eighty three (83') feet from the center of the road.
4. Rear Yard, minimum - Thirty-five (35') feet.
5. Side Yard, each, minimum – Thirty (30') feet. Where an R-1 and C or I district abut, the side yard shall be fifty (50') feet in the C or I district.
6. Corner Yard, minimum – Fifty (50') feet for both the front and side yards.
7. Housing Unit, Minimum
  - (a) Efficiency Apartment - Is a dwelling unit containing not over six hundred forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
  - (b) One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more



- than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
- (c) Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
  - (d) Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).
8. Height, maximum – Thirty-five (35') feet or two and one half (2.5) stories. Accessory structures may not exceed twenty (20') feet.
  9. Lot coverage, maximum percent- Twenty-five (25%) percent.
  10. Accessory Structures - No accessory Structures may be located closer than ten (10') feet to the principal structure. No accessory structure shall be erected in any front yard.

## CHAPTER 8

### R-3– Manufactured Housing District Regulations

#### SECTION 801. INTENT AND PURPOSE.

The R-3 Manufactured Home Park district is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development. The regulations applicable to this district are considered as minimum standards to be applied to all manufactured home park developments in the district.

#### SECTION 802. USES PERMITTED BY RIGHT.

1. Manufactured home parks, subject to the requirements established and regulated by the Manufactured Home Commission rules, and the provisions of this article.
2. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents.
3. Home Occupations
4. Public Service Installations
5. Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.

#### SECTION 803. USES PERMITTED BY SPECIAL USE PERMIT.

None.

#### SECTION 804. ADDITIONAL REQUIREMENTS IN THE R-3 DISTRICT

No manufactured home park shall be established within the R-3 District unless the park complies with the rules of the Manufactured Home Commission.

##### A. GREENBELT BUFFER

Within the premises upon which a manufactured home park is located there shall be constructed a greenbelt buffer. After approval as a part of the preliminary plan review process, there shall be no requirement that the buffer be changed due to future development.

1. The greenbelt buffer shall be twenty (20') feet wide on all side and rear lot lines abutting adjoining property. Existing manufactured housing developments are not required to buffer between the existing development and any new adjacent development that did not exist at the time the preliminary plan was approved.
2. Landscaping Materials. If the manufactured home park abuts an existing residential development, screening shall be required in the buffer zones. Screening

shall be with plants of six (6') feet in height at the time of planting, which shall obscure fifty (50%) percent of the view of the park, or a solid fence eight (8') feet in height obscuring one hundred (100%) percent of the view, or any combination of the above may be used to meet the intent of this Ordinance, to screen the manufactured home park from abutting developed residential use district classifications, or residences, and also from any previously existing adjoining single-family residence, regardless of the zone in which the latter residence is located. All the screening shall obscure one hundred (100%) percent of the view at maturity. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber. If a masonry fence is used, it shall have a foundation of at least forty-two (42") inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.

Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.

The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the preliminary plan review process.

3. The greenbelt buffer, whether utilizing a fence, or trees and plantings, or both, shall in any event be compatible with the surrounding environment.

#### B. STREETS, SIDEWALKS AND PUBLIC WAYS

Every manufactured home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

1. Access to public ways. Where adverse topographic conditions of entry streets are encountered, a second entry street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The purpose of the second entry street is to provide adequate access to the community in cases of emergencies, poor weather or heavy traffic conditions.
2. All streets within the manufactured home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction that includes Construction Details of the Michigan Department of Transportation.

3. Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Environmental Quality drainage standards.
4. Two-way streets within the manufactured home park shall have a minimum traveled width of twenty-one (21') feet of pavement with no parking. One-way streets shall have a minimum traveled width of thirteen (13') feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the manufactured home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16') feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.
5. Each street intersection within the manufactured home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30') feet from the intersection or taller than three (3') feet from the center line elevation of the street.
6. Each intersection within the manufactured home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
7. If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.

#### C. OFF STREET PARKING AND DRIVEWAYS

1. All manufactured home sites within the manufactured home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent manufactured home park street by hard-surfaced driveway at least ten (10') feet in width. Parking may also be provided on-street, provided that the parking lane width requirements are complied with. Driveways shall also be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.
2. A minimum of one (1) parking space for every three (3) manufactured home sites shall be provided for visitor parking. Each visitor-parking site shall be located within five hundred (500') feet of the manufactured home site it is intended to serve.
3. In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow manufactures, and the like.

D. ILLUMINATION

All streets and sidewalk and areas open to travel by manufactured home park residents shall be illuminated as follows:

1. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
2. At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
3. All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
4. If a central park mail box or park directory or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
5. All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.
6. All lighting shall be located and shielded so as to direct the light away from premises abutting the manufactured home park.

E. WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SYSTEM

Each manufactured home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the manufactured home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. If the central water system cannot support fire hydrants, 'dry' fire hydrants shall be installed. When the property is more than one hundred fifty (150) feet along a public right-of-way from either municipal water or sewer supply lines or sewers, a private system may be installed as approved by the County Health Department. Otherwise, each manufactured home park shall be connected to the Township water and/or sanitary sewage disposal systems and each manufactured home site shall be connected.

F. SOLID REFUSE, GARBAGE AND RECYCLABLES

The disposal of solid refuse shall comply with all Township and other government requirements for refuse disposal.

G. UTILITIES

All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines shall be placed entirely underground throughout the manufactured home park.

H. OPEN SPACE

An open space dedicated to use by Manufactured Home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to manufactured home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.

I. MANUFACTURED HOME INSTALLATION

Installation of manufactured homes upon each manufactured home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All manufactured homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

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## CHAPTER 9

### C-1 Commercial District Regulations

#### SECTION 901. INTENT AND PURPOSE.

The intent and purpose of this district is to provide neighborhood shopping areas to meet the day to day shopping, service and professional needs of area residents as well as to provide essential service needs to the highway traveler and to accommodate businesses serving a regional market.

#### SECTION 902. USES PERMITTED BY RIGHT.

- |  |                               |
|--|-------------------------------|
| 1. Multiple Family Dwellings           | 13. Contractors               |
| 2. Professional and Admin. Offices     | 14. Commercial Recreation     |
| 3. Personal Services                   | 15. Drive-in establishments   |
| 4. Retail Food                         | 16. Ministorage               |
| 5. Other retail goods, service, repair | 17. Day Nurseries             |
| 6. Funeral Homes                       | 18. Restaurants               |
| 7. Wholesale sales                     | 19. Bed and Breakfasts        |
| 8. Building supply and showrooms       | 20. Commercial Schools        |
| 9. Veterinary hospitals                | 21. Utility Service Buildings |
| 10. Vehicle repair                     | 22. Public Buildings          |
| 11. Auto and vehicle sales             | 23. Temporary Outdoor Uses    |
| 12. Outdoor sales                      |                               |

#### SECTION 903. USES PERMITTED BY SPECIAL USE PERMIT.

- |                              |   |
|------------------------------|---|
| 1. Car Wash                  | 5. Religious, Social and Human Care Institutions. |
| 2. Hotel/Motel               |   |
| 3. Malls                     | 6. RV Parks                                       |
| 4. Planned Unit Developments | 7. Outdoor Assembly                               |

Regulations for Special Uses are found in Chapter 14, Special Use Permits.

