

LOCKE TOWNSHIP ZONING ORDINANCE

Ordinance #3 of 2005

Adopted on November 1, 2005

As Amended Through Ord. #2015-01

Adopted on July 14, 2015



**Locke Township
Ingham County, Michigan**

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Summary Table of Amendments Locke Township Zoning Ordinance

Ord. #3 of 2005, as amended through Ord. #2015-01 adopted on July 14, 2015

This Summary Table of Amendments, and the amendment ordinance numbers and adoption dates in parentheses at the end of each Section amended since the original adoption of Ord. #3 of 2005, are editorial notes for the benefit of the reader and have no regulatory effect.

“MZEA” refers to an amendment that was adopted principally in response to amendments to the Michigan Zoning Enabling Act. “(Typo)” refers to an amendment that corrects a typographical error and is non-substantive in nature.

This Table is not part of the Zoning Ordinance and is for reference only.

Ordinance # and Adoption Date	Affected Section(s)	Subject Matter
#3 of 2006, Nov. 14, 2006	Zoning Map	Parcels 33-04-30-200-021/022, A-1 to R-1 (Haun, 20.0 ac.)
#4 of 2006, Nov. 14, 2006	Preamble	Reference to Michigan Zoning Enabling Act (MZEA)
	1.02	Purpose of Ordinance/MZEA
	3.03(A)	Ordinance Administration/ MZEA
	3.11	Public Hearing Notices/MZEA
	5.02(B) & (C)	Special Land Use Procedures/MZEA
	6.02	ZBA Creation and Membership/MZEA
	6.04	ZBA Jurisdiction
	6.08(B)	ZBA Hearing Notices/MZEA
	6.09	Circuit Court Review of ZBA Decisions
	7.03(B)(1) and (C)	Amendment Procedures including Hearing Notices/MZEA
	10.05(B)	Accessory Uses Permitted in Districts
	Article 10, Table 10-4	Footnote 1 (non-substantive correction)
	11.01	PUD District Purpose Statement/MZEA
	28.12(B)(2)	Temporary Dwellings (non-substantive correction)
	28.20(A)	Swimming Pools (non-substantive correction)
	28.24(C)(1), (2) & (4), & (D)	Condominium Subdivisions (non-substantive corrections)
	28.26	Private Wind Turbine Generators
#2009-01, April. 14, 2009	3.11	Public hearing notice requirements/MZEA
	6.02	ZBA membership and removal from office / MZEA
	6.08(B) & (C)	ZBA hearings and decisions / MZEA
	6.09	ZBA decisions reviewed by circuit court / MZEA
	7.03(C)	Township Board action on amendment petitions / MZEA
	Article 10, Table 10-2	Authorize commercial wind turbines in A-1 as special land use
	14.22	Insertion of provisions for commercial wind turbines
	28.11(C)	Accessory building/structure standards – placement/setbacks
	28.26	Insertion of provisions for private wind turbines
	28.27	Insertion of provisions for artificial ponds
	Article 29, Definitions	Insertion of definitions for anemometer; anemometer tower; wind turbine generator, commercial; wind turbine generator, private; and wind turbine tower.
#2011-02 August 9, 2011	28.07	Setback exceptions for ramps

Summary Table of Amendments (continued)

Ordinance # and Adoption Date	Affected Section(s)	Subject Matter
#2012-01 Feb. 14, 2012	28.25(A)(1)l 28.27 Article 29, Definitions	Home occupation standards Insertion of provisions addressing medical marihuana "Agriculture" definition revised regarding medical marijuana
#2013-01 May 14, 2013	Zoning Map	Rezoning of Parcel #33-04-04-16-100-009 (Carr) from A-1 to B-1
#2013-02 June 11, 2013	4.03(D)	Final site plan submittal information
	Article 10, Table 10-2 & Table 10-3	Authorizatioin of extraction operations in all districts as a SLU (MZEA)
	Article 10, Table 10-2 & Table 10-3	Authorization of certain communication towers in all districts as an SLU, and insertion of Footnote 1 regarding the same (MZEA)
	14.07(D)	Exemptions from SLU classification of certain communication towers (MZEA)
	14.10(E)	Review considerations for extraction operation (MZEA)
	28.28	Insertion of provisions addressing farm-based biofuel production facilities (MZEA)
#2013-03 October 8, 2013	Zoning Map	Rezoning of Parcel #33-04-04-09-300-018 (Rollin) from A-1 to B-1
#2014-01 May 13, 2014	3.04(A)6	Permit denials
	3.08(A)	Application fees
	4.03(B) and (D)	Number of copies of preliminary and final site plans
	4.03(F)	Approved site plans.
	4.08	Exceptions for plot/site plan under review during amendments
	5.02(A)	Preliminary site plan
	6.02(B)	ZBA – alternate members
	6.08(C)2 & 3	ZBA – appeals and variances (typo)
	7.03(B)3	Amendments – recommendation by Planning Commission
	10.01(A)5	Planned Unit Development District (typo)
	10.04(A)1	B-1 District boundary description
	10.06(A)	Site development standards (typo)
	Article 10, Table 10-3	Industrial uses in I-1 District
	11.06(B)1 & 2, & (C)1	PUD application submittal requirements
	14.01	"General Provisions" title replaced with "Supplemental Provisions"
	14.03(A)6	Outdoor lighting
	14.07(A)2	Communication tower setbacks
	14.09(B)3	Signage for group home day care facility (typo)
	14.13(C)	Expiration of home occupation permit
	14.17(A)2 & (B)6	Mini-storage facility – parking and hazardous materials
	14.22 (B)(6)e	Commercial wind tower generator (typo)
	15.05(D)3, (F) & (G)2	FNACTs – design standards
	16.03 & 16.05(A)(3)d	OSCs – permit issuance and water/wetland setbacks
	Entire Ordinance	Replace references to Table 22.04-1 with Table 22.03-1, and replace references to Table 22.04-2 with Table 22.03-2 (typo)
	22.03(J)6	Political advertising signs
	23.02(E)	Replace references to Section 23.03 with Section 23.02(E) – (typo)
	23.04(C)(4)d	Car wash parking space requirements (typo)
	24.01	Purpose of landscaping/screening provisions (typo)

Summary Table of Amendments (continued)

Ordinance # and Adoption Date	Affected Section(s)	Subject Matter
#2014-01 May 13, 2014 (continued)	25.07	Replace references to Table 25, Table 25-1, and Table 25.06-1, with Table 25.07-1 (typo)
	28.08(B)	Review of roads
	28.10(A)1	Single family dwelling standards – width
	28.11(B)	Permits for accessory buildings (typo)
	28.11(C)	Accessory building setbacks
	28.11(E)3	Accessory building lot coverage (typo)
	28.12	Temporary dwellings
	28.13(B)2	Occupation of recreational vehicles
	28.16(A) & (B)	Clear vision zones (typo)
	28.21(B)2	Flood damage prevention (typo)
	28.23(D)(4)a	Keeping of animals
	28.25(B)1	Home occupations (typo)
	28.26(B)9–12	Private wind turbine generators (typo)
	28.27(B)	Artificial ponds (typo)
	28.27 / 28.29	Renumbering of Sec. 28.27 Medical Marihuana as Sec. 28.29
	Article 29	References to “Figure 21-“ with replaced with “Figure 29-“ (typo)
	Article 29	Definition for “warehouse” inserted
	Article 29	Revision of definitions for arcade, cemetery, junk yard, lot, restaurant-standard, specified anatomical areas, stable-private, and temporary use
	Entire Ordinance	References to “Ingham County Road Commission“ replaced with “Ingham County Road Department“
#2014-02 August 12, 2014	Article 24	Landscaping/screening – full redrafting of Article
#2015-01 July 14, 2015	Article 10, Table 10-2	Authorization of “event barns” in A-1 District as SLU
	14.23	Provisions addressing “event barns” inserted
	Article 29	Definition of “event barn” inserted

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PREAMBLE

An Ordinance enacted by Locke Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance. The continued administration of this Ordinance, amendments to this Ordinance and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act.

(Ord. #4 of 2006, 11-14-06)

Article 1 TITLE and PURPOSE

Section 1.01 Title

This Ordinance shall be known and cited as the Locke Township Zoning Ordinance.

Section 1.02 Purpose

It is the purpose of this Zoning Ordinance to promote the public health, safety, and general welfare of the inhabitants of Locke Township through land development regulations that encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties, implement the goals and policies of the Locke Township Master Plan, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act including, but not limited to, the conservation of property values.

(Ord. #4 of 2006, 11-14-06)

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End of Article 1

Article 2
INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,
and EFFECTIVE DATE

Section 2.01 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 2.02 Severance Clause

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Section 2.03 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 13 (Nonconforming Uses, Lots and Structures).

Section 2.04 Repeal

The Locke Township Zoning Ordinance adopted on September 7, 1999 and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 2.05 Effective Date

This Ordinance shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Zoning Act, PA 184 of 1943, as amended. Made and passed by the Township Board of the Township of Locke, Ingham County, Michigan on the 1st day of November, 2005.

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End of Article 2

Article 3

ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 3.01 Purpose

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of one permit which shall be the land use permit. Issuance of such a permit, pursuant to this Article, shall indicate that the uses and plans for which the land use permit is requested comply with this Ordinance. Upon the issuance of a land use permit, the applicant may establish a use for which the land use permit has been issued, including the erection of a building or structure, only after receiving a Building Permit from the Building Inspector unless exempted by the Michigan Construction Code.

Section 3.02 Land Use Permit Required

A. Permit Required/Conformance to Ordinance: Except as provided in subsection (B) below, no excavation shall be initiated, no structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in the class of use until a land use permit has been issued by the Zoning Administrator and, where required by the Building Inspector, a Building Permit has been issued by the Building Inspector. No land use permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 3.04 regarding application for permits.

B. Permit Exemption: A land use permit shall not be required for the following unless part of a project for which site plan approval is required according to Section 4.02, but such exemptions shall conform with all requirements and standards of this Ordinance:

1. The alteration of an interior structural wall, or the alteration of an exterior wall provided no change is made to the location of such exterior wall
2. A fence or wall of no greater than six (6) feet in height in association with a single family or two-family dwelling.

Section 3.03 Responsibility for Administration

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

B. Duties of the Zoning Administrator: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to administer and enforce the provisions of this Ordinance and in doing so shall perform the duties specified in this Ordinance including, at a minimum, the following:

1. Review Applications: Undertake and/or assist in the review of permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. Issue Permits: Issue permits and other approvals when all provisions of this Ordinance have been met and the necessary permit or approval has been granted by the proper body or official.
3. File of Applications: Maintain files of all land use permit applications, action on such applications and land use permits issued; and any performance guarantees associated with such permits. These files shall be open for public inspection.
4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections of buildings or premises to investigate and monitor conformance with this Ordinance, serve civil infraction and appearance tickets and issue civil infraction citations, and issue correction of violations notices, stop-work orders and revocation of permits.
5. Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint. Such records shall be open for public inspection.

6. Reports: The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of land use permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

(Ord. #4 of 2006, 11-14-06)

Section 3.04 General Land Use Permit Application and Review Procedures

A. General Permit Application and Review: An application for a land use permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, a plot plan or site plan, a land use permit shall be issued. Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate land use permit after being directed to do so by the designated approving body or official.

1. Plot Plan / Site Plan: An application for a land use permit shall include the submittal of a site plan for those uses identified in Section 4.02. An application for a land use permit for all other uses, including a single family and two-family dwelling, shall include the submittal of a plot plan according to subsection (B) below. Upon approval of the plot plan or final site plan, a land use permit shall be issued except as may be provided otherwise in this Ordinance.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 4, a land use permit application for a use classified as a "special land use" within the subject zoning district (See Article 10) shall be processed according to the provisions of Article 5.
3. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 6 is necessary for the approval of a proposed plot plan or site plan, no plot plan or site plan shall be approved nor shall such project be issued a land use permit until action on such variance request has been taken by the Zoning Board of Appeals.
4. Incomplete Applications: If application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of any land use permit in order to ensure conformance with the requirements of this Ordinance (see Section 3.06).
6. Permit Refusal in Writing: In any case where a permit or other approval requested under this Ordinance is refused, the reasons shall be stated in writing by the Zoning Administrator and made available to the applicant.

B. Single Family and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a land use permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose and available from the Zoning Administrator. See Section 3.02(B) for exceptions. Five (5) copies of all application materials shall be submitted and shall consist of:
 - a. The completed application form.
 - b. An accurate, readable, drawing, constituting a plot plan, identifying the following:
 - 1) Name, address and telephone number of the applicant (and owner if different).
 - 2) A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
 - 3) The location, dimensions, and height of the existing and/or proposed structures to be erected, altered, or moved on the lot.
 - 4) Distances of buildings and structures from lot lines.
 - 5) A description of proposed use(s) of the building(s), land and structures.
 - 6) Configuration of the driveway and parking areas.
 - 7) Existing public right-of-ways or easements.
 - 8) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance.
2. Application Review: The Zoning Administrator shall review the land use permit application and plot plan and determine their conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
3. Action on Application: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of a complete plot plan. A plot plan

shall be approved if it contains the information required by, and is in compliance with this Ordinance.

4. **Approved Plot Plans:** At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.
5. **Plot Plan Changes:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and acted upon.

C. Permit Withholding, Expiration, and Revocation.

1. **Withholding Permit:** Approval of an application or the issuance of a land use permit may be withheld pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Similarly, a designated approving body may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a land use permit until said permits from other agencies have been obtained.
2. **Expiration of Permit:** A land use permit shall become null and void after one (1) year from the date of its issuance unless the development or activity authorized passed its first building inspection by the Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least thirty (30) days before such voidance is effective, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication and payment of application fees.
3. **Revocation:** The Zoning Administrator may revoke or cancel any land use permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application, when authorized to do so by the body that authorized the issuance of the land use permit.
 - a. Prior to the revocation of a land use permit, the body that approved the issuance of the land use permit shall hold a public hearing on such revocation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. At the hearing, the approving body shall state the basis for the revocation and the land use permit holder shall be given the opportunity to present evidence and testimony against such revocation. Procedures for the notification of such hearing shall comply with the notification procedures of subsection 5.02(B)(2)(b). The owner shall be notified of such revocation in writing.
 - b. Following the hearing, the body holding the hearing may revoke the land use permit, delay such revocation for a specified time period to permit the land use permit holder time to correct specified violations, or find there is no basis for such revocation.
 - c. Upon revocation of the land use permit, or in the case where revocation is delayed to correct violations, all further construction activities and usage shall cease upon the site other than for the purpose of correcting violations. Failure to terminate the use for which the land use permit was revoked, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance.

(Ord. #2014-01, 5-13-14)

Section 3.05 Building Permit / Certificate of Occupancy Required

A. Building Permit: Upon issuance of a land use permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

B. Occupancy Permit: No structure or use shall be occupied, in whole or in part, without first receiving a certificate of occupancy from the Building Inspector. Failure to obtain a certificate of occupancy when required shall be punished as a municipal civil infraction.

Section 3.06 Performance Guarantee for Compliance

A. Purpose: In authorizing any land use permit, the body or official which approves the land use permit application, as designated by this Ordinance, may require that a performance guarantee be furnished to:

1. ensure compliance with the requirements, specifications and conditions imposed with the granting of such land use permit; and
2. provide sufficient resources for the Township to complete required improvements or conditions in the event the land use permit holder does not.

B. Requirements of Guarantee: The performance guarantee shall meet the following requirements:

1. Improvements Covered: Improvements that shall be covered by the performance guarantee include those features and actions associated with a project which are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future uses or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening and drainage.
2. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. Amount and Time Required: The amount of the performance guarantee should be sufficient to cover the estimated cost of improvements for which the performance guarantee or bond is to cover, according to a detailed cost estimate submitted by the applicant and approved by the Planning Commission. After approval of the detailed cost estimate by the Planning Commission, the performance guarantee shall be submitted at the time of issuance of the land use permit authorizing the approved use or construction.

C. Return of Performance Guarantee or Bond: The following procedure shall be followed in the return of performance guarantees:

1. Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejection. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. Approval of Payment: The Planning Commission shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Planning Commission within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
3. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

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Section 3.07 Timely Action on Applications

A. All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved. The following time provisions shall apply unless specifically provided otherwise by this Ordinance:

1. If an application has not been received by the Zoning Administrator at least fifteen (15) days prior to the next regularly scheduled meeting when the designated body would normally begin deliberation on such application, the designated body shall delay initiating deliberations until the next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.
2. A recommendation or decision by the designated recommending or approving body on an application shall be made within ninety (90) days of receipt of the application by the Zoning Administrator unless, in the opinion of the designated recommending or approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
3. Where action on an application requires a recommending body to report to an approving body, as in the case of the Planning Commission recommending action on a rezoning request to the Township Board, the approving body shall take action on the application within ninety (90) days of such recommendation unless, in the opinion of the designated approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
4. Where action on an application requires a public hearing, such hearing shall be held within ninety (90) days of receipt of the application by the Zoning Administrator except where an extension of time is necessary to establish a complete application or in the case where a meeting agenda prohibits such hearing due to work load.

Section 3.08 Application Fees

A. Application Fees Required: Fees for review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of land use permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application. The amount of such fees shall be established by the Township Board by resolution, shall cover the cost of administration and inspection resulting from the enforcement of this Ordinance, and may be amended from time to time. Such fees may include but are not limited to costs associated with conducting meetings and inspections, newspaper notices, postage, photocopying, staff time, mileage, and any costs associated with reviews by qualified professionals including planners, engineers, and/or attorneys.

B. Professional Review and Fee: For any application for a land use permit or variance, a reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any land use permit. A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

(Ord. #2014-01, 5-13-14)

Section 3.09 Site Inspections

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant any time a property owner refuses access to a property in order to make an inspection.

Section 3.10 Violations, Penalties, and Fines

A. Violation Is A Nuisance Per Se: Any use of land, dwellings, buildings, or structures, including tents and trailer coaches, in violation of this Article is a nuisance per se. Any court having jurisdiction over the violation shall order the nuisance abated and the owner and/or agent in charge of the dwelling, building, structure, tent, trailer coach, or land is guilty of maintaining a nuisance per se.

B. Misdemeanor Violations

1. Violations Designated as Misdemeanor: A person or corporation, including an officer, director, or employee of a corporation, who knowingly makes a false or misleading written or oral statement, or knowingly omits, with intent to mislead, any required information or statement in connection with an inspection report, application, petition, request for approval, or appeal to the Zoning Administrator, Planning Commission, Board of Appeals or the Township Board, shall be guilty of a misdemeanor.
2. Penalties for Misdemeanors: A person or corporation, including an officer, director, or employee of a corporation, who is found guilty of a misdemeanor shall be fined not less than \$100.00 nor more than \$500.00 (plus costs and expenses of prosecution as provided in subsection (B)(3) below or imprisoned for not more than 90 days, or both.
3. Costs and Expenses of Prosecution for Misdemeanor Offenses: If a defendant is convicted of a misdemeanor, or placed in any diversion, deferred sentence, youthful offender or other rehabilitation program that requires a finding or admission of guilt, the judge or district court magistrate shall determine all lawful costs and expenses incurred by the Township as a result of the defendant's violation, including, to the maximum extent permitted by law, all expenses, direct and indirect, incurred by the Township in connection with the investigation, prosecution and appeal, if any, of the conviction and, to the maximum extent permitted by law, shall order the reimbursement of such costs and expenses by the defendant to the Township. Except as otherwise provided by law, costs, restitution and reimbursement shall be payable to the general fund of Locke Township.

C. Municipal Civil Infraction Violations

1. Violations Designated as Civil Infractions: A person or corporation, including an officer, director, or employee of a corporation, who commits any of the following acts shall be responsible for a municipal civil infraction:
 - a. Using any land or structure in violation of any regulation or standard of this Ordinance or any condition of any land use permit including, but not limited to a special land use permit or variance.
 - b. Failing to timely apply for or obtain any permit required under this Article.
2. Fines for Municipal Civil Infractions: Unless a more specific provision of this Article provides otherwise, the fine for any municipal civil infraction under this Article shall be determined as follows:
 - a. First offenses. For any municipal civil infraction that is not a repeat offense, the fine shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
 - b. Repeat offenses. Increased fines shall be imposed for repeated violations by any person of any requirement or provision of this Ordinance, or prior Locke Township Zoning Ordinance, as follows:
 - 1) Second offense. For any municipal civil infraction committed by any person who has been convicted of or found responsible for a prior offense within the preceding three years, measured from the date of conviction/judgment for the prior offense to the date of offense of the later offense, the fine shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
 - 2) Third and subsequent offenses. For any municipal civil infraction committed by any person who has been convicted of or found responsible for two or more prior offenses within the preceding seven years, measured from the date of conviction/judgment for the earliest prior offense to the date of offense of the latest offense, the fine shall be not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).
 - 3) Offenses included. For purposes of this section, prior offenses include any violations of this Ordinance or a prior Locke Township Zoning Ordinance, whether designated as misdemeanor violations or as municipal civil infractions.
3. Costs and Expenses of Prosecution for Civil Infractions: If a defendant is ordered to pay a civil fine under subsection (C)(2) above, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and shall include all expenses, direct and indirect, incurred by the Township in connection with the municipal civil infraction, up to the entry of judgment. Costs of not less than \$25.00 or more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

4. Not Lesser Included Offenses: Municipal civil infraction violations are not lesser included offenses of misdemeanor violations under this Article.

D. Continuing Violations as Multiple Offenses: With respect to violations of a continuing or recurring nature, a person is guilty of a separate offense for each day that a violation occurs or continues. This includes, but is not limited to, violations for failure to obey an order or obtain a permit or certificate of occupancy.

E. Cumulative Rights and Remedies: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. These rights and remedies include, without limitation, the right of the Township to proceed in any court of competent jurisdiction for the purpose of obtaining a preliminary injunction, injunction, restraining order or other appropriate remedy to compel compliance with or to enjoin any violation of this article. The Township may also engage in any lawful action, including the filing of liens against property, to recover damages or costs, including the expenses of enforcement.

F. Correction of Violations

1. Notice of Violation: Whenever the Zoning Administrator determines that a violation of this Ordinance or a permit or other approval issued under this Ordinance has occurred or is occurring and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give written notice to the owner or occupant of the property or the person doing the construction or using the land or structures, notifying him/her of the violation and requesting that the violation be corrected within a specified period not exceeding thirty (30) days. This notice of violation is not a "municipal ordinance violation notice" as defined in MCL 600.8707 and does not direct a person to appear at a municipal ordinance violations bureau in the Township or to pay fines and costs, if any, prescribed by this Article for the violation of this Ordinance. This notice of violation is authorized by this Article and intended to secure compliance with this article, if possible, without imposition of fines or municipal infraction violation costs.
 - a. Such notice of violation shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
 - b. The Zoning Administrator may grant one or more written extensions of the correction period, provided that each request for extension is in writing and supported by good cause shown and further provided that the total period allowed for correction shall not exceed six months from the date of the initial request to correct. Such an extension may be authorized only where the Zoning Administrator determines that satisfactory progress has been made in attempting to correct the violation and that the violation does not constitute an immediate danger to public safety or the property of others if not corrected.
2. Municipal Civil Infraction: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, a citation for a municipal civil infraction shall be issued in accordance with Public Act 12 of 1994, as amended. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law.
3. Misdemeanor: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, and such violation is punishable as a misdemeanor, the Zoning Administrator shall forward a complete report regarding the violation to the Township Attorney and prosecution proceedings may be initiated. Prosecution of misdemeanor violations of this Ordinance may be initiated in any manner authorized by law including appearance ticket, summons and complaint or complaint and warrant. An appearance ticket, citation, complaint summons and/or warrant for a misdemeanor violation shall be served as required by law.

Section 3.11 Public Hearing Notices

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Locke Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
 - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
4. In the case of a text amendment or zoning map amendment, to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail.

C. Timing of Notice and Determination of Notice Given: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

D. Conformation of Notices Made by Mail or Personal Delivery: The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

(Ord. #4 of 2006, 11-14-06; Ord. #2009-01, 4-14-09)

End of Article 3

Article 4 SITE PLAN REVIEW

Section 4.01 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the land use permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance.

Section 4.02 Site Plan Approval Required

A. Uses Requiring Site Plan Approval: Site plan approval is required by the Planning Commission prior to the Zoning Administrator's issuance of a land use permit for the following uses:

1. All uses permitted by right within any Commercial or Industrial zoning district.
2. All special land uses, as specified in each zoning district.
3. All uses for which this Ordinance requires five (5) or more off-street parking spaces.
4. All platted subdivisions subject to the platting requirements of P.A. 591 of 1997, the Land Division Act, as amended. See Section 3.04(B) regarding requirements for plot plan approval for residences on lots of such subdivisions.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended. See Section 3.04(B) regarding requirements for plot plan approval for residences on lots of such subdivisions.
6. All planned unit developments.
7. All other uses as required elsewhere in this Ordinance.

Section 4.03 Review Procedures

A. Preliminary Site Plan Application Required: Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be submitted as part of a land use permit application for all uses listed in Section 4.02. See Section 3.08 regarding application fees.

B. Preliminary Site Plan Submittal, Distribution and Data: Twelve (12) copies of a preliminary site plan application shall be submitted to the Zoning Administrator. The application shall consist of a form available from the Zoning Administrator, and the preliminary site plan itself. Upon receipt of the application materials, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Department. The Zoning Administrator shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials although the Planning Commission need not delay action on the application if such response has not been received within this time period.

1. The preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 4.03(D), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the submitted information shall adequately portray the feasibility of critical components of the project such as, but not limited to, storm water management, grading, vehicular circulation, lot areas and arrangements, signage, and landscaping. In addition, for uses that are expected to generate 100 or more vehicle trips per day, a traffic impact study shall be required and shall address, at a minimum, the anticipated vehicle trips to be generated daily by the development; the impact of the development on road infrastructure, congestion levels, and turning patterns along the abutting and other nearby roads; and proposed mitigation measures to minimize any conflict issues.

C. Planning Commission Action on Preliminary Site Plan: The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance.

1. Review for Completeness: Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission may delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.
2. Upon finding that the application materials are satisfactory, the Planning Commission shall review the materials for conformance to the requirements of this Ordinance. After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the preliminary site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 4.04. A preliminary site plan shall be evaluated according to the level of information required at the preliminary site plan level. A preliminary site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
 - a. Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired site plan that is not granted an extension of time, such plan shall not undergo review or action except upon a wholly new application according to Section 4.03.

D. Final Site Plan Application Submittal, Distribution and Data: Twelve (12) copies of a final site plan application shall be submitted to the Zoning Administrator. The application shall consist of a Land Use Permit Application form available from the Zoning Administrator, and the final site plan itself. Upon receipt of the application materials, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Department. The Zoning Administrator shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials although the Planning Commission need not delay action on the application if such response has not been received within this time period.

1. The site plan shall be to a scale of not less than 1"=100' except that a scale not less than 1"=50' is permissible in the case where site alterations are to occupy less than three (3) acres. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to illustrate conformance with this Ordinance and permit the satisfactory construction of the project, if approved, to ensure the public health, safety and welfare. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual.
 - a. The Planning Commission may waive the requirement that the site plan be designed by such professional in the case where no building, road, or platted subdivision or site condominium is being proposed, or where no substantial paving, grading, or clearing is being proposed, or the proposed use and/or modifications to the site do not suggest the need for the site plan to be prepared by such professional, in the discretion of the Planning Commission. The Planning Commission's initial waiving of this requirement shall not prohibit the Planning Commission from voiding such waiving upon its finding that aspects of the proposed use or site modifications suggest otherwise as additional information may be received or uncovered.
2. A final site plan shall include, at a minimum, the following except where the Planning Commission determines that the waiving of specific submittal items identified below, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the Planning Commission's ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance, and ensures the public health, safety and welfare:
 - a. The site plan shall include the applicant's full name, address and phone number, and the name and address of the person and firm who prepared the plan and the date on which each drawing contained within was prepared or last revised.
 - b. A vicinity sketch showing the location of the site in relation to the surrounding road system for a minimum distance of one mile in all directions. The vicinity sketch, or other component of the site plan materials, shall also identify the existing zoning classification and current use of all properties within three hundred (300) feet in every direction of the proposed use, including land uses on the

- opposite side of any road.
- c. A property line survey, correlated with a legal description, showing property line dimensions and bearings, lot area, graphic scale, and a north arrow.
 - d. Existing uses, buildings, structures, roads, and all other existing site improvements, with a designation as to which are to be retained, removed, or otherwise altered.
 - e. Existing natural features on and within three-hundred (300) feet of the site including woodlands; wetlands; drainage courses, water bodies, and 100-year flood plain areas; topography at no greater than two-foot contour intervals; and soils by type and drainage features according to the Ingham County Soil Survey or well logs. The location of all trees of twelve inches (12") or greater in diameter, measured at five feet (5') above ground surface, shall be clearly identified by size and type.
 - f. Required front, side and rear yard setbacks for principal buildings in the district.
 - g. Proposed uses, buildings, structures, and lots, including a project description that addresses the intended use of the property and each building proposed, the total number of dwelling units, total and usable floor area of each building, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
 - h. Proposed public right-of-ways, private easements, and deed restrictions.
 - i. Proposed roads, drives, and alleys (including widths, cross-sections and profiles); acceleration, deceleration and turn lanes; driveways, parking spaces, and parking aisles, with an indication of the total number of spaces and typical space and aisle/driveway dimensions, the direction of travel, and the inside radii of all curves including driveway curb returns; and sidewalks and other non-motorized travel ways. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
 - j. Source and location of all public and private utilities including potable water, sewage disposal, and electrical and communication lines, and the necessary easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.
 - k. Proposed accessory buildings and structures including trash receptacles and enclosures, signs, and lighting.
 - l. A graphic illustration of the location and extent to which natural features on the site shall be disturbed or otherwise cleared including woodlands; trees, with specific notations of those in excess of twelve inches (12") in diameter; topography; wetlands; and water courses.
 - m. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening in compliance with the requirements of Article 24, Landscaping and Screening.
 - n. A grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final grades. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
 - o. The location and specifications for any existing or proposed above or below ground storage facilities for any toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
 - p. Elevation drawings of all buildings.
 - q. A statement from the applicant identifying all other federal, state and local permits required, if any.
 - r. Project completion schedule.
 - s. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan shall conform to the provisions of this Ordinance.

E. Planning Commission Action on Final Site Plan: The Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 4.04. After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 4.04. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant. The Planning Commission may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised plan is necessary before an approval action can be granted.

1. **Issuance of Land Use Permit:** Upon approval of conditional approval of the site plan by the Planning Commission, and upon all other approvals as may be required by this Ordinance, such as in the case of a special land use, the Zoning Administrator shall issue a land use permit authorizing the use and construction subject to the approved application.
2. **Building Permit Required:** Upon issuance of a land use permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

F. Approved Site Plans: Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Planning Commission Chairperson and Zoning Administrator, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan.

G. As-Built Drawings: The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a certificate of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including utility services.

(Ord. #2013-02, 6-11-13; Ord. #2014-01, 5-13-14)

Section 4.04 Site Plan Approval Standards

A. Specific Site Development Standards: Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, signage, off-street parking and loading, landscaping and screening, lighting, potable water and sewage disposal, and standards specific to special land uses.

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A) above, all site plans shall comply with the following general site plan approval standards:

1. All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings.
2. The site shall be so developed as not to impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in this Ordinance, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking.
3. The environmental character of the site shall be preserved in its natural state, insofar as practical, by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
4. The removal of storm water shall ensure the public health, safety and welfare of the users of the site and shall not adversely affect adjoining properties, the capacity of public or natural drainage ways, nor increase the rate of discharge to such drainage ways; shall rely on existing drainage patterns where feasible, and minimize topographic alterations; and shall incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.
5. All buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. Provisions for vehicular and pedestrian circulation and parking shall ensure safe and efficient travel and minimize negative impacts upon abutting properties and the existing and planned road system and traffic patterns in the general area, including congestion at access and egress points. In doing so, all proposed roads and driveways shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area, and roads and drives shall be of a width and design appropriate to the traffic volume they will carry. The site plan shall not include unnecessary curb cuts and shall rely on service drives where practical and feasible.

7. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent feasible.
8. All development phases shall be designed in logical sequence to ensure that each phase can independently function in a manner that supports the public health, safety and welfare, should subsequent phases not be pursued.
9. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including adequate measures for sewage and waste disposal and the storage of hazardous substances.
10. Site plans shall conform to all applicable Township planning documents including the goals and objectives of the Locke Township Master Plan, other applicable ordinances, and state and federal statutes.

Section 4.05 Conformity To Approved Site Plans

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform with such approved plans, the approved land use permit may be subject to revocation by the Zoning Administrator pursuant to Section 3.04(C).

Section 4.06 Changes to Approved Site Plan

A. Site Plan Changes: No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:

1. **Major Changes:** Major changes to an approved site plan shall include changes in excess of five (5) feet in the location of vehicular circulation ways and parking areas, or exterior building walls; the number or location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall be reviewed and acted upon according to Section 4.03.
2. **Minor Changes:** Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A)(1) above and shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Planning Commission.

Section 4.07 Appeals

A person aggrieved by a decision on a site plan may appeal such decision to the Zoning Board of Appeals pursuant to Article 6.

Section 4.08 Pre-Existing Site Plans and Plot Plans Under Review

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval by the site plan approving body prior to the effective date of this Ordinance or amendment thereto. Where such preliminary site plan approval has been granted, the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto and contains all information required and accompanied by all required fees.

(Ord. #2014-01, 5-13-14)

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End of Article 4

Article 5 SPECIAL LAND USES

Section 5.01 Purpose

It is the purpose of this Article to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities, referred to as "special land uses," which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts as specified in Article 10, by the issuance of a land use permit for a special land use.

Section 5.02 Review Procedure

A. Submission and Distribution of Application/Preliminary Site Plan: An application for a land use permit for a special land use shall be submitted to the Zoning Administrator on a form for that purpose and available from the Zoning Administrator. Upon receipt of the application materials, the Zoning Administrator shall record the date of receipt and transmit copies to the Planning Commission and agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Department. The Zoning Administrator shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials although the Planning Commission need not delay action on an application if such response has not been received within such time period. Twelve (12) copies of the application materials shall be required and shall include the following minimum information:

1. Name, address and phone number of the applicant and, if different from the landowner, the landowner's name, address and phone number.
2. A detailed description of the proposed project.
3. A preliminary site plan prepared according to Article 4.

B. Planning Commission Review for Completeness and Public Hearing.

1. Review for Completeness: Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be incomplete, the Planning Commission may delay further consideration of the application until such time that the application materials have been made complete, and shall notify the applicant in writing of the deficiencies.
2. Public Hearing:
 - a. Upon finding that the application materials are complete, the Planning Commission shall publish a notice of public hearing on the special land use application and hold such hearing. Notice of the hearing shall comply with Section 3.11. Notice of an adjourned hearing shall be given in accordance with the Open Meetings Act, PA 267 of 1976.

C. Planning Commission Action on Special Land Use and Preliminary Site Plan: The Planning Commission shall review the special land use application materials and determine their conformity with the regulations and standards of this Ordinance. Upon review of the special land use application, all supporting materials, and the public hearing, the Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of findings and conclusions relative to the special land use application under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to the approval standards set forth in Section 5.06.

1. Approval of the application materials under subsection (C) above shall signify preliminary approval of the proposed special land use and site plan, with or without conditions. No special land use or construction thereof shall be initiated prior to Planning Commission approval of a final site plan according to Article 4.
2. Preliminary approval of an application for a special land use, including the preliminary site plan, is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the special land use application, including the preliminary site plan, shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the character of the

proposed use or the layout and/or design of the development. In the case where preliminary approval has expired and no extension of time is granted, approval of the special land use shall require the resubmittal of an application and review and action according to Section 5.02.

D. Final Site Plan Submittal and Planning Commission Action: No special land use or construction thereof shall be initiated prior to Planning Commission approval of a final site plan. Such final site plan shall be submitted, reviewed and acted upon according to Section 4.03.

E. Issuance of Land Use Permit: Upon approval of conditional approval of the final site plan by the Planning Commission, and upon all other approvals as may be required by this Ordinance, such as in the case of a special land use, the Zoning Administrator shall issue a Land Use Permit authorizing the use and construction subject to the approved application.

F. Building Permit Required: Upon issuance of a Land Use Permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

(Ord. #4 of 2006, 11-14-06; Ord. #2014-01, 5-13-14)

Section 5.03 Appeals

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the circuit court only.

Section 5.04 Reapplication

No application for a land use permit for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, as determined by the Planning Commission. A reapplication shall require a new fee and the process will follow all provisions of Section 5.02.

Section 5.05 Changes

A. Site Plan: The final site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Changes to the approved site plan shall comply with the application and review procedures of Section 4.06. In the case where a proposed site plan change constitutes a major change according to Section 4.06, the Planning Commission shall hold a public hearing on such site plan change according to the notice requirements of Section 5.02(B). If the Planning Commission determines that such major change would alter the essential character of the site plan, the proposed change shall not occur until such change is applied for and approved according to the application and review procedures of Section 5.02.

B. Use or Activity: A change in the character of the use or activity from what the originally approved land use permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 5.02. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original land use permit for the special land use;
2. the establishment of another special land use;
3. an expansion or increase in intensity of use including but not necessarily limited to additional retail sales floor area, additional dwelling units, and building additions.

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Section 5.06 Approval Standards

A. General Standards: No special land use application shall be approved except where the proposed use and development complies with the following standards:

1. Be harmonious with and in accordance with the Master Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be of such character to be compatible with adjacent conforming uses of land.
4. Be designed, constructed, operated and maintained so as to be appropriate in appearance and harmonious with the existing or intended character of the general vicinity. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location of vehicular use and parking areas.
5. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
6. Be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimize the impact of traffic generated by the proposed development on adjacent properties.
7. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, glare, and odors.
8. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
9. Not create excessive additional requirements at public cost for public facilities and services.
10. Comply with the site plan approval standards of Section 4.04.

B. Specific Standards: In addition to compliance with the above standards in subsection (A), special land uses shall comply with the standards and regulations applicable to each specific special use as identified in Article 14.

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End of Article 5

Article 6 ZONING BOARD of APPEALS (ZBA)

Section 6.01 Purpose

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) and its responsibilities to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

Section 6.02 Creation and Membership

A. Establishment and Appointment of Members: The ZBA existing at the time of adoption of this Ordinance is hereby retained in accordance with Act 110 of the Public Acts of 2006 as amended, and shall consist of three regular members: a member of the Planning Commission; and the remaining members shall be appointed by the Township Board by majority vote from the electors residing in the Township outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as chairperson. The Zoning Administrator or any other employee or contractor of the Township Board may not serve on the ZBA.