#### SECTION 904. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – None.
2. Lot Width, minimum – None.
3. Front Yard, minimum – The greater of fifty (50') feet from the right of way line or eighty-three (83') feet from the center of the road.
4. Rear Yard, minimum - Thirty-five (35') feet.
5. Side Yard, minimum – Fifteen (15') feet. Where a C district abuts an AG or residential district, the side yard shall be fifty (50') feet in the C district.
6. Corner Yard, minimum – Fifty (50') feet for both the front and side yards.
7. Height, maximum – Thirty-five (35') feet or three and one half (3.5) stories. Accessory structures may not exceed thirty-five (35') feet or one (1) story.
8. Lot coverage, maximum percent- None.



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## CHAPTER 10

### I- Industrial District Regulations

#### SECTION 1001. INTENT AND PURPOSE.

This district is intended for light industrial uses and also permits nonretail commercial and service establishments. It is designed to permit manufacturing, production, processing, assembling, packaging and treatment of products from previously prepared or finished products. The purpose of this district is to promote industrial areas that are protected from incompatible uses.

#### SECTION 1002. USES PERMITTED BY RIGHT.

- |  |                                  |
|--|----------------------------------|
| 1. Truck terminals.  | 7. Manufacturing                 |
| 2. Fuel sales  | 8. Warehousing and storage       |
| 3. Vehicle repair  | 9. Distribution                  |
| 4. Contractors   | 10. Bulk storage                 |
| 5. Greenhouses   | 11. Commercial schools           |
| 6. Production, processing, assembling,<br>treatment or packaging of nonfood<br>goods | 12. Laboratories                 |
|  | 13. Public Utility installations |

#### SECTION 1003. USES PERMITTED BY SPECIAL USE PERMIT.

- |   |                                   |
|---|-----------------------------------|
| 1. Restaurants, including drive-ins                                   | 5. Sewage treatment and disposal  |
| 2. Industrial parks   | 6. Incinerators                   |
| 3. Sand quarries, gravel pits   | 7. Sexually Oriented business     |
| 4. Petroleum or flammable liquid<br>production, refining and storage. | 8. High Intensity Food processing |
|   | 9. Incarceration Facility         |

Regulations for Special Uses are found in Chapter 14, Special Use Permits.

#### SECTION 1004. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – None.
2. Lot Width, minimum – None.
3. Front Yard, minimum – The greater of fifty (50') feet from the right of way line or eighty three (83') feet from the center of the road.
4. Back Yard, minimum - Thirty-five (35') feet.
5. Side Yard, minimum – Fifteen (15') feet. Where the I district abuts an AG or residential district, the side yard shall be one hundred (100') feet in the I district.
6. Corner Yard, minimum – Fifty (50') feet fro both the front and side yards.
7. Height, maximum – None.
8. Lot coverage, maximum percent- None.
9. Accessory Structures - No accessory Structures may be located closer than ten (10') feet to the principal structure. No accessory structure shall be erected in any front yard.

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## CHAPTER 11

### Parking

#### SECTION 1101. INTENT

This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

#### SECTION 1102. CONSTRUCTION AND DESIGN

Regulations in this section apply to all districts.

- A. APPLICATION. Any person desiring to establish or change a parking area shall submit plans to the Township Manager or to the Township Engineer, and Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Any curb cuts, entrances, exits, drainage, and design shall have the written approval of the Township Manager and/or Engineer, the Chief of Police and Fire Department shall be presented for site plan approval by the Planning Commission.
- B. STANDARDS. The design and construction of parking areas shall conform to the following requirements:
1. Parking spaces shall be at a minimum ten (10') feet by eighteen (18') feet in SIZE. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
  2. HANDICAPPED SPACES - Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

Total in Parking Lot	Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

500 to 1,000	2% of total
over 1,000	20, plus 1 for each 100 over 1,000

3. There shall be a curb or CURB stop provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb or curb stop shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.
4. Any LIGHTING used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
5. Each off-street parking DRIVEWAY OPENING to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90°) degree angle.
6. Each off-street parking driveway shall include an on-site STACKING AREA, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.
7. All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
8. Except for parallel parking, all parking spaces shall be clearly marked with STRIPING which shall be maintained.
9. LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
10. Off-street parking areas shall be effectively SCREENED on any side which abuts a residentially zoned district or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
11. ACCESS DRIVES to and from a parking area shall be paved. Access drives are not part of the required parking area. Design and construction of access drives

must be reviewed approved by the Township staff and in the instance of Gratiot Road (M-46), the Michigan Department of Transportation.

12. In cases where the Planning Commission determines that the level of traffic using a parking are or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be SURFACED with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.

C. SHARED ACCESS. The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

D. DRIVEWAY CLOSURE. Nonconforming driveways, per this ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.

E. The OCCUPANCY of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.

F. Parking spaces may COUNT TOWARD THE REQUIREMENT for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

### **SECTION 1103. RESIDENTIAL DISTRICTS**

A. Provisions shall be made for one usable off-street parking space for each dwelling unit, plus one for each bedroom over one, up to three spaces. Parking in residential zones is only permitted as an accessory use, and shall be limited to parking space or facilities for not more than four vehicles per dwelling unit. In no case is it intended that parking or access drives to parking spaces or facilities be permitted as a principal use of any residentially zoned lot.

- B. Apartments require two (2) spaces per dwelling unit. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet exclusive of access drives or aisles. Parking areas must be on an approved surface of asphalt, concrete or gravel.
- C. For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership.
- D. No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

## **SECTION 1104. COMMERCIAL DISTRICTS**

### **A. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES**

- 1. An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
- 2. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.
- 3. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- 4. Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
- 5. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
- 6. No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
1. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
2. Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
3. Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area.
4. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
5. Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
6. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
7. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
8. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
9. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Township Planner.

B. **LOADING AND UNLOADING SPACE.** In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the planning commission.

No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

C. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.