B. Alternate Members: The Township Board may appoint not more than (2) alternate members for the same term as regular members of the ZBA. An alternate member shall be called on a rotating basis, to sit as a regular member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall have the same voting rights as a regular member of the ZBA and shall serve in the case until a final decision is made.

C. Terms of Office: Members shall be appointed for three (3) year terms except in the case of the Planning Commission and/or Township Board members serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

D. Removal from Office/Conflict of Interest: A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure to do so shall constitute malfeasance in office.

(Ord. #4 of 2006, 11-14-06; Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 6.03 Organization

A. Rules of Procedure and Officers: The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the total membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

C. Oaths and Witnesses: The chairperson or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

D. Records: The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

Section 6.04 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and appeals regarding an administrative decision.

(Ord. #4 of 2006, 11-14-06)

Section 6.05 Appeals for Administrative Reviews

A. Authority: The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official from whom the appeal is taken.

B. Standards: The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

C. Application Requirements: A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. See Section 3.08 regarding application fees.

1. Record of Facts / Transmission of Record: Upon receipt of an application, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken. In hearing and deciding appeals under this subsection, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.
2. Stay: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or, on application, by court of record.

Section 6.06 Interpretations

A. Authority: The ZBA shall hear and decide upon requests to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts (*see Article 10*).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 23, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the ZBA shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

B. Consultation: Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions.

C. Application Requirements: A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. See Section 3.08 regarding application fees.

Section 6.07 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from site development requirements such as lot area and width, building height, setbacks, off-street parking and loading spaces, and signage. The ZBA is not authorized to grant a variance that permits the establishment of any use that is not a permitted use by right in the subject zoning district.

B. Standards: The ZBA shall have the power to authorize specific variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances, such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance does not result from actions of the applicant.
3. That the variance will relate only to property described in the variance application.
4. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
5. That strict compliance with site development standards such as lot area, setbacks, frontage, height, and parking spaces would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
6. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulties.

C. Application Requirements: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, or similar drawing that adequately illustrates the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may chose to submit to demonstrate conformance with the standards of subsection (B) above .

Section 6.08 Procedures

A. Application: Written application to the ZBA shall be completed and filed with the Zoning Administrator on forms established for that purpose.

1. Stay: An application for an administrative appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or, on application, by court of record.
2. Record of Facts / Transmission of Record: Upon receipt of an application for an administrative appeal, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.

B. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.11. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (C) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.

C. Decision: The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance, to make an interpretation of the Ordinance; to reverse, affirm or modify an order, requirement, decision, or determination of administrative official or body; or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The ZBA shall state the grounds for each decision and such grounds shall be placed in the record. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

1. Interpretations: A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance.
2. Administrative Appeals: In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.
3. Variances:
 - a. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 28.02 regarding conditional approvals.
 - b. A variance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance; and the occupancy or use of the land, structure, and/or building for which the variance was granted has taken place within one (1) year after the granting of the variance. The ZBA may extend this time limit upon its findings that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
 - c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, in the discretion of the ZBA.

(Ord. #4 of 2006, 11-14-06; Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 6.09 Review By Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the circuit court provided that application is made to the court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The circuit court shall review the record and decision of the ZBA to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the ZBA.

(Ord. #4 of 2006, 11-14-06; Ord. #2009-01, 4-14-09)

End of Article 6

Article 7 AMENDMENTS

Section 7.01 Purpose

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in the Township or in a particular area in the Township, to conform with the planned future land use pattern for the Township and changes to other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 7.02 Initiation Of Amendments

Only the Township Board may amend this Ordinance. Petitions for amendments may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 7.03 Procedures

A. Application, Distribution and Data: A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s). Upon receipt of the application forms, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Department. See Section 3.08 regarding application fees.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. A legal description of the property.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
 - d. The desired change and reasons for such change.
 - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Planning Commission Action

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactory and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Township Clerk shall give notice of the public hearing in accordance with Section 3.11.
2. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
 - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - 2) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - 3) Will the petitioned district change adversely affect the value of the surrounding property?

- 4) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
 - 5) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
 - 6) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 7) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
 - 8) Does the petitioned district change generally comply with the Locke Township Master Plan?
 - 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
- 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - 3) Is the proposed amendment supported by significant case law?
- c. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Department, County Drain Commission, County Sheriff Department, and any school district affected.
3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact, recommendations for disposition of the petition, and a summary of comments received at the public hearing to the Township Board. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the operating review body of Ingham County as provided by Section 307 of the Zoning Enabling Act, as amended.

C. Township Board Actions

1. After receiving and reviewing the findings and recommendations of the Planning Commission, and the recommendations of the operating review body of Ingham County, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations. The Township Board may refer any proposed amendments back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Thereafter, the Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
2. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to an interested property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (2) is not subject to the requirements of section 3.11, except that notice of the hearing shall be given to the interested property owner according to Section 3.11 (A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

D. Publication Of Notice Of Ordinance Amendments: Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

(Ord. #4 of 2006, 11-14-06; Ord. 2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 7.04 Resubmittal

No application for an amendment 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, found upon inspection by the Planning Commission to be valid.

Section 7.05 Comprehensive Review Of Zoning Ordinance

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

Balance of Page Blank

End of Article 7

Article 8

(Reserved For Future Use)

End of Article 8

Article 9

(Reserved For Future Use)

End of Article 9

Article 10
ZONING DISTRICTS, DISTRICT REGULATIONS, and ZONING MAP

Section 10.01 Establishment of Districts

A. For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

1. Conservation Districts
 - A-1 General Agricultural District
2. Residential District
 - R-1 Low Density Residential District
 - R-2 Medium Density Residential District
 - R-3 High Density Residential District
 - R-MF Multiple Family Residential District
 - R-MHC Manufactured Housing Community District
3. Commercial Districts
 - B-1 Local Commercial District
4. Industrial Districts
 - I-1 Light Industrial District
5. Other Districts
 - PUD Planned Unit Development District (See Article 11)

(Ord. 2014-01, 5-13-14)

Section 10.02 Purposes of Zoning Districts

See Table 10-1.

Section 10.03 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 10.01 are defined and established as depicted on the Official Zoning Map titled LOCKE TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as is fully described herein.

B. This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Locke Township Zoning Ordinance adopted on the 1st day of November, 2005.* If, in accordance with the provisions of this Ordinance, changes are made in District boundaries or other matter portrayed on the Map, such changes shall be made on the Map.

C. The Official Zoning Map shall be held by the Township Clerk and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Map which may be made and published from time to time.

D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following words: *This is to certify that this is the Official Zoning Map of the Locke Township Zoning Ordinance adopted on the ___th day of _____, 2_____, and replaces and supersedes the Official Zoning Map which was adopted on the ___th day of _____, 2_____, and any amendments made thereon.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 10.04 Interpretation of District Boundaries

A. Clarification of District Boundaries on the Official Zoning Map: Due to the scale of the Official Zoning Map, there exists some district boundaries that cannot be accurately delineated on such Map, and it is the purpose of this subsection (A) to identify such district boundaries.

1. As of the effective date of this Ordinance, the boundary description of the B-1 District on the west side of M-52 in Section 9, along Haslett Road and M-52, is as follows: The 13 1/3 rods N. and S. by 12 rods E. and W. out of the SE. corner of the S. 1/2 of the SW. ¼ of Section 9, comprising 1.000 acres.
2. As of the effective date of this Ordinance, the boundary description of the B-1 District on the east side of M-52 in Section 16, along Bell Oak Road and M-52, is as follows: Beginning at the S. ¼ corner of Section 16, then N. 01°32'25" W. on N.-S. ¼ line 200 feet, then S. 88°00'15" E. 158 feet, then S. 01°32'25" E. 200 feet, then N. 88°00'15" W. 158 feet on S. section line to the point of beginning, comprising 0.725 acres.

B. Standards for Interpretation: Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, or the lack of sufficient clarifying provisions in subsection (A) above, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following roads or highways shall be construed as following the right-of-way center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the District that presents the more restrictive provisions shall govern. "More restrictive provisions" shall be generally defined as provisions that place comparatively greater restrictions on the intensity and/or density of authorized uses and development.
8. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

(Ord. 2014-01, 5-13-14)

Section 10.05 Permitted Uses in Zoning Districts

A. Uses Permitted in Each Zoning District: Except as may otherwise be provided in this Ordinance, uses of any existing lot, building and structure or any lot, building, or structure established, including any addition, alteration, or relocation of a building or structure, shall comply with Tables 10-2 and 10-3. Tables 10-2 and 10-3 identify principal land uses permitted in each District. No land use shall be established on a lot or parcel except in conformance with such Tables. In order to ensure all possible benefits and protection for the Districts in this Ordinance, the Tables delineate whether a particular use permitted in a particular Zoning District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established.
2. Special Land Uses: Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures intended for the District, but could present potential injurious effects upon abutting land uses, the surrounding areas, or the Township as a whole, or are otherwise unique in character, and therefore require special consideration in their review. All such uses shall be subject to a public hearing. See Article 5.

B. Accessory Uses Permitted in Each District: Unless otherwise specified in this Ordinance such as in the case of Class 2 home occupations (Section 28.25) and private wind turbine generators (Section 28.26), accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 28.11 (Accessory Uses, Buildings, and Structures) and Section 28.23 (Keeping of Animals). Unless otherwise specified in this Ordinance, accessory uses and structures shall be reviewed and acted upon in the same manner as required for the principal use or structure on the parcel. For example, the erection of a detached garage to serve a dwelling shall require plot plan approval (Section 3.04(B)) as similarly required for the dwelling itself.

C. Prohibited Uses: Any use of land not specifically permitted is prohibited unless the Zoning Board of Appeals is petitioned to make an interpretation of a use in question in accord with Article 6, and after an examination of the characteristics of such use, the Zoning Board of Appeals rules that such use is directly comparable to a specifically permitted use. If the Zoning Board of Appeals finds no comparable uses, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s) and/or type of use (use permitted by right or special land use), and standards that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be submitted to establish that use.

(Ord. #4 of 2006, 11-14-06)

Section 10.06 Site Development Requirements of Zoning Districts

A. All principal land uses shall comply with the site development requirements in Table 10-4, unless otherwise specified in this Ordinance including standards applicable to special land uses (Article 5) that may be more stringent than those of Table 10-4. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance including, but not limited to, the following Articles:

1. Article 22: Signs
2. Article 23: Off-Street Parking and Loading
3. Article 24: Landscaping and Screening
4. Article 25: Environmental Protection
5. Article 28: Supplemental Provisions

B. Variances from required site development standards may be granted by the Zoning Board of Appeals according to Article 6. Owners of nonconforming lots of record, structures, or uses should refer to Article 19.

C. No part of a setback area, yard, or other open space required around, adjacent to, or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.

E. No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.

F. Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

(Ord. 2014-01, 5-13-14)

Section 10.07 Special District Provisions

The following provisions shall apply to the respective Districts as identified below in addition to all other applicable provisions of this Ordinance:

A. R-MF: Multiple Family District

1. Minimum lot size shall be one (1) acre for the first three (3) dwelling units, and an additional 4,000 square feet for each additional dwelling unit. In the case where public sewer is available, the minimum lot size shall be 20,000 square feet for the first three (3) dwelling units, and an additional 2,000 square feet for each additional dwelling unit.
2. All buildings shall comply with the setback standards of the R-1 District.

3. Maximum building heights shall not exceed thirty-five (35) feet, except that maximum building heights shall not exceed twenty-five (25) feet if such buildings exceed two-hundred (200) feet in length or if such buildings are within fifty (50) feet of a Conservation District or other Residential District.
4. The distance between any two (2) residential buildings shall be not less than thirty (30) feet if both of the walls facing each other contain windows or other openings, and not less than twenty (20) feet for all other situations.
5. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or five hundred (500) square feet per four dwelling units, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided.
6. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets.
7. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including an office for conducting the business of the development, utility areas for laundry facilities and auxiliary storage for tenants, recreation areas such as community buildings, playgrounds, and open space for tenants, and administrative offices.
8. All developments shall provide for underground installation of all utilities where feasible.
9. The minimum floor area for multiple family dwelling units shall be as follows:
 - a. Efficiencies: 400 sq. ft. of heated living area.
 - b. One bedroom units: 750 sq. ft. of heated living area.
 - c. Two bedroom units: 850 sq. ft. of heated living area.
 - d. Three bedroom units: 950 sq. ft. of heated living area.
 - e. Four or more bedroom units: 1,050 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.

B. R-MHC: Manufactured Housing Community District

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Township Board. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Township Board shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Township Board shall take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from state agencies and all other agencies pursuant to the Mobile Home Commission Act.
3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
 - a. Minimum Parcel Size: The minimum parcel size for a manufactured housing community shall be ten (10) acres.
 - b. Minimum Site Size: The manufactured housing community shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941, Rules 941 and 944 of the Michigan Mobile Home Commission General Rules.

**Table 10-1
PURPOSES of ZONING DISTRICTS**

DISTRICTS	PURPOSE
<u>ALL DISTRICTS</u>	
All Districts	It is the purpose of all Districts to protect sensitive environmental resources which may be present on a development site, and that the District uses be adequately served by facilities and services including, but not necessarily limited to, sewage disposal, potable water, fire protection, and road infrastructure. All Districts are intended to support and be established in coordination with the Locke Township Master Plan. Additional purposes of each District are delineated below.
<u>CONSERVATION DISTRICTS</u>	
A-1 District	It is the purpose of the A-1 (Agricultural) District to encourage and provide opportunities for agriculture and retention of land areas in Locke Township which are well suited for production of food and fiber due to soil, topographic and other conditions, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, natural resources, and the Township's rural character. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses. Persons considering residing within this District should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities may continue on a long term basis. This District includes certain land areas that have been divided so as to preclude farm operations, but support opportunities for rural residential development and lifestyles.
<u>RESIDENTIAL DISTRICTS</u>	
R-1 District	It is the purpose of the R-1 (Low Density Residential) District to encourage and provide opportunities for single family residential development patterns and lifestyles of a more suburban character than permitted in Conservation Districts, and which ensure a stable and sound residential environment with suitable open spaces. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses.
R-2 District	It is the purpose of the R-2 (Medium Density Residential) District to provide opportunities for residential development and lifestyles associated with more urban development patterns than permitted in the R-1 District, and which ensure a stable and sound residential environment with suitable open spaces. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses. In addition to this District intended to be established in coordination with the Locke Township Master Plan, this District is also established to recognize land division patterns in specific small and isolated geographic locations of the Township, that are already in existence as of the effective date of this Ordinance and reflect an overall R-2 District character, but are not in coordination with the policies of the Master Plan and, for this reason, are not intended to be expanded.
R-3 District	It is the purpose of the R-3 (High Density Residential) District to provide opportunities for residential development and lifestyles associated with more urban development patterns than permitted in the R-2 District, and which ensure a stable and sound residential environment with suitable open spaces. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses.

Table 10-1 Continued on Next Page

Table 10-1 Continued (Purposes of Zoning Districts):

DISTRICTS	PURPOSE
<u>RESIDENTIAL DISTRICTS (continued)</u>	
R-MF District	It is the purpose of the R-MF (Multiple Family Residential) District to provide alternative high-density housing opportunities than those of the R-3 District in the form of multiple family development, and which ensure a stable and sound residential environment with suitable open spaces. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses.
R-MHC District	It is the purpose of the R-MHC (Manufactured Housing Community) District to provide opportunities for residential development and lifestyles associated with manufactured housing communities while similarly limiting excessive public costs and demands placed on public facilities and services which may be associated with such housing developments. It is the intent of this District that, in light of the comparative speed at which a manufactured housing community can be constructed and the resulting rapid increased demands on public infrastructure and community services, this District be established only where development of such acreage will not outpace the Township's ability to effectively manage and accommodate demands upon public infrastructure and community services and maintain the quality of life and local character and identity of the Township. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses.
<u>BUSINESS DISTRICTS</u>	
B-1 District	It is the purpose of the B-1 (Local Commercial) District to provide for retail, service, and office establishments which primarily serve the day-to-day convenience and service needs of Locke Township residents and nearby populations, and the needs of the highway traveler. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses. Development in this District is intended to be compatible with the predominant rural character of the Township as reflected in architectural design and building scale, building materials, signage, landscaping, buffering, and lighting. It is the purpose of the B-1 District that development minimize negative impacts on abutting properties and accommodate development in a manner that ensures safe and efficient vehicular and pedestrian movement and access, and minimizes congestion, turning conflicts, and pedestrian hazards.
<u>INDUSTRIAL DISTRICTS</u>	
I-1 District	It is the purpose of the I-1 (Light Industrial) District to provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes, the absence of objectionable external affects such as noise, fumes, and excessive heavy truck traffic, and limited demands for public services. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses. Development in this District is intended to be compatible with the predominant rural character of the Township as reflected in architectural design and building scale, building materials, signage, landscaping, buffering, and lighting. It is the purpose of the I-1 District that development minimize negative impacts on abutting properties and accommodate development in a manner that ensures safe and efficient vehicular and pedestrian movement and access, and minimizes congestion, turning conflicts, and pedestrian hazards.
<u>OTHER DISTRICTS</u>	
PUD	See Section 11.01, Planned Unit Development (PUD) District..

End of Table 10-1

Table 10-2

PERMITTED PRINCIPAL USES in CONSERVATION and RESIDENTIAL DISTRICTS¹

Conformance to Table: Except as may otherwise be provided in this Ordinance, principal uses of any existing lot, building and structure or any lot, building, or structure established, including any addition, alteration, or relocation of a building or structure, in a Conservation or Residential District, shall comply with Table 10-2. Except as may otherwise be provided in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in such Districts and shall conform to all applicable standards of this Ordinance.

Irrespective of the particular labeling of a cell in this Table, the following uses are classified as a Special Land Use and subject to the provisions of Article 5, Special Land Uses:

1. Any single building in any District that exceeds 10,000 sq. ft. in gross floor area, and any grouping of buildings on a single parcel or otherwise part of a single or phased development, that exceeds a total of 20,000 sq. ft. of gross floor area.
2. Any use that has a principal function or operation involving the storage and/or sale of toxic or explosive material including the storage and/or sale of fuels, pesticides, and fertilizers, but excluding farm operations.