D. **PARKING SURFACE.** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.



## **SECTION 1105. INDUSTRIAL DISTRICTS**

- A. Every parcel of land used as a public or private parking area in any "I" District shall be developed and maintained in accordance with the following requirements or other industrial property line, unless screened by a solid masonry wall.
- B. For every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, wholesale store or warehouse, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the Planning Commission.
- C. Vehicle service garages shall contain one parking space for each five hundred (500) square feet of building floor area.
- D. Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. For warehouses, storage buildings, lumber and supply yards and wholesale sales, two (2) parking spaces for each employee shall be provided. Handicapped parking shall be required.
- E. In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.
- F. In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:
  - 1. For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
  - 2. For three (3) uses, seventy-five (75%) percent.
  - 3. For four (4) uses, seventy (70%) percent.
  - 4. For five (5) or more, (65%) percent.
  - 5. In no case shall less than sixty-five (65%) percent be allowed.
- G. **PARKING SURFACE**  
All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

## **SECTION 1106. NUMBER OF PARKING SPACES REQUIRED**

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply. Handicapped parking shall be provided.

In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.

1. For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
2. For three (3) uses, seventy-five (75%) percent.
3. For four (4) uses, seventy (70%) percent.
4. For five (5) or more, (65%) percent.
5. In no case shall less than sixty-five (65%) percent be allowed.

In cases where there is a single specified use, the following regulations shall apply:

1. Vehicle sales. One parking space per each five hundred (500') square feet of sales floor area.
2. Vehicle service garages. One parking space for each five hundred (500') square feet of building floor area.
3. Barber and beauty shops. Two (2) parking spaces for each chair or booth.
4. Bowling alleys. Three (3) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
5. Places of public assembly. One (1) parking space for each three (3) seats.
6. Commercial recreation (outdoor). Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
7. Commercial recreational (indoor). One (1) parking space for each one hundred (100) square feet of building floor space.
8. Dance hall, roller rink, assembly hall. Without fixed seats, five hundred (500%) percent of the building floor area used for dancing or assembly.
9. Funeral homes. One (1) parking space per twenty-five (25) feet of building floor area of assembly rooms.
10. Furniture sales, retail. One (1) parking space for each five hundred (500) square feet of building floor area.
11. Gasoline service stations. One (1) parking space for each employee on the largest shift, plus one for each service bay.

12. Hospitals and convalescent homes. One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds.
13. Laundromats. One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.
14. Motels, hotels, motor courts, tourists or lodging homes, trailer courts, and clubs. One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.
15. Office buildings, including banks, business and professional offices. One (1) parking space for each two hundred (200) square feet of building floor area, but in no case less than five (5) spaces.
16. Restaurants, taverns, bars, cocktail lounges, and similar eating establishments. One (1) parking space for each two (2) seats provided for patron use.
17. Retail sales and personal services (except self-service food markets or supermarkets). Parking area equivalent to one (1) space per one hundred fifty (150) square feet of the public floor area.
18. Self-serve food market or supermarket. Parking area equivalent to three hundred (300%) percent of the building floor area.
19. Theaters. One (1) parking space for each four (4) seats.
20. Warehouses, storage buildings, lumber and supply yards, wholesale sales. Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

## CHAPTER 12

### Signs

#### SECTION 1201. SCOPE

These Standards are adopted to:

- a. Maintain and enhance the aesthetics of the community.
- b. Enhance pedestrian and traffic safety.
- c. Preserve public health, safety, and welfare.
- d. Minimize the adverse effects of signs on nearby public and private property.
- e. Minimize driver distraction.
- f. Encourage appropriate plants and landscaping material.
- g. Avoid excessive signage.
- h. Protect and enhance the scenic views and natural landscapes.
- i. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- j. Promote the use of aesthetically pleasing sign materials and colors.
- k. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l. Preserve the right to enjoy scenic amenities.
- m. Enhance the effectiveness of necessary directional and warning Signs.
- n. Preserve property values.
- o. Provide for the effectiveness of Permitted Signs.
- p. Avoid adverse lighting or reflection.
- q. Require structurally safe Signs.

#### SECTION 1202. PERMIT PROCEDURE

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Zoning Enforcement Officer. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

- A. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
  1. **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
  2. **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- B. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator. The application shall

include the following information.

1. Name, address, telephone number of the landowner, developer, or petitioner.
2. A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
3. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
4. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
5. The proposed dates of construction and completion of the sign.
6. Structural information necessary to comply with all current building codes.
7. In the case of a portable sign, the length of time the proposed sign will be on the site.
8. A fee shall be paid to Bethany Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.

C. DURATION OF PERMIT FOR PORTABLE SIGNS. All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days.

Zoning District	Duration of Permit	Permits per Parcel
RESIDENTIAL(Non-Profit)	14 days	2 per year
AG/RES (All Other)	14 days	1 per year
COMMERCIAL	30 days	2 per year
INDUSTRIAL	30 days	2 per year

## SECTION 1203. MEASUREMENT OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

## SECTION 1204. TABLE OF SIGNS PERMITTED

District	Type	# per Parcel	Size	Placement	Height
<b>AG</b>	•Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Small sign	1	6 sq. ft.	Within required yard	4 ft.
	•Wall sign	1	no limit	Any where on bldg.	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>R-1</b>	•Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
<b>R-2</b>	•Small sign	1	6 sq. ft.	Within required yard	4 ft.
<b>R-3</b>	•Wall sign	1	6 sq. ft.	Any wall	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>C-1</b>	•Wall	No limit	32 sq. ft.	Any where on bldg.	Height of wall
	•Monument/freestanding	1	32 sq. ft.	Within required yard	8 ft.
	•Marquee/Canopy	1	32 sq. ft.	On structure	Height of highest eave
	•Portable	1	32 sq. ft.	Within required yard	8 ft.
	•Electronic Message Board	1	32 sq. ft.	Within required yard	8 ft.
<b>I</b>	•Wall	1	no limit	Any-where on bldg.	Height of wall
	•Monument/freestanding	1	32 sq. ft.	Within required yard	8' at grade of lot line
	•Pole sign	1	32 sq. ft.	Within required yard	12' at grade of lot line
	•Roof	1	60 sq. ft.	On structure	roof line
	•Portable	1	32 sq. ft.	Within required yard	5 ft.

## NOTES TO TABLE

1. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
2. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
3. Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1') foot by four (4') feet for each business within the business center. The entire sign shall not exceed eight (8') feet in height. If more than five (5) businesses are located in one center, additional monument signs will be allowed using the same one (1') foot by four (4') foot signs. "One (1) wall is allowed per individual business of thirty-two (32) square feet in a business center."
4. The height of wall signs may be up to the height of the wall.
5. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
6. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
7. Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
8. **POLITICAL CAMPAIGN SIGNS.** Signs up to an area of 6 square feet for each parcel. Signs between six (6) and thirty-two (32) square feet require a permit and are not exempt from these requirements. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
9. **ELECTRONIC MESSAGE BOARDS.** The message/symbol/picture change cycle of a changeable message sign shall be not less than ten (10) seconds per message/symbol/picture.
10. **NONDWELLING USE SIGNS.** In the AG, R-1, R-2 and R-3 districts, only nondwelling use signs may be illuminated.