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED USES					
		“BR” = Use Permitted by Right “S” = Special Land Use “- -” = Prohibited Use					
		A-1	R-1	R-2	R-3	R-MF	R-MHC
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character							
1	Agriculture, except concentrated animal feeding operations.	BR	--	--	--	--	--
2	Concentrated livestock operations.	S	--	--	--	--	--
3	Agricultural service establishments.	S	--	--	--	--	--
4	Wholesale and retail sales of ornamental trees, shrubs, and other greenhouse and nursery stock, that is grown on the premises until the time of sale and not transported to the premises for sale.	BR	--	--	--	--	--
5	Wholesale and retail sales of ornamental trees, shrubs, and other greenhouse and nursery stock, whether it is grown on the premises until the time of sale or transported to the premises for sale, and including landscape supplies such as mulch, soil, and pavers.	S	--	--	--	--	--
6	Public or private conservation areas; areas set aside for the protection of wildlife and natural resources; wildlife management areas; nature preserves; and game refuges.	BR	S	S	S	--	--
7	Outdoor recreation limited to golf courses, driving ranges and country clubs; miniature golf, outdoor shooting ranges; and campgrounds.	S	--	--	--	--	--
8	Retreat Centers.	S	--	--	--	--	--
9	Commercial stables.	S	--	--	--	--	--
10	Extraction Operations	S	S	S	S	S	S
11	Farmland and Natural Area Conservation Tracts.	S	--	--	--	--	--
Uses of a Primarily Residential Character							
1	Single family dwellings.	BR	BR	BR	BR	--	--
2	Two family dwellings.	--	--	BR	BR	--	--
3	Day care, family home.	BR	BR	BR	BR	BR	BR
4	Day care, group home.	S	S	S	S	S	S
5	Foster care facility, family home.	BR	BR	BR	BR	BR	BR
6	Foster care facility, group home.	S	S	S	S	S	S
7	Nursing and convalescent homes.	S	S	S	S	S	--
8	Multiple family dwellings.	--	--	--	--	BR	--
9	Manufactured housing communities.	--	--	--	--	--	BR
10	Open space communities.	S	S	S	S	--	--

Table 10-2 Continued on Next Page.

(Table 10-2 continued)

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED PRINCIPAL USES					
		"BR" = Use Permitted by Right "S" = Special Land Use "--" = Prohibited Use					
		A-1	R-1	R-2	R-3	R-MF	R-MHC
Uses of a Primarily Commercial or Business Character							
1	Funeral homes and mortuaries.	S	--	S	S	S	--
2	Day care centers.	S	S	S	S	S	--
3	Human care facilities.	S	S	S	S	S	--
4	Kennels.	S	--	--	--	--	--
5	Veterinarian clinics.	S	--	--	--	--	--
6	Bed and breakfast establishments.	S	S	S	S	S	--
7	Communication towers ¹ .	S	S	S	S	S	S
8	Event Barns.	S	--	--	--	--	--
Uses of a Primarily Industrial Character							
1	Sawmills.	S	--	--	--	--	--
2	Automotive Proving Grounds.	S	--	--	--	--	--
Other Uses not Listed Above							
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, community recreation centers, and museums.	S	S	S	S	S	S
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S	S	S	S	S
3	Clubs, lodges, and similar social centered organizations.	S	S	S	S	S	S
4	Commercial wind turbine generators (CWTG),	S	--	--	--	--	--

Table 10-2 Footnotes

1. See Section 14.07(D) regarding exemptions to the special land use classification of communication towers and other applicable provisions including application procedures.

End of Table 10-2

(Ord. #2009-01, 4-14-09; Ord. #2013-02, 6-11-13; Ord. #2015-01, 7-14-15)

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**Table 10-3
PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS**

Conformance to Table: Except as may otherwise be provided in this Ordinance, principal uses of any existing lot, building and structure or any lot, building, or structure established, including any addition, alteration, or relocation of a building or structure, in a Business or Industrial District, shall comply with Table 10-3. Except as may otherwise be provided in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in such Districts and shall conform to all applicable standards of this Ordinance.

Irrespective of the particular labeling of a cell in this Table, the following uses are classified as a Special Land Use and subject to the provisions of Article 5, Special Land Uses:

1. Any single building in any District that exceeds 10,000 sq. ft. in gross floor area, and any grouping of buildings on a single parcel or otherwise part of a single or phased development, that exceeds a total of 20,000 sq. ft. of gross floor area.
2. Any use that has a principal function or operation involving the storage and/or sale of toxic or explosive material including, but not limited to, the storage and/or sale of fuels, pesticides, fertilizers, and fireworks.

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED USES	
		B-1	I-1
		--	S
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character			
1	Agricultural service establishments.	--	S
2	Extraction operations.	S	S
Uses of a Primarily Residential Character			
1	Nursing and convalescent homes.	S	--
Uses of a Primarily Commercial Character			
1	Any generally recognized retail business, excluding adult entertainment facilities, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, alcoholic beverages, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.	BR	S
2	Personal service establishments which perform services on the premises within a completely enclosed building such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, laundromats and dry cleaners, dress-making and tailoring, printing, publishing, and photographic services.	BR	--
3	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, arcades, and banquet halls.	S	--
4	Day care centers.	S	--
5	Service station, standard.	S	--
6	Service station, multiple use.	S	--
7	Sale of new or used cars, farm machinery, and other vehicles and equipment, including items intended for tow, and the service and repair of such vehicles and equipment provided such service and repair is an accessory use.	S	--
8	Service and repair of vehicles and equipment, including boats, cars, trucks, farm equipment and vehicle repair shops.	S	S
9	Motels and hotels.	S	--
10	Funeral homes and mortuaries.	S	--
11	Mini-storage facilities.	S	S

Table 10-3 Continued on Next Page.

Table 10-3 Continued (Permitted Principal Uses in Business and Industrial Districts)

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED USES	
		"BR" = Use Permitted by Right "S" = Special Land Use "--" = Prohibited Use	
		B-1	I-1
Uses of a Primarily Commercial or Business Character ¹ (continued)			
12	Kennels.	S	--
13	Adult entertainment businesses.	S	--
14	Human care facilities.	S	--
15	Office establishments which perform services on the premises including but not limited to; financial institutions; insurance offices; real estate offices; artist offices and galleries; professional offices for accountants, lawyers, engineers, and architects; and similar office uses, but excluding human care facilities.	BR	--
16	Arcade	S	--
17	Offices and showrooms of plumbers, electricians, decorators, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon and visible from any abutting road shall be used only for entrances, offices, or display.	S	S
18	Offices of contractors, excavators, and similar construction businesses, and storage facilities for building materials, sand, gravel, stone, lumber, and equipment of such businesses.	S	S
19	Standard restaurants and other establishments which provide food or drink for consumption by persons seated within a building, and do not serve alcohol and do not constitute an adult entertainment business.	BR	--
20	Standard restaurants and other establishments which provide food or drink for consumption by persons seated within a building, and may serve alcohol, but excluding adult entertainment businesses.	S	--
21	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including drive-through restaurants, financial institutions, dry cleaning businesses, and similar facilities.	S	--
23	Veterinarian clinics.	BR	--
24	Sale of ornamental trees, shrubs, nursery stock and related landscape supplies and materials such as mulch, soil, and pavers.	S	--
25	Communication towers ¹ .	S	S
Uses of a Primarily Industrial Character			
1	Bulk storage and warehousing establishments; storage and transfer establishments; truck terminals; and distribution plants.	--	S
2	Laboratories including experimental, film and testing.	--	S
3	Junkyards.	--	S
4	Plastic molding and extrusion, tool and die manufacturing, and monument and art stone production establishments.	--	S
5	The manufacturing, processing, treatment, smoking, curing, and packaging of food products.	--	S
6	Manufacture of brick, tile, terra cotta, glass, plastic, gas, chemicals, and cement.	--	S
7	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: perfumes, pharmaceuticals, toiletries, ceramics, clothing, jewelry, hardware, instruments, optical goods, and cutlery, but excluding food products.	--	BR

Table 10-3 Continued on Next Page.

Table 10-3 Continued (Permitted Principal Uses in Commercial and Industrial Districts)

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED PRINCIPAL USES	
		"BR" = Use Permitted by Right "S" = Special Land Use "--" = Prohibited Use	
		B-1	I-1
8	The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. Previously prepared materials are materials that were processed, manufactured or created at another location and shipped to the manufacturers permitted in this District for assembly into new products.	--	BR
9	Machine and battery building, and tire recapping and retreading.	--	S
10	Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.	--	BR
Other Uses not Listed Above			
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, museums, and bus and train passenger terminals.	S	S
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S
3	Clubs, lodges, and similar social centered organizations.	S	--

Table 10-2 Footnotes

1. See Section 14.07(D) regarding exemptions to the special land use classification of communication towers and other applicable provisions including application procedures.

End of Table 10-3

(Ord. #2013-02, 6-11-13; Ord. #2014-01, 5-13-14)

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**Table 10-4
Site Development Requirements for Principal Land Uses¹**

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height	Minimum Floor Area Per Dwelling (sq. ft.)	Maximum Lot Coverage	Minimum Yard Setback		
						Front	Each Side	Rear
A-1	5 acres ³	330 ft. ^{2,4}	35 ft., but not more than 2 1/2 stories ⁵	1,000	See Footnote 6	<u>M-52</u> 100 ft. ⁷ <u>Primary</u> 75 ft. ⁷	30 ft. ⁸	60 ft. ¹¹
R-1	43,560 sq. ft.	150 ft. ²	35 ft., but not more than 2 1/2 stories ⁵	1,000	See Footnote 6	<u>M-52</u> 100 ft. ⁷ <u>Primary</u> 75 ft. ⁷	20 ft. ⁸	40 ft.
R-2	21,780 sq. ft.	85 ft. ²	35 ft., but not more than 2 1/2 stories ⁵	1,000	See Footnote 6	<u>M-52</u> 100 ft. ⁷ <u>Primary</u> 75 ft. ⁷	10 ft. ⁸	40 ft.
R-3	<u>SFD</u> : 21,780 sq. ft. w/o public sewer, otherwise 10,000 sq. ft. <u>TFD</u> : 40,000 sq. ft. w/o public sewer, otherwise 12,000 sq. ft.	85 ft. w/o public sewer, otherwise: <u>SFD</u> : 70 ft. ² <u>TFD</u> : 80 ft. ²	35 ft., but not more than 2 1/2 stories ⁵	<u>SFD</u> : 800 <u>TFD</u> : 750	See Footnote 6	<u>M-52</u> 100 ft. ⁷ <u>Primary</u> 75 ft. ⁷	10 ft. ⁸	30 ft.
R-MF	See Section 10.07(A)							
R-MHC	See Section 10.07(B)							
B-1	43,560 sq. ft.	100 ft. ²	30 ft., but not more than two stories. ⁵	NA	50%	<u>M-52</u> 100 ft. ⁷ <u>Primary</u> 75 ft. ⁷	10 ft. ^{8,9}	40 ft. ⁹
I-1	2 acres ¹⁰	200 ft. ^{2,10}	40 ft., but not more than three stories. ⁵	NA	50%	<u>M-52</u> 100 ft. ⁷ <u>Primary</u> 75 ft. ⁷	40 ft. ^{8,10}	40 ft. ^{9,10}

SFD = single family dwelling; TFD = two family dwelling; sq. ft. = square feet; ft. = feet

See Following Page for Footnotes

Footnotes for Table 10-4

1. All uses shall comply with the site development requirements in Table 10-4, unless otherwise specified by Article 14 – Standards and Regulations for Specific Special Land Uses. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles: Article 22 – Signs; Article 23 – Off-Street Parking and Loading; Article 24 – Landscaping and Screening; Article 25 – Environmental Protection, and Article 28 – Supplemental Provisions.
2. See Section 28.09 regarding lot configuration regulations and exceptions.
3. See Articles 15 and 16 for alternatives to the normally required minimum 5-acre lot area.
4. To account for inaccuracies in the original government survey for Locke Township, if a lot is not located in a full fractional quarter section, the minimum lot width may be reduced to one-eighth (1/8) of the actual surveyed width of the government quarter section in which the lot is located, but in no case shall the minimum width be less than 300 feet.
5. The following height exceptions, limitations, and regulations shall apply in addition to those of Section 28.17:
 - a. The maximum height of farm structures shall be 75’ feet.
 - b. All structures and buildings in association with special land uses in Conservation and Residential Districts, including human care facilities and religious institutions, shall be subject to a maximum height of twenty-five (25) feet unless the minimum front, side and rear yard setback standards are increased three (3) feet for each additional one (1) foot of height above this maximum twenty-five (25) foot standard, but in no case shall the height exceed thirty-five (35) feet.
 - c. Principal buildings in a Business or Industrial District shall be subject to a maximum height of twenty-five (25) feet unless the minimum front, side and rear yard setback standards are increased two (2) feet for each additional one (1) foot of height above this maximum twenty-five (25) foot standard, but in no case shall the height exceed the maximum height standard of Table 10-4.
 - d. The setback provisions of Footnotes 5(b) and (c) shall apply in addition to the setback requirements of Footnotes 7 – 10.
6. Maximum lot coverage shall comply with the following table, based upon the acreage of the lot, except that the maximum lot coverage for a special land use of a non-residential character, in a Conservation or Residential District, shall not exceed 25% irrespective of the acreage of the lot.

LOT ACREAGE	MAXIMUM LOT COVERAGE
0.75 Acres or Less	25%
0.76 – 1.50 Acres	20%, but not less than 8,170 square feet.
1.51 – 3.00 Acres	15%, but not less than 13,070 square feet.
3.01 – 5.00 Acres	10%, but not less than 19,602 square feet.
5.01 Acres or Greater	5% but not less than 21,780 square feet.

7. Front yard setback shall be measured from the road right-of-way. The following provisions shall also apply:
 - a. The minimum front yard setback where the front lot line abuts the M-52 right-of-way shall be 100 feet.
 - b. The minimum front yard setback where the front lot line abuts a primary or secondary thoroughfare right-of-way shall be 75 feet.
 - c. The minimum front yard setback where the front lot line and point of access is along an internal road in a platted or condominium subdivision, or similar internal road development, shall be 60 feet in Conservation Districts, 40 feet in Residential Districts, and 25 feet in Commercial and Industrial Districts.
 - d. In all cases, the minimum front yard setback shall be increased to that distance necessary to ensure that the width of the lot at such setback complies with the minimum lot width requirement.
8.
 - a. The minimum required side yard setback, along the side yard abutting the road in the case of a corner lot, shall be equal to the required front yard setback along such road.
 - b. For lots in the A-1 District that were lawfully created and recorded prior to the effective date of this Ordinance, and of a minimum of 1.00 acres but no greater than 2.00 acres in area, the minimum side yard setback shall be 20 feet. For lots in the A-1 District that were lawfully created and recorded prior to the effective date of this Ordinance, and less than 1.00 acres in area, the minimum side yard setback shall be 10 feet. Footnote 8(a) shall apply to such lots.
9. Minimum setback requirements shall be increased by 20 feet where the yard abuts a Conservation or Residential District.
10. The minimum lot area, lot width/frontage, and setback requirements shall be reduced by 50% where a lot is located within an industrial park and gains direct access from a road serving the interior of such park.
11. For lots in the A-1 District that were lawfully created and recorded prior to the effective date of this Ordinance, and less than 2.00 acres in area, the minimum rear yard setback shall be 40 feet.

(Ord. #4 of 2006, 11-14-06)

End of Article 10

Article 11

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 11.01 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUD) as authorized by Section 503 of the Michigan Zoning Enabling Act. It is the intent of this Article to authorize the use of PUD regulations for the purpose of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township; and bringing about a greater compatibility of design and use between neighboring properties. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To that end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township, with modifications and departures from generally applicable Ordinance requirements made in accordance with standards provided in this Article to ensure appropriate, fair, and consistent decision making.

(Ord. #4 of 2006, 11-14-06)

Section 11.02 PUD Is A Separate District

A PUD is permitted as a separate zoning district only when determined to be in compliance with the regulations of this Article. The approval of a PUD shall require an amendment of the Zoning Map constituting a part of this Ordinance so as to designate the property "PUD" and the PUD shall be subject to the approved PUD application.

Section 11.03 Minimum Eligibility Criteria

- A. The following minimum eligibility criteria shall be met in order for PUD approval:
1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
 2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden in the use of existing public services, facilities, and utilities.
 3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and policies of the Locke Township Master Plan.
 4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 11.01.
 5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
 6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Zoning Administrator.

Section 11.04 Use Standards

A. **Permitted Uses and Mix of Uses**: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Master Plan. Where the Master Plan provides for residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The Planning Commission shall determine predominance of use after taking into account the following criteria: the extent to which a non-residential use serves residents in the PUD compared to others who travel to the site; amount of traffic generated by the non-residential use; operational hours of the non-residential use; proportional land area allocated to the non-residential use; and building area allocated to a non-residential use.

Section 11.05 Design Standards

A. General Site Development Standards and Waivers: The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, lot coverage, setbacks, building heights, parking, loading, landscaping and screening, and similar requirements, except that the Planning Commission may waive such standards where such modifications will result in a higher quality of development than would be possible without the modifications.

1. Except where a waiver is granted, standards pertaining to lot area and dimensions, building heights, lot coverage, and setbacks shall comply with those standards of the District which most closely characterizes the dominant character of the PUD development.
2. Except where a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including those standards contained in Article 14, Special Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Planning Commission that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 11.06 Procedure for Review and Approval

A. Optional Preapplication Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township pertaining to the proposed development. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

B. Preliminary Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Zoning Administrator fifteen (15) copies of a preliminary plan and application form supplied by the Zoning Administrator. The preliminary Plan shall comply with the requirements of Section 4.03(B) and include a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver.
2. The Zoning Administrator shall record the date of the receipt of the preliminary site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Department.
3. The Planning Commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary plan submittal, the Planning Commission shall act on the preliminary plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 7.
4. Following the public hearing required by Article 7 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the preliminary plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 4.04 and 5.06. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision.
5. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary plan. In reviewing the preliminary plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.04 and 5.06. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary plan shall be:
 - a. to authorize the fundamental PUD character and layout embodied in the preliminary plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
 - b. to authorize a change on the Zoning Map to classify the subject property as PUD.

C. Final Plan and Permit Issuance

1. Within twenty-four (24) months following receipt of preliminary plan approval, the applicant shall submit to the Zoning Administrator fifteen (15) copies of a final site plan, or phase one of a final site plan, conforming with Section 4.03(D) and including a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Planning Commission, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Department.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall take final action to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Planning Commission shall consider the applicable requirements of this Article and Ordinance, including Sections 4.04 and 5.06. The Planning Commission shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.

(Ord. #2014-01, 5-13-14)

Section 11.07 Phasing

A. Scheduled Phasing: Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the surrounding area.

B. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

C. Mixed Uses: In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least thirty-five percent (35%) of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least seventy-five percent (75%) of all proposed residential construction, concurrent with the second phase of nonresidential construction; and completion of one hundred percent (100%) of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined at the discretion of the Planning Commission. Such percentages may be modified should the Planning Commission determine that the applicant has presented adequate assurances that the residential component or components of the project will be completed within the specified time period.

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End of Article 11

Article 12

(Reserved For Future Use)

End of Article 12

Article 13

(Reserved For Future Use)

End of Article 13

Article 14

STANDARDS and REGULATIONS for SPECIFIC SPECIAL LAND USES

Section 14.01 Purpose and Applicability

The purpose of this Article is to establish standards and regulations in association with certain special land uses to ensure the establishment of such uses minimizes negative impacts upon adjacent land uses and the Township as a whole, and all necessary information is submitted to ensure a comprehensive review of such applications. The following standards and requirements apply to specific special land uses as authorized by Article 10 of this Ordinance, including Table 10-2 and 10-3. A special land use shall be approved only where such application complies with the general standards of Section 5.06(A), the standards contained in this Article for certain specific special land uses, and all other standards and requirements of this Ordinance including Article 22-Signs; Article 23-Off-Street Parking and Loading; Article 24-Landscaping and Screening; Article 25-Environmental Protection; and Article 28-Supplemental Provisions. The regulations and standards contained in this Article shall be applied in addition to any other standards or regulations contained elsewhere in this Ordinance unless specifically noted otherwise. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 10-4, the standard of this Article shall apply. Any requirements of this Article regarding data, plans, and drawings shall be in addition to the data requirements of Section 4.03 regarding required site plan information.

(Ord. #2014-01, 5-13-14)

Section 14.02 Adult Entertainment Business

A. The following site and developmental requirements shall apply:

1. The facility shall have frontage on and gain direct access to a paved primary or secondary thoroughfare.
2. The property on which an adult entertainment business is located shall be located at least 400 feet from a Residential District or residential lot, measured as a straight line distance between the closest property lines.
3. No adult entertainment business shall be established on any premises where there exists another or proposed adult entertainment business within 1,200 feet, measured as a straight line distance between the closest property lines.
4. The property on which an adult entertainment business is located shall be situated at least 2,640 feet from a state licensed child care facility, religious institution, school, public building, park or other recreational facility that admits minors, or any Residential District or residential use, measured as a straight line distance between the closest property lines.

B. Special Performance Standards

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "*specified anatomical areas*" or "*specified sexual activities*." (See definitions under "*Adult Entertainment Business*" in Article 29)
2. Adult entertainment businesses shall not be located within, or otherwise be attached to, a building in which one (1) or more dwelling units or sleeping quarters are located, or on the same lot where one (1) or more dwelling units or sleeping quarters are located.
3. Operational hours are permitted between 11:00 a.m. and 1:00 a.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
5. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.
8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons is prohibited.

Section 14.03 Automotive Proving Grounds

A. The following site and developmental requirements shall apply:

1. Minimum parcel size shall be eighty (80) acres.
2. Maximum building coverage shall not exceed five percent (5%), but in no case shall any one (1) acre of land area within two hundred (200) feet a public road or existing residence be characterized by more than twenty-five percent (25%) of impervious surface area including buildings, parking lots, and similar surfaces, except where the Planning Commission determines that, due to the siting and/or screening of such increased impervious areas, such areas shall not have an adverse visual impact on nearby roads and residences and the intended character of the District.
3. No building shall be located within one hundred (100) feet of a lot line.
4. No building shall exceed twenty-five (25) feet in height if located within two-hundred (200) feet of a lot line.
5. The site plan shall include a screening plan that shall identify berm and/or vegetative screens to effectively minimize negative visual and audible impacts upon abutting properties.
6. No outdoor light fixtures shall exceed a height of twelve (12) feet, and such fixtures shall be designed to direct light downwards only and prohibit direct illumination in an upward direction. Lighting shall be the minimum necessary to ensure safe operating conditions and, when the facility is not in use, such lighting shall be the minimum necessary for security purposes, if necessary.

B. Special Performance Standards:

1. No activities or operational characteristics of the facility shall result in the following conditions beyond the property lines of such facility, as observed by the human senses: glare, heat, vibration, light levels greater than one (1) foot candle, fumes, odors, smoke, dust, and noise levels and durations beyond that typically associated with residential neighborhoods or agricultural operations.
2. The Planning Commission may modify the standards of this Section upon a showing by the applicant, to the satisfaction of the Planning Commission, that more lenient standards will not undermine the public health, safety and welfare of nearby properties and the Township as a whole.

(Ord. #2014-01, 5-13-14)

Section 14.04 Bed and Breakfast

A. The following site and developmental requirements shall apply:

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the closest lot lines.

B Special Performance Standards:

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner or family of the dwelling, and no additional employees shall be engaged in the operation.
2. Meals may be served to overnight guests only, and food services shall comply with the Michigan Public Health Code. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed seven (7), and in no case shall more than fifty percent (50%) of the total floor area of the dwelling be used for bed and breakfast sleeping rooms.
4. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping shall be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. The exterior appearance of the structure shall not be altered from its single family character.
10. The facility shall have at all times a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.
11. No receiving or storage of goods shall occur except that which is customarily incidental to a residence.
12. There shall be no sale or offer for sale of goods not produced personally by the owner of the establishment.

Section 14.05 Campgrounds

A. The following site and developmental requirements shall apply:

1. All campsites and principal and accessory buildings shall be setback a minimum distance of one hundred fifty (150) feet from all right-of-way and lot lines.
2. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. There shall be no permanent storage of tents, campers, or travel trailers in the development unless specifically permitted. Temporary or permanent storage of mobile homes is prohibited.
4. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided where more than forty (40) camp sites are provided. Such building shall be located to discourage use of the facility by non-campers.
5. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
6. All entrances and exit lanes within a campground shall be lighted.

B. Special Performance Standards:

1. At least one public telephone shall be provided in the facility.
2. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
3. Each campsite shall have a picnic table and designated place for fires.
4. All campgrounds shall be licensed by the Michigan Department of Community Health.

Section 14.06 Commercial Stables

A. The following site and developmental requirements shall apply:

1. A commercial stable shall not be established on any lot less than ten (10) acres in area.
2. Stables, buildings housing horses, and off-street parking areas shall be set back a minimum of one-hundred (100) feet from all lot lines.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community and located in an A-1 District.
4. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, manure application area or any surface water. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.
5. No special events such as shows, exhibitions, and contests, including viewing areas, shall be permitted within one hundred (100) feet of all lot lines.

B. Special Performance Standards:

1. The facility shall be constructed and maintained so that dust and drainage from the stable shall not create a nuisance or hazard to adjoining property or uses.
2. Manure shall be removed and/or applied so as to prevent a nuisance.

Section 14.07 Communication Towers

A. The following site and developmental requirements shall apply:

1. The maximum height of a communication tower shall not exceed one hundred ninety-five (195) feet. Accessory buildings shall be limited to the maximum height for accessory structures within the respective District.
2. The setback of the tower from all property lines shall be no less than the height of the tower unless the tower is designed to collapse upon itself, but in no case shall the setback be less than 150' from all property lines.
3. The base of the tower shall be fenced with a minimum eight (8) foot chain-link fence. In the case where guy wires or a similar support system is used, fencing shall surround all locations where such supports are anchored to the ground.
4. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and a statement confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

5. Communication towers shall be constructed no closer than two (2) miles apart. This requirement may be waived by Planning Commission upon a finding by the approving body that establishing a new tower within a lesser setback shall, because of the particular conditions, more effectively minimize negative impacts of telecommunication facilities on the Township as a whole. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal, township and county jurisdictional boundaries.
6. Communication Towers shall be of monopole construction. Skeletal structures, including the use of guy wires, shall be prohibited except where the applicant can demonstrate, within the reasonable discretion of the Planning Commission, that monopole construction is not practical in the specific instance.

B. Special Performance Standards:

1. The applicant shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes, including wind load standards, and those of the Federal Aviation Administration and the Federal Communications Commission.
2. Communication towers shall be of a white, light gray, silver or other similar color that blends with the background sky. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other public agency.
3. The approving body shall, in its discretion, review and approve the support structure and all accessory buildings with respect to the design and appearance so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the communication facility in a neat and orderly condition.
4. Collocation
 - a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
 - b. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - 1) The communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - 2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the approving body, taking into consideration the standards contained in this Section.
 - c. Requirements for Collocation:
 - 1) A permit for the construction and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - 2) All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of four (4) wireless communication facilities.
 - 3) If a party who owns or otherwise controls a communication tower shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new communication tower, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new communication towers within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services, or that such

enforcement would have the effect of prohibiting the provision of personal wireless communication services.

5. Removal

- a. A condition of every approval of a communication tower shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - 1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - 2) Six months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.
- b. The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (a) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Board.
- d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- e. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

C. Additional Application Requirements: In addition to submitting the information required for all special land uses, including a site plan pursuant to Article 4, each applicant for a communication tower shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer registered in the State of Michigan.

1. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within Locke Township or four (4) miles of the border thereof, including specific information about the location, height, and design of each tower and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
2. Elevation drawings of the proposed tower and any other structures.
3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to (A)(1) above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner(s)/operator(s) of the existing tower(s), if known.
5. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
6. A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
7. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
8. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services proposed through the use of the proposed new tower.

D. Exceptions from Special Land Use Classification and Special Application Review Provisions:

1. Definitions. For the purposes of this Section, the following terms shall have the following meaning:
 - a. "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
 - b. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
 - c. "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
 - d. "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
2. Exceptions from Special Land Use Classification: Wireless communications equipment shall be permitted without further special land use proceedings or other approval if all of the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
 - c. The proposed collocation will not do any of the following:
 - (1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
 - (2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the then-designated approving body of the Township.
3. Special Application Review Provisions:
 - a. After a special land use application for wireless communication equipment is filed with the Planning Commission, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Planning Commission makes that determination or the passing of fourteen (14) business days after the Planning Commission receives the application, whichever occurs first.
 - b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Planning Commission notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
 - c. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete, except that in the case of a special land use application for wireless communications equipment that does not meet the requirements of subsection (D)(2)(a) or for a wireless communications support structure, the period for approval or denial shall be 90 days. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

(Ord. #2013-02, 6-11-13; Ord. #2014-01, 5-13-14)

Section 14.08 Day Care Centers

A. The following site and developmental requirements shall apply:

1. All buildings, parking areas, trash storage, and play areas shall be set back a minimum distance of seventy-five (75) feet from all lot lines, except where a greater setback is required by Table 10-4.

B. Special Performance Standards:

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. Day care center buildings authorized in Conservation or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the area.
3. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

Section 14.09 Day Care Facility, Group Home

A. The following site and developmental requirements shall apply:

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. Another group home day care facility licensed by the State of Michigan.
 - b. A adult foster care group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

B. Special Performance Standards:

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

(Ord. #2014-01, 5-13-14)

Section 14.10 Extraction Operations

A. Additional Materials to be submitted for Special Use Review: In addition to the information required by Article Four for site plan review, the following additional information shall be provided:

1. Location of all buildings within five hundred (500) feet of any activity proposed for the site.
2. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
3. Detailed statement as to the type of deposit is proposed to be extracted and the area and amount of material to be excavated (in cubic yards).
4. Proposed plans for fencing and signs.
5. Depth to and directional flow of groundwater.
6. Proposed side slopes and depths for all portions of the excavated area, including interim and final grades.
7. Proposed drainage system, settling ponds and retention ponds, as appropriate.

8. The time, duration, phasing and proposed work schedule of the total project, including the area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
9. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
10. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
11. A detailed reclamation plan that identifies, at a minimum, the following:
 - a. Description of the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site.
 - b. Depiction of finished, stabilized, side slopes.
 - c. A landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil, of a quality approved by the Planning Commission, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved contour plan and intended reclamation use.
 - d. Final grades shall be no greater than slope of 3-1 (horizontal-vertical)
 - e. No noxious, flammable or toxic backfill and grading materials shall be used.

B. The following site and developmental requirements shall apply:

1. Minimum lot area shall be twenty (20) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, and limits of site disturbance shall be set back a minimum distance of one hundred (100) feet from all lot lines and five hundred (500) feet from a residence existing at the time an application is submitted. The Planning Commission may prescribe more strict requirements in order to give sub-lateral support to surrounding property where soil or geographic conditions warrant.
4. There shall be not more than one (1) entrance-way from a public road to said lot for each six hundred sixty (660) feet of frontage.
5. All buildings, structures, fuel storage, active excavation areas, mining operations and storage of equipment shall be visually screened from views from all adjacent public roadways and adjacent parcels by means of a combination of earthen berms and dense year-round vegetative screening.
6. At all stages of operations, gravel and sand pits, and quarries shall be completely and continually drained of water when not in use or supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

C. Special Performance Standards:

1. The applicant shall erect a fence with warning signs completely surrounding the portion of the site where excavation is in excess of five (5) feet of immediately adjacent land surfaces, or where the Planning Commission determines necessary to ensure the public health, safety and welfare, including any locations that may be subject to ponding or inundation. Fencing shall be of wire mesh or other suitable material and shall not be less than five (5) feet in height, complete with gates as may be necessary. Such gates shall be kept locked except when a watchman or operator is present on the property. "KEEP OUT - DANGER" signs shall be located along the fencing, not more than two hundred (200) feet apart
2. No area under excavation shall exceed a slope of 1:1 (horizontal to vertical).
3. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
4. No topsoil shall be removed from the extraction site except in the immediate area of current extraction activities.
5. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.

7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the Township or other authority acceptable to the Township, to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
8. All activities including the removal of sand and gravel, ingress or egress by large vehicles or equipment, the mining or extracting of sand and gravel, processing and stockpiling, or any other operation of motor-driven vehicles, or equipment maintenance and repair shall be carried on exclusively between the hours of 7:00 a.m. and 10:00 p.m.
9. Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site.
10. Extraction processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
11. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
12. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. Excavated areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 3.06 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
13. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
 - a. The completion of the extraction.
 - b. The Planning Commission determines that no substantial work has occurred on the site for more than one (1) year.
 - c. The Planning Commission has received notification from the owner that operations are complete.
 - d. A land use permit for the extraction has expired.

D. Existing Extraction Areas: All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above for any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

E. When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 5.06, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
6. The overall public interest in the extraction of the specific natural resources on the property.

(Ord. 2013-02, 6-11-13)

Section 14.11 Foster Care Facility, Group Home

A. The following site and developmental requirements shall apply:

1. At least one (1) off-street parking space shall be provided for each employee. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
2. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

B. Special Performance Standards:

1. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
3. One identification sign shall be permitted. In Conservation and Residential Districts, such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the exterior of the wall, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

Section 14.12 Golf Courses, Country Clubs, and Driving Ranges

A. The following site and developmental requirements shall apply:

1. Regulation length 18-hole golf courses shall have a minimum lot size of one-hundred twenty (120) acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Eighteen-hole par-3 courses, and nine-hole courses with regulation length fairways, shall have a minimum lot size of sixty (60) acres.
2. All principal and accessory buildings, and parking areas, shall be not less than seventy-five (75) feet from any lot line, and not less than 200 feet from a Residential District.
3. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
4. A golf driving range shall maintain a seventy-five (75) foot setback from all property lines. The area shall be buffered by vegetation to minimize the impact upon adjoining properties. Additional buffering conditions necessary to minimize the impact or safety threats upon adjacent land uses may be imposed.
5. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) feet, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, or other features, a narrower fairway will not compromise safety. The minimum length of a driving range shall be two hundred seventy-five (275) yards, measured from the tee to the end of the range.
6. Accessory country club uses may include restaurants and drinking establishments, tennis, racket sport, or swimming facilities, or other uses having a customary accessory relationship with country clubs, provided all standards of this Ordinance are met and the Planning Commission determines that such uses are clearly accessory and subordinate in character to the principal use of the parcel as an outdoor recreational facility.

B. Special Performance standards:

1. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
2. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer or hydrologist licensed in the State of Michigan.
3. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An

- inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township. Plans for emergency containment and clean-up shall also be provided.
4. Accessory uses may include clubhouse/pro shop, managerial facilities, maintenance sheds, toilets, lockers, and other accessory uses directly incidental to the golf course. The design of the clubhouse and other accessory buildings shall be of a residential character and exterior materials shall be primarily wood, siding or brick.
 5. Golf course hours, including those for general operations and public admission, shall not exceed dawn to dusk.

Section 14.13 Home Occupations, Class 2

A. The following site and developmental requirements shall apply:

1. No more than one-third (1/3) of the floor area of the dwelling shall be occupied by the occupation. The occupation may occupy no more than 2,500 square feet of a permitted accessory building.
2. Buildings used in the occupation shall meet minimum yard and setback restrictions for the district in which it is located, except as provided in (1) above.
3. There shall be no structural additions nor modifications to buildings on the property or permanent installation of any equipment not readily suitable for residential or agricultural use, except to accommodate the physically handicapped.

B. Special Performance Standards:

1. The principal person engaged in and responsible for the occupation shall reside on the same premises where the occupation is conducted and shall be actively and personally engaged in the occupation.
2. The home occupation shall not employ more than three (3) persons on the premises during the ordinary course of business, including the owner and others residing in the dwelling but excluding employees who do not physically report to the site or perform occupation duties on the site. The Planning Commission may decrease the above standard to one (1) person in the case where the Planning Commission determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
3. Visitors, customers and deliveries shall not exceed an average rate of two (2) per hour during any given day, and in no case shall exceed a total of eight (8) during a single day. The Planning Commission may decrease the above standards by as much as fifty percent (50%) in the case where the Planning Commission determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
4. There shall be no on-street parking and in no case shall more than eight (8) motor vehicles be parked or otherwise located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Planning Commission may decrease the above standard to one (1) motor vehicle in the case where the Planning Commission determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
5. All of the activities on the property related to the occupation shall be carried on indoors.
6. There shall be no outdoor storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation. Refuse generated by the occupation shall be safely and properly disposed of.
7. The use of the property for the occupation shall be clearly secondary and incidental to the use of the property for dwelling or agricultural purposes.
8. There shall be no construction features or equipment used that would change the fire rating of any structure.
9. The occupation, including associated equipment, shall not produce any noise, odors, vibration, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
10. The property and buildings utilized for the home occupation shall be of a size and configuration sufficient to accommodate the occupation and provide adequate buffering for adjacent properties from noise, odors, vibration, fumes, smoke, traffic, light emissions and other conditions resulting from the occupation.
11. The occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, environment, labor protection and taxation.

C. Duration of Permit: A land use permit issued for a Class 2 home occupation shall expire two (2) years after the home occupation has been abandoned.

(Ord. #2014-01, 5-13-14)

Section 14.14 Human Care Facilities

A. The following site and developmental requirements shall apply:

1. The facility shall have frontage on and gain direct access to a paved primary or secondary thoroughfare.

B. The following special performance standards shall apply:

1. Ambulance and delivery areas shall be obscured from view from any abutting lot used for residential purposes, by a solid masonry wall six (6) feet in height.

Section 14.15 Junkyards

A. The following site and developmental requirements shall apply:

1. The minimum lot size shall be five (5) acres.
2. A solid fence or wall at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. All enclosed areas shall be set back at least one-hundred (100) feet from any lot line, but in no case shall such enclosed area be less than two-hundred (200) feet from a Conservation or Residential District. A landscaped buffer area shall be provided adjacent to such enclosed areas.

B. Special Performance Standards:

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed that height.
2. No open burning shall be permitted, and between the hours of 5:00 p.m. and 8:00 a.m., all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
6. No inoperable vehicle shall be maintained on the site for more than forty-eight (48) hours except where all fluids in such vehicle, including but not limited to fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations.

Section 14.16 Kennels

A. The following site and developmental requirements shall apply:

1. The lot shall be at least five (5) acres in size.
2. Buildings where animals are kept, runs, and exercise areas shall not be located closer than 200 feet to any lot line.

B. Special Performance Standards:

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against environmental contamination, odors, fleas, and the spread of disease.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.

5. Outdoor runs, pens or exercise yards shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs, pens or exercise yards. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

Section 14.17 Mini Storage Facilities

A. The following site and developmental requirements shall apply:

1. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
2. Traffic direction and parking shall be designated by signaling or painting.

B. Special Performance Standards:

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high wall or fence.
3. Storage spaces shall not contain more than 500 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from a side and rear lot line.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
6. There shall be no storage of hazardous, toxic, or explosive materials. Signs shall be posted at the facility describing such limitations.

(Ord. #2014-01, 5-13-14)

Section 14.18 Private Landing Strips

A. The following site and developmental requirements shall apply:

1. Runways shall be one thousand two hundred (1,200) feet in land length and fifty (50) feet in useable width, with a clear approach in each direction of 10:1 for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra light" aircraft.