## **SECTION 1205. SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following exempt Signs are allowed in all zoning districts within the Township. All exempt signs shall comply with setback provisions for the Zoning District in which they are

located.

- A. CONSTRUCTION SIGNS. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of twenty (20) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.
- B. SMALL SIGNS. In the agricultural and R-1, R-2 and R-3 zoning districts, one (1) sign, no greater than six (6) sq. ft. or four (4') ft. in height is permitted without a permit, provided it is located within the required yard.
- C. PRIVATE TRAFFIC DIRECTION SIGNS. Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.

#### **SECTION 1206. PROHIBITED SIGNS**

Signs are prohibited which:

- A. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- B. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- C. Are not properly anchored or secured to a building or the ground.

#### **SECTION 1207. ILLUMINATION**

There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

In the AG, R-1, R-2 and R-3 districts, only nondwelling use signs may be illuminated.

#### **SECTION 1208. NONCONFORMING SIGNS**

Note that portable signs are not considered to be acceptable nonconforming structures.

- A. Nonconforming signs:
  - 1. Shall not be changed in such a way to remain nonconforming.



2. Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

## **SECTION 1209. CONSTRUCTION AND MAINTENANCE**

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator and from the Building Inspector.

## **SECTION 1210. VIOLATIONS AND REMOVAL**

- A. Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- B. Upon discovery of a violation of this Article the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.
- C. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- D. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.
- E. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.

- F. If the decision and order provided for in E. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- G. Nothing in this Section shall prevent the Zoning Administrator or Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

**SECTION 1211. ABANDONED SIGNS.**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

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## CHAPTER 13

### Special Use Permit Requirements

#### SECTION 1301. INTENT, PURPOSE AND PROCESS OF A SPECIAL USE PERMIT.

- (1) **INTENT.** In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgement of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
- (2) **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- (3) **PROCESS.** Regulation of Special Uses includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether a Special Use Permit will be granted.
  - (a) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
  - (b) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  - (c) **PRECAUTION.** No person should think that compliance with the standards defined by this Chapter automatically grants them the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on

neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.

- (d) PERMANENCE. Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

### **SECTION 1302. HOW A SPECIAL USE PERMIT IS REVIEWED.**

- (1) SUBMISSION OF APPLICATION. The application package is to be submitted to the Bethany Township Zoning Administrator.
  - (a) CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board and a site plan.
  - (b) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.
  
- (2) SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
  - (a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
  - (b) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
  - (c) STANDARDS. All standards required by this Ordinance shall be observed for each action.
  - (d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
  
- (3) PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:

- (a) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
  - 1. NOTICE. A notice of public hearing shall be mailed to all parties specified in Chapter 14 and published in a newspaper of general circulation in the Township not less than five (5) nor more than fifteen (15) days before the date of such hearing.
  - 2. DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
  
- (b) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
  - 1. OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.
  - 2. PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
  
- (c) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Chapter 14 and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
  - 1. PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission

may choose to accept public comments or questions relating only to design considerations of the site plan.

2. IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- (4) REAPPLICATION. An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
  - (5) TERMS OF PERMIT. A Special Use Permit consists of a Permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
  - (6) REVOCATION. The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item (4), the permit remains valid as long as all of those conditions are met. However, the Township, via the Planning Commission, shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated
    - (a) FIRST NOTICE. The Zoning Administrator shall send written notice of a violation to the holder of the Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
    - (b) CONSIDERED NONCONFORMING. From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
    - (c) PLANNING COMMISSION ACTION. The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
    - (d) SECOND NOTICE AND ORDER. After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the

permit was granted must cease within sixty (60) days from the date of this second notice.

- (e) ENFORCEMENT OF ORDER. Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- (7) STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.
- (a) STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards from Chapter 14 and any applicable standards from this Chapter.
  - (b) ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself and communicated to the applicant in writing. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
  - (c) ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

### **SECTION 1303. HIGH INTENSITY USES AND WASTE TREATMENT OR DISPOSAL.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are: Petroleum or inflammable liquids production, refining, storage, Junk Yard, Incinerator, and Sewage Treatment and Disposal Facility.

- (1) GENERAL. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- (2) TREE BUFFERS FOR LANDFILLS AND JUNKYARDS. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than



fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.

- (3) **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- (4) **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Gratiot County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- (5) **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- (6) **FENCE REQUIREMENTS.**
  - (a) **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
  - (b) **AROUND JUNK YARD OR RESOURCE RECOVERY.** A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
  - (c) **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
- (7) **RESTORATION OF LANDFILL SITES.** Grading or reseeded upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

## **SECTION 1304. INDUSTRIAL PARK.**

- (1) **PERMITTED USES IN INDUSTRIAL PARK.** Uses primarily engaged in research and light manufacturing activities.
  - (a) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
  - (b) Distribution and Warehousing Plants
  - (c) Administrative, professional and business offices associated with and accessory to a permitted use.
  - (d) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
  - (e) Agricultural uses, pending development.
- (2) **DEVELOPMENT STANDARDS.**
  - (a) **SETBACKS.** No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:
  - (b) **Front Yard Setback.** Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.
  - (c) **Side Yard Setback.** Ten (10') feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
  - (d) **Rear Yard Setback.** The rear yard shall be thirty (30') feet.
- (3) **SITE COVERAGE.** Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- (4) **BUILDING HEIGHT.** The maximum building height shall be thirty-five (35') feet.
- (5) **BUILDINGS PER LOT.** If there is more than one (1) building on a lot, it must be approved by the Gratiot County Building Department.
- (6) **BUILDING CONSTRUCTION AND MATERIALS.** All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including buildings associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street. At least thirty-five (35%) percent of the wall area on the front of the

building shall be of face brick, stone, exposed aggregate or of other architectural masonry of equal standard.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.

- (7) SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:
- (a) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
  - (b) Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products produced or sold thereon.
  - (c) All signs attached to the building shall be flush mounted.
  - (d) Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
  - (e) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of thirty-two (32) square feet.
  - (f) No ground signs shall exceed four (4') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, Construction Sign.
  - (g) Wall Signs shall be fixture signs; Signs painted directly on the surface of the wall shall not be permitted.
- (8) PARKING. Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be provided on the parcel of the use served, or on a contiguous parcel or within eight hundred (800') feet of the subject parcel. Where parking is provided on other than the parcel concerned, a recorded document shall be filed with the Township and signed by the owners of the alternate parcel stipulating to the permanent reservation of the use of the parcel for said parking.

Exceptions to these guidelines shall be made where an approved Ridesharing program to service the Industrial Park is implemented.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking spaces for each full time employee (per shift).

- (9) LANDSCAPING. The front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
  - (a) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
  - (b) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- (10) LOADING AREAS. No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of ninety (90') feet from the street right-of-way line, or one hundred thirty (130') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
- (11) STORAGE AREAS. No outdoor storage shall be allowed.
- (12) REFUSE COLLECTION AREAS. All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
- (13) LIGHTING. All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard or affect adjoining residents.
- (14) TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
- (15) NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

## **SECTION 1305. INSTITUTIONS.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations chapter for each zone. These uses are: **Religious, Social, Educational, Incarceration Institutions, Kennels.**

### (1) SITE LOCATION PRINCIPLES.

- (a) It is desirable that any institutional structure or use to be located within a residential district should be located at the edge of a residential district, abutting either a business or industrial district or adjacent to public open space.
- (b) Motor vehicle entrances should be made on a major thoroughfare, or as immediately accessible from a major thoroughfare. This is to avoid the impact of traffic generated by the institutional use upon the residential area.
- (c) Site locations that offer a natural or man made barrier that would lessen the effect of the intrusion of the institutional use into a residential area are preferred.

### (2) DEVELOPMENT REQUIREMENTS. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6') feet in height. Access to and from the delivery and ambulance area shall be directly from a major, minor, or principle collector thoroughfare.

### (3) KENNELS.

- (a) A minimum of five (5) acres is required.
- (b) No buildings or animals runs shall be less than one hundred and fifty 150' feet from a lot line abutting a residential district.

### (4) SETBACKS. Kennels, animal shelters, and animal hospitals must be set back at least one hundred and fifty (150') feet from all property lines.

## **SECTION 1306. LIVESTOCK PRODUCTION FACILITIES AND ANIMAL FEEDING OPERATIONS.**

Livestock Production Facilities and Animal Feeding Operations, as defined in this ordinance shall

- (1) **COMPLIANCE WITH APPLICABLE LAWS.** Shall comply with all applicable local, state and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 *et seq*), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, M.C.L. 324.3101-324.5399), and the most recent Generally Accepted Agricultural and

Management Practices, published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, M.C.L. 286.471 *et seq*). Where required by the Right to Farm Act for nuisance protection, New and Expanding Livestock Production Facilities (as defined in the Generally Accepted Agricultural and Management Practices) shall have proposed sites verified by the Michigan Department of Agriculture.

- (2) **SETBACKS:** The following requirements shall apply to every parcel, building, structure or use on which an animal feeding operation or livestock production facility is located:
- a. **Front Yard** – The minimum front setback shall not be less than the greater of one hundred (100’) feet from the right of way or one hundred sixty six feet (166’) from the center of the road.
  - b. **Rear Yard** – The minimum rear setback shall not be less than fifty (50’) feet.
  - c. When a proposed Animal Agriculture or Livestock Production Facility is within one hundred (100’) feet of any dwelling, the parcel owner of the proposed new use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
    1. a buffer area (setback) of fifty (50) feet, or
    2. a berm four (4) feet, or more high, or
    3. solid wall four (4) feet, or more, in height, or
    4. a proportionately adjusted combination of the above
    5. or any combination of the above or an alternative mutually agreed upon by the property owner of the new use and the property owner of the existing contiguous use.
- (3) **MINIMUM PARCEL AREA.** No building, structure or use shall be established on any parcel less than forty (40) acres.

### **SECTION 1307. OUTDOOR ASSEMBLY.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses.

- (1) **ALL ACCESS FROM COUNTY PRIMARY ROAD.** All traffic ingress and egress shall be from a County Primary road or a State highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- (2) **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200’) feet from the intersection of any two (2) streets or highways.

- (3) SIGHT DISTANCE. All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.
- (4) LEFT TURN LANES. A left turn lane, at least long enough to accommodate ten (10) cars without hindering through traffic or blocking other driveways, shall be provided on the major thoroughfare at each driveway entrance or exit.
- (5) SOLID WALL OR FENCE. The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen facade at least eight (8') feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
- (6) ENTRANCE GATES. One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.
- (7) SCREENS. Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

**SECTION 1308. PLANNED UNIT DEVELOPMENT.**

- (1) INTENT. This Section is intended to encourage innovation in land use patterns and variety in design for development of large Parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- (2) PERMITTED USES AND STANDARDS. A Planned Unit Development (PUD) may include all Uses By Right and Special Uses listed for the Zoning District which applies to its site, AND for the Zoning District that immediately precedes and follows it in the following list of districts:

**AG**  
**R-1**  
**R-2**  
**C-1**  
**I**

For example, a PUD proposed for a Parcel zoned R-2 could include all Uses identified for the R-1, R-2 and C Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a

Special Use in one of the applicable Zoning Districts, and as a Use By Right in another, it may be treated as a Use By Right for the PUD.

- (3) USE DENSITY AND PARCEL COVERAGE. Parcel Coverage limits for the applicable Zoning District must be met overall, with the following additions.
  - (a) RESIDENTIAL COVERAGE IN COMMERCIAL ZONING DISTRICTS. For a PUD located in the C Zoning Districts, up to fifty (50%) percent of the allowable Parcel Coverage may be devoted to structures for residential Uses.
  - (b) NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS. For a PUD located in the R-1 or R-2 Zoning Districts, up to twenty (20%) percent of the allowable Parcel Coverage may be devoted to structures for nonresidential Uses.
  - (c) RESIDENTIAL DENSITY. The maximum residential density shall be one (1) dwelling unit for every four thousand (4,000) square feet of Parcel area. Single Family or Two Family Dwellings shall meet the Dwelling Unit Area requirements specified for the R-2 Zoning District. Multiple Family Dwellings shall conform to the R-2 requirements.
- (4) DIMENSIONAL REQUIREMENTS. Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height limitations and minimum Yards between Dwelling structures shall be as specified for the C-1 Zoning District. However, if plots of land in a PUD are proposed for resale as either fee simple Parcels or Site Condominiums, said Parcels or condominium units, and any buildings thereon, must meet the Parcel Dimension and Yard requirements for the R-2 Zoning District.
- (5) BUFFERING FOR RESIDENTIAL USES. When a PUD contains a mix of residential and other Uses, the following provisions shall be enforced.
  - (a) SEPARATE BUILDINGS. In any PUD, a Building devoted to nonresidential use must be separated from adjacent residential Buildings by a Yard area not less than thirty (30') feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's Open Space requirement, as noted below.
  - (b) WITHIN SAME BUILDING. When residential and non-residential Uses occupy space in a single Building in a PUD, a continuous physical separation must be provided between spaces devoted to said Uses. Access doorways are allowed, but the separation must provide at least a one (1) hour fire rating between residential and nonresidential space.
- (6) OPEN SPACE. At least ten (10%) percent of any Parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses may be



included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.

- (7) **PARKING AND CIRCULATION.** Parking for Uses in a PUD shall conform to the requirements of individual uses. Roadways in a PUD are intended to be Public Streets, and must be built to the standards of the applicable public agency.