B. Special Performance Standards:

1. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

Section 14.19 Shooting Ranges

A. The following site and developmental requirements shall apply:

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be twenty (20) acres for outdoor archery-only shooting activities.
2. Minimum front, side and rear yard setbacks for outdoor shooting ranges, including buildings and shooting areas, shall be two hundred fifty (250) feet.
3. An outdoor shooting range shall be fenced around its boundaries with a fence at least four (4) feet high, to clearly identify the boundaries of the shooting range. The range shall be clearly posted with warning signs around its perimeter. All vehicular access shall be controlled by locked gates.

B. Special Performance Standards:

1. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any projectile discharged within the confines of a shooting range shall not exit the range.
2. The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment.
3. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and National Field Archery Association, as applicable.
4. Hours of outdoor operation shall be between sunrise and sundown, according to such times as published by the National Weather Service, unless expressly authorized otherwise by the Planning Commission.

Section 14.20 Vehicle / Car Wash Establishment

A. The following site and developmental requirements shall apply:

1. The facility shall have frontage on and gain direct access to a paved primary or secondary thoroughfare.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property zoned or used for residential purposes.
4. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

B Special Performance Standards:

1. Each bay shall be graded and drained to collect run-off originating in the bay.
2. Trash containers shall be provided and emptied as necessary to minimize the accumulation of liter.

Section 14.21 Vehicle Repair Shops and Service Stations

A. The following site and developmental requirements shall apply:

1. The facility shall have frontage on and gain direct access to a paved primary or secondary thoroughfare.
2. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
3. Fuel pumps shall comply with the minimum setback requirements for principal buildings in the District.
4. The entire area used for vehicle service shall be paved and adequately drained.

B. Special Performance Standards:

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall be parked or stored in a rear yard only, shall be screened, and shall be setback the minimum distance required for principal buildings in the District.
3. Vehicle renting or leasing in association with a repair facility may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.
4. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used or created, and the measures to be used for proper handling, storage, and disposal of such materials.
5. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal regulations. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volumes and types of wastes.

Section 14.22 Commercial Wind Turbine Generators (CWTG)

A. Application Requirements: An Application for a commercial wind turbine generator (CWTG) shall be accompanied by a site plan according to Article 4 including the identification of the proposed location of wind turbines, underground and overhead wiring including wiring depths, substations and accessory structures; the location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the CWTG, and engineering data concerning construction of the turbine towers and bases. In addition to the submittal requirements of Article 4, the following supplemental information shall be provided. Where the application is for an anemometer only, the designated approving body may waive any of the submittal requirements where it determines such information is not necessary in evaluating the application solely for testing purposes based on the character of the site, surrounding conditions, and the nature of the anemometer including its location and height.

1. Locations and height of all adjacent buildings, structures, and above-ground utilities located within 300 feet of the exterior boundaries of the parcel where the proposed CWTG and/ or anemometer tower will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the commercial CWTG or anemometer tower, located on the parcel involved, as well as within 1,000 feet of the boundaries of such parcel.

2. A lighting plan describing all lighting that will be utilized, including any lighting that may be required by the Federal Aviation Authority. Such plan shall include but shall not be limited to the planned number and location of lights, light color and whether any lights will be flashing.
3. Location of access drives and their dimensions and construction profiles.
4. Planned security measures to prevent unauthorized trespass and access.
5. Narrative description of facility operations including anticipated regular and unscheduled maintenance, and the manner in which the site will be returned to its original condition upon termination of its use as a CWTG.
6. Proof that the proposed CWTG site has a minimum wind rating of 3 according to the U.S. Department of Energy, National Renewable Energy Laboratory.
7. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the county to accommodate construction vehicles, equipment or other deliveries.
8. The applicant shall conduct an analysis of the alternating changes in light intensity caused by the moving blades of a CWTG casting shadows on the ground and stationary objects, commonly referred to as "shadow flicker". The analysis shall identify the locations of shadow flicker that may be caused by the CWTG and the expected durations of the flicker at these locations where located on adjacent properties, from sunrise to sunset on June 21 and December 21. The analysis shall identify areas where shadow flicker may affect such properties including persons in structures or on roads, measures that shall be taken to eliminate or mitigate flicker in such circumstances, and the source and basis for such flicker projections.
9. Where the designated approving body determines that a proposed CWTG site is a part of an area characterized by a comparatively high concentration of birds, bat hibernacula, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and/or areas that have landscape features known to attract large numbers of raptors, the applicant shall fund an environmental study assessing the potential impact on such wildlife. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habits in the vicinity, the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law, and the extent to which the CWTG conforms to the "Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines" as prepared by the U.S. Fish and Wildlife Service.
10. The applicant shall submit statistical modeling and analysis that will confirm that the CWTG will not exceed the maximum permitted sound pressure levels specified in Section 25.07. Modeling and analysis shall conform to International Electrotechnical Commission 61400 and International Organization for Standardization 9613.
11. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the CWTG and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

B. Site Development Requirements: A CWTG shall comply with the same standards applicable to private wind turbine generators, according to Section 28.26(B) except as provided below:

1. Minimum Lot Area: The minimum lot area for a CWTG or anemometer tower shall be five (5) acres.
2. Setbacks and Separation Distances: CWTGs shall comply with the following:
 - a. No part of a CWTG or anemometer (including guy wire anchors associated with an anemometer) shall be located within or above any required front, side or rear yard setback according to Table 10-4, Article 10.
 - b. All wind turbine towers shall be set back a minimum distance from all property lines, and above-ground public electrical and communication lines, a distance equal to the height of the tower, as measured from the normal ground elevation at the tower base to the highest point of the tower including to a blade tip in its nearest position (vertical, horizontal, and/or diagonal) if such tip is the nearest point, except that no wind turbine tower shall be located with one and one half (1.5) times the height of such tower to an existing dwelling or a proposed dwelling for which a building permit has been issued at the time of the receipt of the CWTG application.
 - c. No wind turbine tower shall be located closer to another wind turbine tower than the minimum separation distance recommended by the manufacturer or the wind energy industry as may be published from time to time.

3. **Maximum Height:** The permitted maximum total height of a wind turbine tower, measured from the normal ground elevation below to the highest point of the tower including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, shall be 350 feet. The permitted maximum total height of an anemometer tower shall be 300 feet, measured from the normal ground elevation below to the tip of the highest point of the anemometer tower.
 - a. All heights shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act.
 - b. As a condition of approval, the Planning Commission may require a lesser height for a wind turbine if reasonably necessary to comply with the general special land use approval standards of Section 5:06.
4. **Minimum Rotor Wind Vane/Blade Clearance:** No rotor/blade shall approach closer than twenty (20) feet to the ground surface below and within seventy-five (75) feet to any structure or tree.
5. **Shadow Flicker:** A CWGT shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The Planning Commission may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the CWGT on June 21 and December 21, specific to the Locke Township area, including the source and basis for such projections.
6. **Safety Measures:**
 - a. All access doors to turbine towers and electrical equipment shall be lockable, and no climbing device shall be made part of a wind turbine except within the interior of the tower from such lockable door or where not located within twelve (12) feet of the ground when placed on the exterior of the tower.
 - b. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high, and topped with three-strand barbed wire.
 - c. All electrical equipment shall include applicable warning signs.
 - d. All electrical wiring shall comply with all applicable safety and stray voltage standards.
 - e. All electrical distribution lines from the CWGT to the off-site electrical network shall be located and maintained underground on the property where the CWGT will be located.

D. Performance Bond: The Planning Commission shall require a performance bond according to Section 3.06 to ensure full compliance with this Section and any conditions of approval. When determining the amount of such required performance bond, the Planning Commission may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). At a minimum, the financial security shall be in an amount determined by the Planning Commission to be sufficient to have the CWGT or anemometer fully removed and all components properly disposed of and the land returned to its original state should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this Ordinance or the special use approval, and guarantee the repair of damage to public roads and other areas caused by construction of the CWGT. Such financial security shall be kept in full force and effect during the entire time while a CWGT exists or is in place. Such financial security shall be irrevocable and non-cancelable, except by the written consent of both the Planning Commission and the then-owner of the CWGT for at least 30 years from the date of the special use approval. Failure to keep such financial security in full force and effect at all times while the CWGT exists or is in place shall constitute a violation of the special use approval and this Ordinance.

(Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 14.23 Event Barns

A. Definitions: For the purposes of this Section, the following definitions shall apply:

1. **Attendees:** Those persons attending an event including persons delivering attendees to the event but who may not remain for the event themselves. "Attendees" shall not include persons providing support services for an event, such as catering services and parking area attendants.
2. **Event:** A planned occasion at an event barn.

B. The following site and developmental requirements shall apply:

1. The minimum lot area for an event barn shall be twenty (20) acres and the minimum lot width shall be six hundred (600) feet.
2. The lot on which an event barn is located shall have a minimum of six hundred (600) feet of continuous frontage along M-52 and shall take its principal access from such frontage, except where the Planning Commission finds that an alternative access means is suitable, taking into consideration public safety and impacts upon adjacent properties.

3. All outdoor areas of an event barn including temporary restroom facilities, parking, eating areas, entertainment areas and other places where event attendees may gather, shall be set back a minimum of one-hundred fifty (150) feet from a lot line and shall comply with the separation distance standards of subsection (4) below. Access drives shall be set back a minimum distance of one-hundred (100) feet from side and rear lot lines.
 - a. The Planning Commission may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified setback distances would result in considerable practical difficulties maintaining a logical relationship between such buildings and outdoor use areas, provided the Planning Commission finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.
4. Parking shall be provided as follows:
 - a. Parking areas shall be of a grass and/or gravel surface, except that a maximum of fifty (50) spaces may be of a paved surface. The Planning Commission may waive this limitation upon finding that the additional paved parking area will be adequately screened from neighboring properties and public roads.
 - b. The minimum number of parking spaces to be provided for the event barn shall be equal to seventy-five percent (75%) of the approved maximum capacity of the event barn, in addition to any additional spaces required for employees, catering services and other support service providers.
 - c. All parking areas shall be clearly defined by gravel, cut lawn, sand, roped boundaries, or other visible markings.
 - d. No parking shall occur within seventy-five (75) feet of a public road right-of-way. "No-parking" signs shall be posted as necessary to ensure compliance with this requirement. The "no-parking" signs shall not be erected prior to four (4) hours before the event's beginning start time and shall be removed within 4 (four) hours of the end of the event.
 - e. Access drives and parking areas shall be designed and sited to mitigate potential nuisance effects on adjacent property owners including dust conditions. Access drives shall be set back a minimum distance of one-hundred (100) feet from side and rear lot lines, except that where the facility is to accommodate events where attendees may exceed one-hundred fifty (150), the access drive setback shall be increased to one-hundred fifty (150) feet.

B. Special Performance Standards

1. Events at an event barn shall be limited in frequency based on the maximum number of attendees, according to the table below and the "special provisions" following the table:

Maximum Number of Event Attendees	Maximum Frequency of Events Based on Number of Event Attendees	Separation Distance Between an Event Barn and a Dwelling on Another Lot Not Owned by the Applicant.
No more than 75	2 events per 1 calendar week	Minimum 150'
More than 75 but no more than 150	2 events per 1 calendar weeks	Minimum 250'
More than 150 but no more than 300	1 event per 1 calendar week	Minimum 350'

Special Provisions:

- a. No event shall exceed three-hundred (300) attendees.
- b. In no case shall more than ten (10) events be held during any one (1) calendar month, irrespective of the number of attendees at each event.
- c. The separation distance standards of the above table shall apply to all buildings and outdoor areas used in association with the holding of events including temporary restroom facilities, parking areas, eating areas, entertainment areas and other places where event attendees may gather. The Planning Commission may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified separation distances would result in considerable practical difficulties maintaining a logical relationship between such existing buildings and outdoor use areas, provided the Planning Commission finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.

2. The following time restrictions shall apply:
 - a. No event shall begin prior to 9:00 a.m. and no event shall continue past 10:00 p.m. This limitation shall not apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
 - b. No temporary toilet facilities shall be maintained within view of a public road or adjacent lot except during the twenty-four (24) hour period prior to an event during which they are to be used and the twenty-four (24) hour period after the event.
3. There shall be no sound amplification devices in association with outdoor areas used for an event.
4. An event barn shall not provide for or otherwise permit overnight sleeping of event attendees.
5. A building to be used for event activities shall undergo no exterior modifications, excluding general maintenance, except upon the Planning Commission finding that such modifications shall not undermine the fundamental character of the building or shall otherwise enhance the character of the building according to local agricultural building architecture. The floor area of an existing building to be used for event activities may be expanded for event activities by no more than ten percent (10%).
6. Exterior lighting to be used in association with events shall comply with Section 25.04, except in no case shall such lighting, whether proposed or existing, exceed fifteen (15) feet in height above the ground below and shall not have light sources visible from the lot lines measured five (5) feet above the lot line.
7. In addition to the information required by Articles 4 and 5 for a special land use application and accompanying site plan, the following additional information shall be included with an event barn application:
 - a. The permitted maximum capacity of all buildings to comprise the event barn, according to the building code or Fire Marshall and the basis for such calculations.
 - b. Proposed location of temporary toilet facilities as may be needed.
 - c. The planned frequency of events and the maximum number of attendees to be accommodated at any single event.
 - d. Months or seasons of operation if not a year-round facility.
 - e. Any proposed outdoor lighting and any existing outdoor lighting that is to be used in association with the event barn.
 - f. Clarification of all portions of the lot to be part of the event barn including parking areas, outdoor gathering and activity areas, and outdoor toilet facilities.
 - g. The extent of food preparation facilities that are to be part of the event barn, any permits required by the county health department, and the applicable County Health Department rules and other requirements, by rule and/or statute section references.
 - h. The intended availability of alcoholic beverages in association with events, the party to be responsible for the provision of such beverages, any permits required by the Michigan Liquor Control Commission, and the applicable Michigan Liquor Control Commission rules and other requirements, by rule and/or statute section references.

(Ord. #2015-01, 7-14-15)

End of Article 14

Article 15

FARMLAND and NATURAL AREA CONSERVATION TRACTS (FNACT)

Section 15.01 Purpose

It is the purpose of this Article to provide opportunities for a limited number of residences on lots of less area and width than normally required by Table 10-4 for the A-1 District, in association with large tracts of land, where the balance of the land is to be preserved in perpetuity for farmland and/or natural conservation purposes. It is the purpose of this Article to encourage the preservation of farmland and natural area tracts by minimizing the consumption of acreage necessary for each home site and thereby maximize the amount of contiguous land available for such farmland and preservation purposes. This Ordinance classifies such a development and preservation option as a Farmland and Natural Areas Conservation Tract (FNACT). A FNACT differs from an Open Space Community (OSC, see Article 16) in that a FNACT permits comparatively fewer residences and reflects a stronger farmland and natural area conservation theme while the focus of an OSC is to permit comparatively small residential communities and neighborhoods within an open space and rural character preservation setting.

Section 15.02 Applicability

Land may be developed under the provisions of this Article where the land to be used for home sites and farmland and/or conservation purposes is in an A-1 District, consists of a minimum of twenty (20) acres, and includes a minimum frontage distance of six hundred sixty (660) feet along a public road. This 660' standard shall be met without reliance on frontages of two (2) or more roads.

Section 15.03 Review and Approval Process

A. FNACTs are permitted as special land uses only, and their review and approval shall follow the same procedures and requirements for special land uses under Article 5 including the approval of a site plan, and conformance to the requirements and standards of this Article, except as provided below:

1. Recording of Approval Action and Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved FNACT plan unless a change is approved by the Township according to this Ordinance. All deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon approval of the FNACT application including a site plan, and upon receipt of the recorded documents, the Zoning Administrator shall issue a land use permit for the FNACT.
2. Site Plan Information: An application for a FNACT shall include the same information specified in Section 4.03(D) except where the Planning Commission finds such information to be unnecessary in making a sound decision regarding the approval and construction of the project. However, except where the Planning Commission finds unique conditions associated with the project, it shall not be necessary to submit plans regarding residential accessory buildings; landscaping or screening; building elevations; or grading, storm drainage and storm water management plans if no road is proposed.

Section 15.04 Approval Standards

A. **Approval Standards**: No application for an FNACT shall be approved except upon a finding that the following standards have been met:

1. Section 4.04, Site Plan Approval Standards
2. Section 5.06, Special Land Use Approval Standards
3. Section 15.01: The FNACT proposal shall support the purpose of this Article as defined in Section 15.01.
4. Section 15.05, FNACT Design Standards
5. Unified Control: The land area subject to conservation restrictions shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for ensuring the continued conservation of such area according to the approved restrictions. The applicant shall provide sufficient documentation of ownership or control in the form of covenants, deed restrictions and/or other legal means that ensure the continued conservation of such areas.

Section 15.05 Design Standards:

A. Development Standards: Lots and dwellings comprising a FNACT shall comply with all requirements of this Ordinance, including provisions regarding potable water, sewage disposal, driveway locations, and the site development standards of Table 10-4, except where otherwise provided under this Section.

B. Permitted Principal Uses: Single family detached dwellings, agriculture, and open spaces dedicated to the conservation of natural areas.

C. Number of Lots/Dwellings: The number of new dwellings and lots in a FNACT shall not exceed the number attainable as though the parcel were developed with home sites of a minimum of five (5) acres in area, and three-hundred thirty (330) feet of existing road frontage as of the effective date of this Ordinance.

D. Residential Lots

1. Minimum Lot Area: One (1) acre.
2. Minimum Frontage: One hundred ninety-eight (198) feet, but in no case shall the frontage distance be less than one-quarter (1/4) of the depth of the lot.
3. Minimum Dwelling Setbacks: Minimum front, side, and rear yard setbacks shall comply with the A-1 District standards according to Table 10-4 of Article 10, except that such setbacks shall comply with the R-1 District standards for lots less than two (2) acres in area.

E. Access: The site plan for the FNACT shall include, in the reasonable discretion of the Planning Commission, an acceptable means of vehicular and non-vehicular access to that portion of the FNACT dedicated to conservation purposes.

F. Preservation of Natural Features: The FNACT shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats. The site plan shall reflect conformance with all county, state and federal regulations regarding such natural features including, but not limited to, the Michigan Department of Environmental Quality and the Ingham County Drain Commissioner.

G. Guarantee of Conservation Area: An FNACT shall include permanently dedicated conservation areas consistent with Section 15.01. The conservation area shall forever remain a conservation area, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of conservation areas or its use for other than agricultural uses or preservation in an undeveloped state, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township that all conservation portions of the FNACT will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners to commitments made as a part of the proposal.

1. No buildings or structures shall be permanently or temporarily established in the conservation area except where expressly authorized by an approved site plan.
2. The conservation area shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall indicate the allowable use(s) of the dedicated conservation area and shall assure that the conservation area will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated conservation area shall comply with the approved site plan. Changes or improvements to the conservation area are prohibited except where the Planning Commission approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the conservation area or undermine the purpose and spirit of the FNACT concept as presented in this Article.

(Ord. #2014-01, 5-13-14)

End of Article 15

Article 16

OPEN SPACE COMMUNITIES (OSC)

Section 16.01 Purpose

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to “Open Space Communities” (OSC) under this Article, more effectively encourage the preservation of the Township’s natural resources including farmland and sensitive environmental areas, and the Township’s rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSC is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use.

Section 16.02 Applicability

Property may be developed under the provisions of this Article where such property is in a district in which OSCs are authorized, according to Table 10-2.