### **SECTION 1309. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND.**

- (1) **OCCUPANCY.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter arrangements.
- (2) **RESIDENT MANAGER.** Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.
- (3) **REGULATORY COMPLIANCE REQUIRED.** RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of Community Health and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.
- (4) **GREENBELT, FENCE AND SETBACK.** The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4') feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy five (75') feet from any street right of way or neighboring property line.
- (5) **ACCESS AND CIRCULATION.** Each park shall be served by not more than one (1) point of access to each abutting street or road. No such access shall require a turn at an acute angle for vehicles moving in the direction intended. Design of curbs and pavements at such access points shall be such as to facilitate easy movements for vehicles with trailers attached. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150') feet in each direction on any abutting road and for twenty five (25') feet on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty four (24') feet wide for two way traffic or twelve (12') feet wide for one way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.

- (6) **PERSONAL CARE FACILITIES.** Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, washbasins, toilets, showers and waste containers. These facilities shall be provided uniformly through out the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- (7) **OTHER PUBLIC FACILITIES.** Each RV park or campground shall provide at least one (1) public telephone for each forty (40) sites. Also, each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day (3) accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste at least weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded. Finally, at least fifteen (15%) percent of the site, not including the greenbelt and setback areas as defined in this Section, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.
- (8) **INDIVIDUAL CAMPSITE REQUIREMENTS.** Each RV parking site or campsite shall be a minimum of twelve hundred (1200) square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least two hundred (200) square feet.

#### **SECTION 1310. SEXUALLY ORIENTED BUSINESSES AND ADULT MEDIA STORES.**

- (1) **INTENT.** There are some uses that because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- (2) **DISTANCE RESTRICTIONS.**

- (a) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
  - (b) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- (3) **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- (4) **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- (a) **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
  - (b) **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
  - (c) **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
  - (d) **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

## **SECTION 1311. SOIL RESOURCE EXTRACTION, POND CONSTRUCTION.**

- (1) **SCOPE OF REGULATIONS.** This Section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This Section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Bethany Township. Finally, oil wells are specifically exempted from this Section, because they are regulated solely by the Michigan Department of Natural Resources.
- (2) **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this Section must include the following additional information.
  - (a) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
  - (b) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
  - (c) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
- (3) **EXCAVATION SITE REQUIREMENTS.**
  - (a) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
  - (b) Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
  - (c) Excavations may be no closer than fifty (50') feet, measured horizontally, to a powerline, and may not be within a public utility or transportation easement.
- (4) **CONSTRUCTION AND OPERATION REQUIREMENTS.**
  - (a) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
  - (b) Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.
  - (c) Minimum designed water depth of a pond must be fifteen (15') feet to insure proper aeration and circulation of the water.
  - (d) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.

- (e) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
- (f) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
- (g) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- (h) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
- (i) When two (2) or more Dwellings are located within two hundred feet (200') of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four feet (4') high with a lockable gate.
- (j) Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards.

**SECTION 1312. TEMPORARY INDOOR AND TEMPORARY OUTDOOR USES.**

- (1) EXEMPT ACTIVITIES. School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales in the AG or any R district are exempt from the special use permits requirements of this section.
- (2) EVIDENCE OF OWNERSHIP OR PERMISSION. Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- (3) LENGTH OF PERMIT. A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- (4) STRUCTURES-OUTDOOR USES. Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
  - (a) It is no larger than one hundred and fifty (150) square feet,
  - (b) There is no foundation,
  - (c) No portion of the structure may become unattached or move as a result of wind,
  - (d) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- (5) STRUCTURES-INDOOR USES. Structures for the display of indoor sales items are allowed provided they are not used for human shelter.

One structure for sales items is allowed under the following conditions:

- (a) There is no foundation,
- (b) No portion of the structure may become unattached or move as a result of wind,
- (c) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- (6) USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW. If the use is for greater than three (3) days, within a thirty (30) day period, a site plan, in conformance with the requirements outlined in Chapter 15, must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- (a) OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED. The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
- (b) TEMPORARY SIGNS. Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two temporary sign permits may be granted for one parcel in a year.
- (c) SANITARY FACILITIES. Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- (d) DISPLAY OF GOODS. Display and sale of goods may not be within the required yards for the zoning district.

- (7) USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL. Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of NONPROFIT ORGANIZATIONS, in Chapter 2, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,

- (a) The use is for three (3) days or less within a thirty (30) day period,

- (b) A drawing of the site and description of activity is provided and,
- (c) No structures for display, sale or storage remain on the site other than during the hours of operation,
- (d) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
- (e) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- (f) The temporary use location must meet all yard requirements of the zone in which it is located.

**SECTION 1313. SITE PLAN REVIEW.**

The standards that apply to the following Special Uses are those required as a result of the site plan review. These uses are any use listed as allowed by special use permit in Chapter 3, District Regulations and not specifically regulated in this Chapter.

**SECTION 1314. WIRELESS COMMUNICATION FACILITIES.**

(1) **INTENT AND PURPOSE.** The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,

- a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
- b) Minimize adverse visual effects of towers through design and siting standards,
- c) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
- d) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.

(2) **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:

- a) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through Township staff review.
- b) Towers in Residentially zoned areas are only allowed if they are:

- 1) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.
- 2) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
  - a) Church sites, when camouflaged as steeples or bell towers;
  - b) Park sites, when compatible with the nature of the park; and,
  - c) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
  - d) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Township staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- c) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they :
  - 1) Qualify as towers allowed by right in residentially zoned areas.
- d) Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit under the following situations:
  - 1) The Township Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:
    - a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment



at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

- c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
- d) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(3) **COLOCATION.** Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

- a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
- b) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
- c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

(4) **TOWER CONSTRUCTION.** Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and National Building Code construction standards for steel structures.

(5) **TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN.** Proposed or modified towers and antennas shall meet the following design requirements:

- a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in

instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

- b) Commercial wireless telecommunication service towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
  - c) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (6) TOWER SETBACKS. Towers shall conform with each of the following minimum setbacks requirements:
- a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
  - b) Towers shall be set back from planned public right-of-ways as shown on the Township's Master Plan by a minimum distance equal to one half of the height of the tower including all antennas and attachments.
  - c) Towers shall not be located between a principal structure and a public street, with the following exceptions:
    - 1) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
    - 2) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
  - d) A tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
  - e) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.
- (7) TOWER HEIGHT. In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200') except as granted by the Zoning Board of Appeals.

- (8) TOWER LIGHTING. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- (9) SIGNS AND ADVERTISING. The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
- (10) ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS. Abandoned or unused towers or portions of towers shall be removed as follows:
- a) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
  - b) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
- (11) INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
- (12) MODIFICATIONS. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:
- a) The applicant and/or coapplicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
    - 1) Change in the number of facilities permitted on the site;
    - 2) Change in the technology used for the wireless service facility.

- b) The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.

(13) SITE PLAN SUBMISSION REQUIREMENTS.

a) General Filing Requirements

- 1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- 2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
- 3) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

b) Location Filing Requirements

- 1) Identify the subject property by including the Municipality as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- 2) Tax map and parcel number of subject property.
- 3) Zoning district designation for the subject parcel.
- 4) A line map to scale showing the lot lines of the subject property and all properties within three hundred (300) feet and the location of all buildings, including accessory structures, on all properties shown.

c) Siting Filing Requirements

- 1) A one-inch-equals-forty (40) feet vicinity plan showing the following:
  - a) Property lines for the subject property.
  - b) Property lines of all properties adjacent to the subject property within three hundred (300) feet.
  - c) Tree cover on the subject property and adjacent properties within three hundred (300) feet, by dominant species and average height, as measured by or available from a verifiable source.
  - d) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet.
  - e) Proposed location of antenna, mount and equipment shelter(s).

- f) Proposed security barrier, indicating type and extent as well as point of controlled entry.
  - g) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet including driveways proposed to serve the personal wireless service facility.
  - h) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
  - i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  - j) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
- 2) Siting elevations, or views at-grade from the north, south, east and west for a fifty (50') foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
  - b) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
  - c) Any and all structures on the subject property.
  - d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- d) Design Filing Requirements
- 1) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
  - 2) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
  - 3) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided

for the antennas, mounts, equipment shelters and security barrier, if any.

- 4) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- 5) If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

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## CHAPTER 14

### Administration, Enforcement and Amendments

#### SECTION 1401. DUTIES OF THE ZONING/BUILDING ADMINISTRATOR

The Zoning/Building Administrator's (Administrator) duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

- (1) ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for Permits shall be submitted to the Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Administrator shall issue a Permit for the proposed use. When conditions are not met, the Administrator shall consult with the applicant to determine the proper course of action. The Administrator shall maintain a record of all applications and related permits, including documentation for each.
- (2) ISSUE WRITTEN DENIAL. When any application for a permit is denied, the Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (3) NOTICE OF HEARINGS. Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the designated committee member from each of the Planning Commission or Zoning Board of Appeals shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- (4) INSPECTIONS. The Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- (5) RECORD NONCONFORMING USES. The Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.
- (6) RECORD SPECIAL USES. The Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- (7) RECORD INTERPRETATIONS OF ORDINANCE. The Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.



- (8) PUBLIC INFORMATION. The Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- (9) RESPOND TO COMPLAINTS. The Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- (10) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

**SECTION 1402. DUTIES OF THE PLANNING COMMISSION.**

- (1) MEMBERSHIP. The Planning Commission shall be composed of five (5) members, appointed by the Township Supervisor with the approval of the Township Board. Only one member can be a member of the Township Board.
- (2) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- (3) RULES OF PROCEDURE. The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- (4) MEETINGS. The Planning Commission shall meet at least four (4) times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
- (5) DEVELOPMENT PLAN. The Planning Commissions shall make and adopt a basic plan as a guide for the development of unincorporated areas of the Township. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to The Township Rural Zoning Act, P.A. 168 of 1959 as amended.
- (6) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- (7) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

- (8) **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
- (9) **SPECIAL USE PERMITS.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application.
- (10) **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board.

### **SECTION 1403. DUTIES OF THE ZONING BOARD OF APPEALS.**

- (1) **ESTABLISHMENT.** The Township Board, exercising the authority of Act 184 of the Public Acts of 1943, as amended, hereby provides that a Township Zoning Board of Appeals be established.
- (2) **MEMBERSHIP.** The Bethany Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member shall be a member of the Township Board, the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- (3) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Rotation of membership is encouraged.
- (4) **RULES OF PROCEDURE.** The Board of Appeals may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair
- (5) **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The

Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business with out comment or interruption from the public in attendance.

- (6) RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
- (7) DECISIONS. The Zoning Board of Appeals shall return a decision upon each case within forty-five (45) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No permit authorized by such a decision shall be issued until the decision has taken effect.
- (8) MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- (9) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (10) DUTIES. The Bethany Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
  - (a) ADMINISTRATIVE REVIEW. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision.

An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator

certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

(b) INTERPRETATION. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

1. The Board may determine the precise location of the boundary lines between zoning districts.
2. The Board may classify any activity which is not specifically mentioned in the Uses Table in Chapter 3 (District Regulations) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
3. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
4. The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

(c) VARIANCES. The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. A variance may be granted when any ONE (1) of the following special conditions can be demonstrated clearly:

1. There are PRACTICAL DIFFICULTIES or unnecessary hardships which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. There are exceptional CIRCUMSTANCES or physical conditions such as narrowness, shallowness, shape, or topography of property involved. Or, due to the intended use of the property, that will not

apply to other property or uses in the same zoning district. Circumstances resulting from an act of the applicant, after the adoption of this Ordinance, shall not be allowed a variance.

3. Variation is necessary for the preservation of a SUBSTANTIAL PROPERTY RIGHT possessed by other properties in the same zoning district. When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.

4. **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**

- a. A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the meeting at which the action will be considered.
- b. In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.
- c. Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
- d. Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
- e. Any request which has been denied wholly or in part by the Zoning Board of Appeals may only be appealed to the Circuit Court. However, if new evidence or changed conditions are found, the Board may elect to rehear a case.

#### **SECTION 1404. ENFORCEMENT.**

- (1) **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a civil infraction, enforceable under the Township Ordinance covering Municipal Civil Infractions and the rules adopted. Any and all building or

land use activities considered possible violations of the provision of this Ordinance observed by or communicated to an official or employee shall be reported To the Zoning Administrator.

- (a) INSPECTION OF VIOLATION. The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
  - (b) CORRECTION PERIOD. All violations shall be corrected within a reasonable time period determined by the Zoning Administrator, but not to exceed thirty (30) days providing that he may issue one (1) extension if progress is being shown.
  - (c) CUMULATIVE RIGHTS AND REMEDIES. This Ordinance is enforceable by any action, legal or equitable, authorized by statute or court decision of this State and may be brought in the name of the Township in any court of competent jurisdiction. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (3) CONFLICTING REGULATIONS. In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

#### **SECTION 1405. AMENDMENT.**

- (1) TOWNSHIP BOARD MAY AMEND. The Township Board may amend the regulations and provisions of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map by the Township Board.
- (2) INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- (3) AMENDMENT PROCEDURE.
  - (a) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition for an amendment shall be submitted upon an application of standard form to the Township Clerk, who will transmit the application to the Planning Commission for recommended action.

- (b) RECOMMENDATION. The Planning Commission shall consider each proposed amendment and may recommend any additions or modifications to the original amendment petition.
- (c) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given to the public as required by law.
- (d) NOTICE REQUIREMENTS FOR PUBLIC HEARING. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the Township Zoning Administrator.
  - 1. CONTENT. Every notice of said hearing shall contain all information required by this ordinance.
  - 2. DISTRIBUTION.
    - a. PUBLISHED. Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing.
    - b. CERTIFIED MAIL. Not less than twenty (20) days notice shall also be given by certified mail to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice, and to each railroad company servicing the community, if they request notification.
    - c. OTHER MAILED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change, notice of the proposed amendment shall be mailed to the owner of the property in question and to all persons residing, doing business, or owning property within three hundred (300') feet of the premise in question. These persons shall be identified as specified by Chapter 15 .
    - d. AFFIDAVIT OF MAILING. An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Commission meeting at which the hearing is to be conducted.
- (e) GRATIOT COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing and review by the Township Planning Commission, the proposed amendment and any applicable zoning district map may be submitted to the Gratiot County Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Township Board

of its approval or disapproval within thirty (30) days of its receipt of the amendment.

- (f) TOWNSHIP BOARD ADOPTION. Upon receipt of the Gratiot County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing and encouraged to attend. The hearing may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing, including all information required by law, shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of said hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days. The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

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

#### **SECTION 1406. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.**

- (1) CONTENT. Each notice for any public hearing required by this Ordinance shall include the following information.
  - (a) Identification of the applicant, if any.
  - (b) Identification of the property which is the subject of the request.
  - (c) Nature of the matter to be considered.
  - (d) Identification of the public body which will be conducting the public hearing and will decide upon the matter.
  - (e) Date, time and place of the public hearing.
  - (f) The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.
  - (g) Statement of where and when written comments will be received concerning the request.



- (2) NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN THREE HUNDRED (300') FEET. Whenever provisions of this Ordinance require mailing of public hearing notices to persons who reside, do business or own property within three hundred (300') feet of a certain parcel, the mailing list shall be compiled from the following sources.
- (a) The owner(s) of property for which approval is being considered.
  - (b) All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.
  - (c) Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

#### **SECTION 1407. SITE PLAN REVIEW.**

- (1) SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The Township Planning Commission must review and approve site plans before granting approval to Special Use Permits, including those for Planned Unit Developments, or subdivision plats.
- (a) The proposed project will have more than two (2) dwelling units.
  - (b) The proposed project is in a commercial (C) zoning district.
  - (c) The proposed project is in an industrial (I) district.

In the case of existing development, a Site Plan Review is required when,

- (d) The project involves increasing the footprint by ten (10%) percent or more, of any residential structure with more than two (2) units, or any commercial or industrial structure or use.
- (e) The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.

AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

(2) SITE PLANS

- (a) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least fifteen (15) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
- (b) APPLICATION MATERIAL. Applications requiring Site Plan Review, must be accompanied by a fee as established by the Township Board and by at least four (4) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- (c) SITE PLAN CONTENTS. All applicants shall complete the site plan review checklist with persons described in item (2d) of this section. The site plan review check list is available with the Zoning Information Packet at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of Section 704 of this Ordinance.

- 1. SCALE. The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
- 2. IDENTIFICATION. The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- 3. PROPERTY INFORMATION. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Gratiot County Register of Deeds will be the legal description upon which a site plan decision is based.

4. SITE FEATURES. The site plan must depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
5. TRANSPORTATION FEATURES. The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
6. UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
7. STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
8. SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards. (See Appendix for a Site Plan Checklist guide.)

- (d) **STAFF REVIEW OF SITE PLAN.** Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- (e) **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.
1. **APPROVAL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project. Deviations from the site plan will only be permitted as outlined by Chapter 15.
  2. **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.
  3. **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- (f) RECORD TO BE MAINTAINED. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.
- (3) SITE PLAN REVIEW STANDARDS. All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.
- (a) DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
  - (b) SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the General Requirements that may apply to it, as identified in Chapter 11 of this Ordinance.
  - (c) SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, also must be satisfied.
  - (d) BUILDING ARRANGEMENTS. Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
  - (e) TRANSPORTATION. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Gratiot County Road Commission shall be sought

- (f) DRIVEWAYS. All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- (g) UTILITIES. Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- (h) SIGNS AND LIGHTING. Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground mounted standards adjacent to or the parking lot or vehicular use areas.
- (i) FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- (j) ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Central Michigan Department of Public Health or other agencies.
- (k) STORM DRAINAGE. Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.

- (1) **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located.

**PROCEDURAL REQUIREMENTS FOR  
SPECIAL ZONING DECISIONS**

TYPE OF ACTION	PARTIES WHO MAY INITIATE ACTION	BODY MAKING DECISION	PUBLIC HEARING REQUIRED?	PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING	MAILED NOTICE TO ALL OWNERS AND OCCUPANTS WITHIN 300 FEET, # DAYS BEFORE HEARING	BODY TO WHICH APPLICANT MAY APPEAL A DENIAL
VARIANCE	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to public	Not required	Not less than 8.	Circuit Court only
INTERPRETATION	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to Public	Not Required	Not less than 8.	Circuit Court only
APPEAL OF ADMINISTRATIVE DECISION	Any aggrieved party or State County or Twp. officer, board bureau or dept.	Zoning Board of Appeals	No. Meeting open to public	Not required	Not less than 8.	Circuit Court only
SITE PLAN APPROVAL	Applicant or Administrator	Planning Commission	No	Not required.	Not required.	Planning Comm. after 1 year, or Township Board
SPECIAL USE PERMIT	Applicant or Administrator	Planning Commission	If requested by property owner within 300 ft.	Once, between 5-15 days before date.	Once, between 5-15 days before date.	Planning Comm. after 1 year, or Circuit Court
PLANNED UNIT DEVELOPMENT	Applicant or Administrator	Planning Commission	Yes	Once, between 5-15 days before date.	Once, between 5-15 days before date.	Planning Comm. after 1 year, or Circuit Court.
REZONING	Applicant, Planning Commission or Township Board	Planning Commission recommends to	Yes	Twice, between 20-30 days & not < 8.	Once, not less than 8 days before date.	Planning Commission after 1 year.
		Township Board	If requested by any party	Once, between 5-15 days before date	Not required.	Circuit Court
ZONING ORDINANCE OR ZONING MAP TEXT CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to	Yes	Twice, between 20-30 days & not < 8.	Once, not less than 8 days before date.	Planning Commission after 1 year.
		Township Board	If requested by any party	Once, between 5-15 days before date.	Not required.	Circuit Court
DEVELOPMENT PLAN OR MAP CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to Twp. Board	Yes	Twice, 30 days prior & between 7-16 days before date.	Not required.	Planning Commission after 1 year or Circuit Court.
FEE WAIVER	Applicant	Township Board	No	Not required	Not Required	Circuit Court



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