Section 16.03 Review and Approval Process

OSCs are permitted as special land uses only, and their review and approval shall follow the same procedures and requirements for special land uses under Article 5 including the approval of a preliminary and final site plan, and conformance to the requirements and standards of this Article, except as provided below:

1. **Conventional Plan**: At the time the applicant submits a site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the zoning district in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSC proposal.
 - a. The conventional plan referenced in subsection (3) need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered by the Planning Commission if it determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (3) above.
2. **Recording of Approval Action**: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSC plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.
3. **Permit Issuance**: Upon receipt of the recorded documents, the Zoning Administrator shall issue a Land Use Permit for the OSC.

(Ord. #2014-01, 5-13-14)

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Section 16.04 Approval Standards

A. Approval Standards: No application for an OSC shall be approved except upon a finding that the following standards have been met:

1. Section 4.04, Site Plan Approval Standards
2. Section 5.06, Special Land Use Approval Standards
3. Section 16.05, OSC Design Standards
4. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
5. The OSC proposal shall support the intent of this Article as defined in Section 16.01.

Section 16.05 Design Standards:

A. Regulatory Flexibility: To encourage flexibility and creativity consistent with the OSC concept, departures from the conventional regulations of the zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSC's design features exceed the following:

1. Permitted Principal Uses:
 - a. Conservation Districts: Residential condominium subdivisions and residential platted subdivisions, and the associated required open space as provided by this Article.
 - b. Residential Districts: Residential condominium subdivisions, residential platted subdivisions, and multiple family developments, and the associated required open space as provided by this Article. However, in no case shall the number of multiple family dwelling units exceed thirty percent (30%) of the total number of dwelling units in the OSC.
2. Number of Lots/Dwellings: The number of dwellings and lots in an OSC shall not exceed the number attainable by the Conventional Plan.
3. Building Setbacks in the A-1 District: All buildings in the A-1 District shall be set back the following minimum distances:
 - a. Along OSC parcel perimeter, adjacent to a road outside of the OSC parcel: One hundred feet (100) feet, except where the Planning Commission finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than seventy (70) feet. The Planning Commission may increase the minimum setback to a maximum of two-hundred (200) feet where the OSC is to include lots of less than one (1) acre in area and the Planning Commission finds such increased setbacks are necessary to ensure compatibility with adjacent land uses.
 - b. Along OSC parcel perimeter, but not adjacent to a road: Fifty (50) ft.
 - c. Along a road inside of the OSC parcel: Twenty-five (25) ft.
 - d. Along lakes, ponds, rivers, streams, and wetlands: One hundred (100) ft., except where federal, state or local regulations requires a greater distance.
 - e. No dwelling shall be located within ten (10) feet of a side lot line or forty (40) feet of a rear lot line. Where such lot lines serve as perimeter boundary lines of the OSC parcel, subsection (a) and (b) above shall apply.
4. Minimum Lot Area
 - a. Conservation Districts: The minimum lot area for a dwelling in an OSC in a Conservation District shall be one (1) acre except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be 20,000 sq. ft.
 - b. Residential Districts: The minimum lot area for a dwelling in an OSC in a Residential District shall be 21,780 sq. ft. except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be one-half (1/2) of the conventional minimum lot area for the district, according to Table 10-4.

B. Guarantee of Open Space: An OSC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Zoning Administrator and the land uses continue as approved in the open space development.

1. A minimum of fifty percent (50%) of the OSC parcel shall be designated as permanent open space, except where the OSC is located in a Residential District, in which case a minimum of fifteen percent (15%) of the OSC parcel shall be designated as permanent open space.
2. Any structure(s) or building(s) accessory to the permanently dedicated open space may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total required dedicated open space area in the A-1 District, and twenty percent (20%) in a Residential District.
3. Dedicated open space may include flood plain areas, but the minimum required dedicated open space shall not include lot areas and required yard setback areas, roads and road rights-of-way, public rights-of-way, year-round submerged lands, and wetlands in excess of thirty percent (30%) of the required dedicated open space provided such wetlands are not year-round submerged.
4. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvement in the designated common land.
5. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Planning Commission such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Planning Commission approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSC concept as presented in this Article. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

C. Utilities and Storm Water Management:

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins, and associated infrastructure. The storm water management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alternations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.

4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

E. Access and Circulation:

1. Access: The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSC shall gain access from an interior road within the OSC.
2. Non-motorized Circulation: A non-motorized circulation system may be required along one side of, or all of, the internal roads of the OSC to ensure safe non-motorized travel. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.

F. Natural Features: The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require a minimum of twenty five (25) foot wide undisturbed open space setback from the edge of any, lake, pond, river, stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

G. Preservation of Road Corridor Character in A-1 District: The development shall be designed to promote the effective preservation of the existing character along the public road frontages that the OSC abuts, to the extent such frontage areas are characterized by open space areas, significant vegetation, environmental resources, and/or scenic views, through, the retention of such features by building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.

H. Scheduled Phasing:

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

(Ord. #2014-01, 5-13-14)

End of Article 16

Article 17

(Reserved For Future Use)

End of Article 17

Article 18

(Reserved For Future Use)

End of Article 18

Article 19
NONCONFORMING LOTS, USES and STRUCTURES

Section 19.01 Purpose

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

Section 19.02 Nonconforming Lots

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence at or before the effective date of adoption or amendment of this Ordinance, where such use is an authorized use by right in said District according to Article 10, even though such lot fails to meet the requirements for area, width, and/or frontage that are generally applicable in the district. However, all yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the district in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals.

1. If two or more lots or combinations of lots and portions of lots share one or more common boundaries and are in single ownership of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or divided in a manner which diminishes compliance with the lot area, lot width and lot frontage requirements established by this Ordinance.

Section 19.03 Nonconforming Uses

A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use shall be enlarged or increased in area or bulk, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. However, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and lot may be changed to another nonconforming use of less nonconformance, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the District than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
5. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such use is located, and the nonconforming use may not thereafter be resumed.
6. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days or eighteen (18) months during any three (3) year period, the subsequent use of such parcel or lot shall thereafter conform to the regulations and provisions of this Ordinance for the district in which such lot is located.

Section 19.04 Nonconforming Structures

A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity except that, in the case where a structure is nonconforming due to its encroachment into the required front yard setback, that portion of the nonconforming structure that encroaches into the front yard setback may be enlarged or altered provided such enlargement or alteration does not occur to any portion of the structure within twenty-five (25) feet of a road right-of-way nor cause any portion of such structure to extend any closer to the right-of-way line than the structure did prior to the effective date of this Ordinance or amendment thereto.
2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the district in which it is located. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator shall seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
 - a. The limitations of this subsection shall not apply in the case where the construction of the replacement structure is on the same foundation as the previous structure, the replacement structure is completed to an extent equal to fifty percent (50%) of its construction cost within eighteen (18) months of the previous structure's destruction, and the replacement structure is no more nonconforming than the previous destroyed structure.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

Section 19.05 Repairs and Maintenance

A. Nonconforming Structure: No nonconforming structure may undergo repairs or maintenance that has the effect of increasing its nonconformity. See also Section 19.04(A)(2).

B. Nonconforming Use: On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

C. Unsafe Building: Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 19.06 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing lots, uses and structures that become nonconforming as a result of the boundary changes.

Section 19.07 Illegal Nonconformities

Nonconforming lots, uses and structures existing at the effective date of this Ordinance or amendment thereto, that were established without approval of zoning compliance or without a valid building permit, or those nonconforming lots, uses and structures that cannot be proved conclusively as existing prior to the effective date of this Ordinance or amendment thereto, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses by this Article.

End of Article 19

Article 20

(Reserved For Future Use)

End of Article 20

Article 21

(Reserved For Future Use)

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End of Article 21

Article 22 SIGNS

Section 22.01 Purpose

The purpose of this Article is to provide a framework in which the identification and informational needs of all land uses can be harmonized with community interests in public health, safety and welfare, including the preservation of the Township's overall character and that of its business and residential areas. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives, while recognizing that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values.

Section 22.02 Definitions

A. Business Center: A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.

B. Changeable Copy Sign: A sign designed to allow for message changes, either automatically (as in the case of electric time and temperature signs) or manually (as in the case of physically replacing letters).

C. Freestanding Sign: A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises advertising signs.

D. Off-Premises Advertising Sign (Billboards): A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located (commonly referred to as "billboards").

E. Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.

F. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a person, or an idea, which is located upon any land or on or in any building, in such manner as to attract attention from outside or off the premises. For the purposes of this Article, "sign" shall not be interpreted to include the following:

1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation, or other flags that the Planning Commission finds do not function to draw attention to a location.
2. Miscellaneous stick-on and painted signs affixed to vending machines, gas pumps, ice containers, and similar outdoor items of less than six (6) feet in height, indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
3. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed two (2) square feet.
4. Regulatory, direction, and street signs erected by a public agency.
5. Signs which assist motorists in determining or confirming a correct route, driveway, parking area location, or business entrances, provided that property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
6. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the structure.
7. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.

G. Wall Sign: A sign which faces an adjacent parking area and/or public road and is attached directly to a building wall, or rigid or non-rigid fabric marquee or awning-type structure attached to a building, and is generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning, or marquee-type structure.

Section 22.03 General Standards and Regulations

A. Type/Applicability: Except where expressly provided otherwise by this Ordinance, all signs shall be wall signs and/or freestanding signs and shall apply and pertain solely to an authorized and approved use, activity or business on the lot on which the sign is located. No off-premises advertising signs shall be erected except in conformance with Section 22.05. Signs mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch, are prohibited.

B. Measurements

1. **Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Sign area shall comply with the provisions of this Article except where otherwise regulated by this Ordinance.
2. **Sign Setbacks:** All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the lot line.
3. **Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign excluding any berms or other artificial means intended to increase the ground elevation below the sign.

C. Lighting: No lighting of any sign associated with a use for which site plan approval is required shall be permitted except where the Planning Commission finds such lighting is clearly necessary and adequately portrayed on the site plan. The source of illumination of such sign shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the lighted sign is located. This requirement shall not apply in the case of the use of bare bulbs in association with changeable copy and theater marquee signs expressly approved as part of a site plan approval. No sign shall include flashing, blinking or moving illumination, excluding time or temperature signs.

D. Materials, Construction and Maintenance:

1. Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein, and shall be appropriate in appearance with the existing and intended character of their vicinity.
2. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times.
3. All signs shall be securely affixed to a structure and kept neatly painted, stained, sealed or preserved including all metal parts and supports. No sign shall be attached to a tree, rock, or other natural feature.
4. No wall sign shall extend above the eaves of the building roof nor more than one (1) foot from a wall. No wall sign shall have the lowest portion of the sign less than eight (8) feet above the ground surface below except where such sign extends less than three (3) inches from the wall.
5. No freestanding sign shall be attached to, supported by, or in any way connected to a building.

E. Prohibition of Moving Parts: Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means is prohibited. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited.

F. Traffic Interference: No sign, by location, design, or color, shall undermine public safety in association with vehicles or pedestrian passing, entering or exiting a lot including the obstruction of free and clear vision or encouraging confusion among drivers due to unauthorized traffic signs, signals or devices; or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

G. Obsolete Signs: No sign shall remain on a lot if such sign advertises or identifies a business, activity or service no longer available on such lot.

H. Sign Content: Signs shall contain no words, photographs, silhouettes, drawings or pictorial representations pertaining to “specified anatomical areas” or “specified sexual activities.” as defined under “Adult Entertainment Business” in Article 29.

I. Size, Dimensions, and Other Design Limitations:

1. Tables 22.03-1 and 22.03-2: Except where expressly provided otherwise by this Ordinance including Section 22.03(J), all signs shall comply with the standards of Tables 22.03-1 and 22.03-2 below.

Table 22.03-1: Freestanding Signs

Districts	Maximum Sign Dimensions		Minimum Sign Setbacks		Maximum Height of Sign’s Top Edge	Maximum Square Feet of Sign Area	Maximum Number of Signs
	Vertical	Horizontal	Side Lot Line	Front Lot Line			
Conservation	4.0’	8.0’	30.0’	20.0’	6.0’	32.0 sq. ft.	One
Residential	3.0’	5.0’	30.0’	20.0’	4.0’	9.0 sq. ft.	One
Business	4.0’	8.0’	10.0’	20.0’	10.0’	38.0 sq. ft. for business center; otherwise 32.0 sq. ft.	One
Industrial	4.0’	8.0’	10.0’	20.0’	10.0’	38.0 sq. ft. for business center; otherwise 32.0 sq. ft.	One

Table 22.03-2: Wall Signs¹

Districts	Maximum Vertical Dimension	Maximum Horizontal Dimension	Maximum Cumulative Square Feet of All Wall Sign Areas	Maximum Number of Signs
Conservation	30% of building height	30% of building length facing road.	One (1) sq. ft. per one (1) linear foot of building length facing road.	One
Residential	20% of building height	15% of building length facing road.	One (1) sq. ft. per one (1) linear foot of building length facing road.	One
Business	30% of building height	30% of building length facing road.	Two (2) sq. ft. per one (1) linear foot of building length facing road.	No Restrictions
Industrial	30% of building height	30% of building length facing road.	Two (2) sq. ft. per one (1) linear foot of building length facing road.	No Restrictions

1. The following provisions shall apply in the application of Table 22.03-2:
 - a. In the case of a corner lot, the sign area standards of Table 22.03-2 shall apply to each frontage separately.
 - b. The standards of Table 22.03-2 shall be increased by twenty-five percent (25%) in the case where there is no freestanding sign.
 - c. No sign located in or on a window which is intended to be viewed from the outside shall exceed one-quarter (25%) of the total window area except in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days. Window signs that are structurally attached shall be counted in determining compliance with maximum wall sign area standards.

J. Exceptions to Tables 22.03-1 and 22.03-2: Irrespective of the provisions of Tables 22.03-1 and 22.03-2, the following signs shall comply with the following standards:

1. Dwelling identification and home occupation signs: No more than one (1) sign shall be erected for the purpose of identifying a dwelling unit, a home occupation, or family home day care facilities. Such signs shall not exceed two (2) square feet in sign area. These limitations shall not prohibit the display of an additional address identification sign posted along the abutting road for postal and emergency identification purposes where such sign complies with the guidelines published by the U.S. Postal Service. Home occupation signs in Residential Districts shall be affixed to the dwelling.
2. Residential Development Identification: A residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units shall be permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. The sign shall be for the sole purpose of identifying the development.
3. Real Estate/Dwelling Unit Availability Signs:
 - a. One (1) real estate sign advertising the sale or lease of the lot or residence on which the sign is located shall be permitted, provided no more than one (1) sign for each three-hundred thirty (330) feet of frontage of such lot shall be permitted and no sign shall exceed an area of six (6) square feet.
 - b. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots, units, or buildings within said development.
 - c. In addition to (a) and (b) above, a maximum of two (2) additional signs, not to exceed an area of four (4) square feet each, may be erected for the purpose of directing the public to a model home or unit, or rental office.
4. Construction Signs: Temporary construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding twelve (12) square feet in area, and provided only one (1) such sign per lot. Such sign shall be setback a minimum of fifteen (15) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
5. Bulletin Board: A single bulletin board sign shall be permitted on a lot in any district that is used for a religious institution, school, museum, library, or other similar institution. Such sign shall have a maximum height of six (6) feet and shall not exceed twenty (20) square feet. Such sign shall be setback a minimum of fifteen (15) feet from all lot lines. Such sign shall not be included in sign area calculations for compliance with Tables 22.03-1 and 22.03-2.
6. Political Advertising Signs: Political advertising signs related to a candidate running for office, a proposition up for public vote, or an ideology or philosophy, shall not exceed sixteen (16) square feet in area.

(Ord. #2014-01, 5-13-14)

Section 22.04 Temporary Signs

Any sign not intended or designed for permanent display and structural attachment to the ground or a structure is prohibited except for the purpose of announcing a public, charitable, educational, or religious event or function and such sign is located on the premises on which the function or event will be held. Such sign shall be set back not less than fifteen (15) feet from all property lines. Maximum sign area shall be twenty-four (24) square feet and such sign shall be allowed no more than twenty-one (21) days prior to the event or function and shall be removed within seven (7) days after the event or function.

Section 22.05 Off-Premises Advertising Signs

A. Off-premises advertising signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to such Act, and the following provisions. Where the following provisions are more stringent than those of such Act, the more stringent provisions shall apply:

1. Off-premises signs shall be permitted on parcels in Business and Industrial Districts only, provided such parcels abut the M-52 right-of-way.
2. Except where otherwise required by this Section, off-premises advertising signs shall be set back a minimum distance of fifty (50) feet from all lot lines and one hundred (100) feet from a Conservation or Residential District.
3. There shall be a minimum of two-thousand (2,000) feet between any two off-premises advertising signs along the same side of the highway. A double face or V-type structure shall be considered a single sign.
4. An off-premises advertising sign's total surface area shall not exceed two hundred (200) square feet, nor exceed a height of fifteen (15) feet.
5. No off-premises sign shall be erected on or over the roof of any building, nor have a sign above another sign.
6. All off-premises advertising sign lighting shall comply with Section 22.03(C).

Section 22.06 Nonconforming Signs

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Article. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs within the Township shall be subject to the conditions and requirements set forth herein.

A. Structural Changes: The faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign conforms to the provisions of this Article for the use it is intended, except as otherwise provided for.

B. Damages: Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

Section 22.07 Signs Requiring Permits

All signs larger in area than twenty (20) square feet, including wall signs, shall require a land use permit prior to erection and/or placement. If site plan review is required for a proposed project that a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project, pursuant to Article 4. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a permit for the sign. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

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End of Article 22

Article 23 OFF-STREET PARKING and LOADING

Section 23.01 Purpose

It is the purpose of this Article to establish standards and requirements to ensure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street parking of motor vehicles as may be necessary for employees and patrons, including in association with the receiving and distribution of goods by motor vehicle, to prevent undue interference and hazards with the public use of such parking areas, receiving and distribution areas, roads, and other vehicle access areas.

Section 23.02 General Requirements

A. Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

B. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings and a record of the rationale applied shall be documented for the record.

C. Use of Off-Street Parking Areas: Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing, storage, selling or any other activity shall be conducted in an off-street parking area except as may be otherwise authorized through the issuance of a permit for a temporary use.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. Location and Joint Use of Parking Areas: All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 23.03 are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a land use permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement.

F. Vehicles Waiting to Park/Exit: There shall be a minimum of fifty (50) linear feet of on-site storage to accommodate vehicles waiting to park or exit the site without using any portion of a public road right-of-way or in any other way interfering with road traffic and parking circulation. The site plan approving body may increase this length where it feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic volumes, patterns and/or types of vehicles.

G. Decrease in Parking Areas: No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.08.

H. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

(Ord. #2014-01, 5-13-14)

Section 23.03 Site Development Requirements for Off-Street Parking

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a Residential District, and a minimum of ten (10) feet from all other lot lines.

C. Surface: All required off-street parking areas intended to accommodate four (4) or more spaces shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and public streets.

E. Location/Setback:

1. Off-street parking areas shall comply with the required yard setbacks for principal buildings in the respective district, except in the case of single-family and two-family dwellings.
2. Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang.

F. Lighting: All parking lot lighting shall comply with the applicable provisions of Section 25.04.

G. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	11 ft.	18 ft.	9 ft.	23 ft.
30°- to 53°	13 ft.	22 ft.	9 ft.	20 ft.
54°- to 74°	14 ft.	22 ft.	9 ft.	20 ft.
75°- to 90°	15 ft.	23 ft.	9 ft.	20 ft.

1. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping, or adjoining a sidewalk at least seven (7) feet wide.

H. Service Drives and Connections to Adjacent Parking Areas: To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a parcel in a Business or Industrial District to include one or both of the following improvements, where practical and feasible, in association with a proposed site plan:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent parcels to minimize the necessity for additional curb cuts onto public roads and vehicles unnecessarily entering onto public roads to gain access to nearby parcels or businesses.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent parcels.

I. Number of Spaces: See Section 23.04.

J. Landscaping and Screening: See Article 24.

Section 23.04 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 23.02(E).
2. In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the site plan approving body may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the site plan approving body may subsequently require the applicant to construct such parking spaces upon a determination by the site plan approving body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

B. Residential Uses:

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. **Manufactured Housing Community:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Housing, Lodging, and Care Facilities:

- a. **Hospital, Nursing Facility, Convalescent Home, Home for the Aged:** One (1) space for each three (3) beds.
- b. **Motels and Hotels:** One (1) space for each sleeping unit, plus spaces required by this Section for accompanying bars, restaurants, banquet rooms, and other associated facilities.
- c. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
- d. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.

2. Recreation:

- a. **Par 3 Golf Courses:** Three (3) spaces for each hole.
- b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
- c. **Miniature Golf Courses:** Two (2) spaces for each hole.
- d. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
- e. **Bowling Alleys:** Three (3) spaces for each alley.
- f. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.

3. Retail Sales:

- a. **Automobile or Machinery Sales:** One (1) space for each 200 square feet of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
- b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per four hundred (400) feet of gross floor area.
- c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
- d. **Standard Restaurants, Taverns, Bars:** One (1) space for every one-hundred (100) square feet of usable floor area.

- e. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and fifteen (15) square feet of floor area devoted to placing orders, plus sufficient area for eight (8) stacking spaces for drive-through windows.
- f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area.
- g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
- h. **Supermarket, Self-Service Food Store:** One (1) space for every two-hundred (200) square feet of gross floor area, excluding walk-in refrigeration units.
- i. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) square feet of gross floor area.

4. Services:

- a. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty/barber chair.
- c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, provided at least six (6) spaces are provided.
- d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the *manufacturer's* hourly rated capacity for the system in use shall be required.
- e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
- f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
- g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
- h. **Laundromat:** One (1) space for every three (3) washing or drying machines.
- i. **Offices and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
- j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.

D. Industrial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Industrial or Manufacturing Establishments:** One (1) space for every one-thousand (1,000) square feet of floor area.
- 2. **Warehouses, Wholesale Stores:** One (1) space for every one-thousand (1,000) square feet of floor area.

E. Other Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Religious Institutions:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
- 2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
- 3. **Private Civic, Fraternal Club or Lodge, Community Centers:** One (1) space for each two (2) members, based upon the load capacity as determined by the State Fire Marshall.
- 4. **Elementary and Middle Schools:** See requirements for non-school auditoriums.
- 5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
- 6. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area.
- 7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

(Ord. #2014-01, 5-13-14)

Section 23.05 Loading and Unloading Space Requirements

A. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 23.04 and shall not be considered as supplying off-street parking space.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fifteen (15) feet in height, open or enclosed. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as follows:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
Up to 5,000 square feet of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 50,000 square feet of gross floor area:	1 space.
50,001 or more square feet of gross floor area:	2 spaces, plus 1 space per each 100,000 square feet of gross floor area, or fraction thereof, in excess of the first 100,000 square feet.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a road or alley.

D. Screening: All loading and unloading areas that are adjacent to a different district or residential property, or face or are visible from residential properties or public thoroughfares, shall be screened.

E. Location:

1. A loading-unloading area shall not be located within any front yard.
2. A loading-unloading area shall not be located in a required side or rear yard setback except where such yard adjoins a Business or Industrial District.
3. In no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

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End of Article 23

Article 24 LANDSCAPING and SCREENING

Section 24.01 Purpose

It is the purpose of this Article to provide for landscaping and screening between adjacent land uses where it is determined by the Planning Commission to be beneficial.

(Ord. #2014-01, 5-13-14; Ord. #2014-2, 8-12-14)

Section 24.02 Landscaping/Screening Requirements

Pursuant to Section 28.02 of this Ordinance, approval of a site plan according to Article 4 may be conditioned on the provision of landscaping and/or screening measures to minimize potential negative impacts upon neighboring uses. Such measures may include trees, shrubs, fences, walls and/or berms.

(Ord. #2014-2, 8-12-14)

Section 24.03 Minimum Standards of Landscape Elements

A. Quality and Composition: Plant material and grasses shall be of generally acceptable varieties and species.

B. Existing Trees: Existing trees to be preserved shall be protected from damage by fencing or other appropriate means.

C. Fences and Walls: Required fencing and walls shall be constructed and maintained in a sound manner and be of such height to adequately mitigate the impacts for which the screening is deemed desirable.

D. Time and Manner of Installation: All required landscaping and screening shall be installed prior to occupying the facility except where the Planning Commission finds a delay is acceptable due to site, seasonal or other conditions.

(Ord. #2014-2, 8-12-14)

(Article 24 fully replaced/redrafted under Ord. #2014-2, 8-12-14)

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End of Article 24

Article 25 ENVIRONMENTAL PROTECTION

Section 25.01 Purpose

The purpose of this Article is to promote a healthy environment in Locke Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures, buildings and uses unless otherwise noted.

Section 25.02 Natural Resources

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall.
2. Requirements of the Michigan Department of Consumer and Industry Services and the Ingham County Health Department.
3. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
4. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
5. Applicable rules and regulations of the Federal Communications Commission.

B. Discharges and Flammable/Hazardous Materials

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for such use. This subsection shall not apply to farm operations in compliance with most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
2. It shall be unlawful to discharge any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
3. The storage of fuels or other flammable liquids, or toxic or hazardous substances, shall comply with local, county, state, and federal regulations.

C. Sensitive Lands:

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

D. Clearing, Grading, and Drainage: In order to protect soil resources, adjacent properties, roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized as part of an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.
2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. **Drainage:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land use shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon adjacent properties including an adjacent road.

Section 25.03 Potable Water and Sewage Disposal

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Ingham County Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 25.04 Lighting

A. No lighting shall in any way impair the safe movement of traffic on any road.

B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, or berm, at least five (5) feet in height shall be erected to prevent headlight glare from shining onto adjacent residential property. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.
2. Lighting shall be designed and constructed to ensure that direct and reflected light is confined to the lot or parcel upon which the light source is located.
3. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
 - a. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
 - b. no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a Residential District.
4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.

C. Outdoor lighting which need not comply with the standards of (B) above shall be limited to:

1. Outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and such lighting is turned off during hours the facility is closed to the public.

Section 25.05 Vibration

Operating any devices that create vibrations that are typically discernible by human senses at or beyond the lot of the source shall be prohibited. For the purposes of this Section, "typically discernible by human senses" means vibrational motion of such character to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 25.06 Glare and Heat

Any operation which produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat is located.

Section 25.07 Noise

A. The use of any lot shall not cause the emittance of sound from any source or combination of sources, which when measured in accordance with the procedure described herein, exceeds the sound level limits in Table 25.07-1 below.

1. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet along the lot line on which the sound source being measured is located.
2. A violation shall not be deemed to exist unless the sound level measured is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.
3. All measurements shall be made using a sound level meter which meets the most current requirements of the American National Standard "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

Table 25.07-1
A-Weighted Sound Level Limits (Decibels)

Duration of sound, as a percentage of any one hour period.	Districts		Districts	
	Conservation and Residential		Business and Industrial	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am	6:00 am - 6:00 pm
30 minutes or more:	45	50	55	65
More than 5 minutes but less than 30 minutes:	50	55	60	70
5 minutes or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

B. This Section shall not apply to motor vehicles registered for use on public roads, agricultural operations, home landscape maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

(Ord. #2014-01, 5-13-14)

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End of Article 25

Article 26

(Reserved For Future Use)

End of Article 26

Article 27

(Reserved For Future Use)

End of Article 27

Article 28 SUPPLEMENTAL PROVISIONS

Section 28.01 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

Section 28.02 Conditional Approvals

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

Section 28.03 One Single-Family Dwelling to a Lot

No more than one (1) single family dwelling unit shall be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Section 28.04 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated upon any lot within the Township unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code.

Section 28.05 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services.

Section 28.06 Earth Sheltered Homes

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the setback requirements for the district in which it is located.

Section 28.07 Permitted Setback Encroachments for Principal Buildings

A. Architectural features part of a principal building other than an agricultural building, such as cornices, eaves, gutters, chimneys, pilasters and similar features, may project a maximum of two and one-half (2 1/2) feet into a required setback area but in no case shall such projection extend into a road right-of-way.

B. Balconies, fire escapes, and outside stairways of open construction, part of a principal building other than an agricultural building, may project a maximum of five (5) feet into a required setback area but in no case shall such projection extend into a road right-of-way.

C. Uncovered and unenclosed ramps that provide access to a principal building may project into a required setback provided such ramps comply with the following standards. The Zoning Administrator may grant a waiver to the standards of this subsection (C) where such a waiver is supported by the rules promulgated under the Americans with Disabilities Act of 1990 regarding ramps.

1. The portion of a ramp projecting into a required setback shall not exceed forty-eight inches (48") in width.
2. The portion of a ramp projecting into a required setback, where such portion exceeds twenty-four inches (24") above the ground surface below, shall not exceed a total of forty (40) square feet in area.
3. The ramp shall be designed and oriented, to the greatest extent practical, to minimize the extent to which the ramp extends away from the building that it serves, the intent being for a ramp to be generally parallel to the building it serves.

(Ord. #2011-02, 8-9-11)

Section 28.08 Frontage, Access and Roads

A. Frontage/Access: All lots hereinafter created in the Township shall have frontage on a public road and take their access from such frontage so as to provide safe, convenient vehicular access to all buildings on such lot, including for fire protection, other emergency vehicles, and any required off-street parking. This subsection shall not apply to buildings and activities associated with a farm operation.

1. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 4. Driveways shall comply with the following standards:
 - a. Driveways shall be within ten (10) degrees of perpendicular to the abutting road, for a minimum distance of twenty (20) feet from the road right-of-way, and shall be no closer than ten (10) feet to a side lot line except where located within a platted or condominium subdivision.
 - b. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved otherwise.
 - c. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to an adjacent driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on projected turning patterns and vehicle trips.

B. Roads:

1. All roads shall be subject to site plan approval according to Article 4. Review under Article 4 shall also address the appropriateness of the location, character and extent of such roads in compliance with Section 61 of Public Act 33 of 2008, the Planning Enabling Act.
2. Public roads shall be designed and constructed according to the most current standards of the Ingham County Road Department except where such agency approves exceptions to such standards according to a submitted site plan, and the Planning Commission affirms such exceptions.
3. No lot shall rely on a private easement for access to such lot. Such private easements for access, sometimes referred to as "private roads" and not accepted by the Ingham County Road Department for general public use, are prohibited. See Section 28.08(A).

(Ord. #2014-01, 5-13-14)

Section 28.09 Configuration of Lots

- A.** All lots shall conform to the following configuration requirements:
1. The depth of a lot shall not exceed 4 times its width.
 2. In the case of corner lots and through lots that meet the minimum frontage requirement along both roads, the owner of the lot shall elect which lot line and yard shall serve as the front of the lot. The street address assigned to the lot pursuant to Locke Township Ordinance Number 3 of 1992, as amended, shall be based upon such selected front of the lot, and access to such lot, pursuant to Section 28.08, shall be from such selected front of the lot.
- B.** In addition to compliance with subsection (A) above, all lots not part of a platted or condominium subdivision shall conform to the following configuration requirements:
1. The minimum lot width dimension standard delineated by Table 10-4 shall extend from the front lot line of the lot toward the rear lot line of the lot for at least the minimum distance necessary to meet the minimum lot area standard of Table 10-4. See definition for "lot area" in Article 29.
 2. Side lot lines shall extend from the front lot line at 90 degree (90°) angles for at least the minimum distance necessary to ensure compliance with subsection (1) above. However, in the case where a 90 degree (90°) angle would result in one (1) or more side lot lines not being parallel to the nearest section line or road that they face, such lot lines shall be either at a 90 degree (90°) angle to the front lot line or parallel to such section line or road, provided compliance with subsection (1) above is maintained.
- C.** In addition to compliance with subsection (A) above, lots in a platted or condominium subdivision shall conform with the minimum lot width and frontage standards of Table 10-4 except that such frontage and width standards may be reduced where the front lot line abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area, or otherwise result in irregular or impractical configurations. However, such frontage reduction shall not exceed fifty percent (50%) nor result in frontage less than sixty-six (66) feet, and such lot shall comply with the minimum lot width requirement of Table 10-4 at the proposed building setback line and over at least seventy percent (70%) of the lot area.

Section 28.10 Single Family Dwelling Standards

- A.** All single family detached dwellings shall comply with the following standards, provided that the following standards shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state or federal law.
1. A single family dwelling shall have a minimum floor area as required by the district in which it is located, a minimum width across any front, side and rear elevation of twenty-four (24) feet, and a minimum of interior floor to ceiling height of seven and one-half (7 ½) feet.
 2. A single family dwelling shall comply in all respects with the Michigan Building Code. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the building code, then and in that event such federal or state standard or regulation shall apply.
 3. A single family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the building code for such dwelling.
 - a. In the event that the dwelling is a mobile home, as defined herein, in a manufactured housing community or where authorized as a temporary dwelling pursuant to Section 28.12, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
 - b. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 4. A single family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Ingham County Health Department.

5. A single family dwelling shall contain storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less located in a basement located under the building, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling.
6. A single family dwelling shall have a minimum roof pitch of 12:1, and shall contain either a roof overhang of not less than six (6) inches on all sides or a roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
7. A single family dwelling shall be compatible in design and appearance with other single family dwellings in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more dwellings located outside of mobile home parks and within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area. Where said area is not so developed, the determination of compatibility shall be based upon the standards set forth in this Section as well as the by the character, design and appearance of one or more dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. It has front and rear or front and side exterior doors and has steps connected to said exterior door areas or to porches connected to said door areas where the difference in elevation exceeds twelve (12) inches.

(Ord. #2014-01, 5-13-14)

Section 28.11 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 29 pertaining to “accessory building” and “accessory use.”
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a land use permit for such structure or building, except that no permit is required in the case of agricultural fences and residential fences for single-family and two-family dwellings. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan or site plan, depending upon the nature of the principal use of the lot and pursuant to Article 4.

C. Placement/Setbacks:

1. Accessory buildings and structures shall comply with the District setbacks applicable to the principal building or anticipated principal building on the lot, according to Table 10-4, and shall be set back a minimum distance of ten (10) feet from all other buildings. However, in no case shall an accessory building or structure be located in a front yard except in the case of a farm building, and on a residential lot in the A-1 District provided such building or structure on the residential lot is set back a minimum distance of one-hundred fifty (150) feet from the abutting road right-of-way and such building or structure does not obstruct the view of any portion of the dwelling as viewed along the road frontage directly opposite the dwelling. This subsection (1) shall not apply to farm buildings.
2. In no case shall a detached residential garage be located in a front yard, nor be less than twenty-five (25) feet from a road right-of-way line.
3. In no case shall an accessory building or structure be located so as to interfere with the proper functioning of utilities, including existing and proposed back-up septic drain fields.

D. Height:

1. In Conservation and Residential Districts, accessory buildings shall not exceed twenty (20) feet in height except on lots of one (1) acre or greater.
2. Accessory buildings in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.

E. Area and Lot Coverage:

1. On residential lots, accessory buildings shall not occupy more than a total ground floor area of 1,500 sq. ft. except on lots of two (2) or more acres, in which case accessory buildings shall not occupy more than a total ground floor area of 2,400 sq. ft.
2. Accessory structures and buildings shall not occupy more than a total cumulative area of thirty percent (30%) of the yard in which they are located.
3. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards of Table 10-4 of Article 10.

F. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 28.12 (Temporary Dwellings).

G. Prior to a Principal Structure: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance.

(Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 28.12 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as authorized by the Zoning Administrator pursuant to this Section. Temporary dwellings are authorized in the A-1 District only. Application for and authorization of temporary dwellings under this Section shall follow all provisions of Section 3.04 (B) and the required plot plan shall clearly identify the proposed location of the permanent and temporary dwelling.

B. Basis for Temporary Dwelling: No temporary dwelling application shall be approved except for the following purposes:

1. Emergency Housing: To allow a temporary dwelling to be placed on the lot while the permanent dwelling on the same lot is under repair for which a land use permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
2. New Home Under Construction: To allow a temporary dwelling to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a land use permit and building permit has been issued.
3. Care of an Elderly or Ailing Relative: To allow a temporary dwelling to be placed on the lot to facilitate the care of a person related by blood, marriage, or adoption, to a resident of a lawful permanent dwelling on the same lot.

C. Standards: Excluding minimum floor area and dimension standards, temporary dwellings authorized by this Section shall comply with all provisions of this Ordinance including but not limited to.

1. Maximum lot coverage standards.
2. The district's requirement's for principal building setbacks except that in the case of emergency housing, the minimum front yard setback shall equal the setback of the permanent dwelling prior to its damage or destruction.
3. Adequate provisions for potable water and sewage disposal, in compliance with county health department rules and regulations.

D. Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding twelve (12) months. The temporary dwelling shall be removed from the lot no later than the termination date of the permit. The Zoning Administrator may renew the permit for periods not to exceed twelve (12) months, but only in the case where the continued need for such temporary dwelling can be demonstrated and the dwelling is in compliance with all regulations of the Ordinance. However, in no case shall the total permit period for a temporary dwelling for emergency housing or new home construction exceed two (2) years.

E. Mobile Home or Recreational Vehicle as Temporary Dwelling: A temporary dwelling authorized pursuant to this Section shall consist of a mobile home or recreational vehicle except that in the case of care for an elderly or ailing relative, a recreational vehicle shall not be used for more than ninety (90) days. See also Section 28.13 regarding the temporary occupancy of recreational vehicles.

(Ord. #4 of 2006, 11-14-06; Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 28.13 Mobile Homes and Recreational Vehicles

A. Mobile Homes

1. Mobile Homes in Non-Conformance with Section 28.10: Mobile homes that do not conform to the standards for single-family dwellings in Section 28.10 shall not be used for any purpose, or erected, moved onto or stored upon any lot for any length of time, unless located in a manufactured housing community or authorized pursuant to Section 28.12. (Temporary Dwellings).
2. Use Limited to Single-Family Occupancy: Any use of a mobile home for other than a single-family dwelling in a manufactured housing community or otherwise authorized pursuant to Section 28.12 (Temporary Dwellings) is prohibited, including such prohibited uses as motels, rowhouses, apartments, for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple and two-family dwellings, and similar non-single family residential uses.

B. Recreational Vehicles

1. Storage: The storage of recreational vehicles on the same lot as a dwelling is prohibited except in the case of a lot in a Conservation District, in which case no more than two (2) such vehicles may be stored on such lot and provided the vehicles are registered continuously to residents of the property.
2. Occupancy: In addition to the occupancy of a recreational vehicle as provided by Section 28.12, a recreational vehicle may be occupied according to the following:
 - a. Recreational vehicles may be temporarily occupied only as an accessory use to a lawful dwelling located on the same lot, in an A-1 District only, and only to provide temporary shelter for visitors to residents of the Township.
 - b. Such temporary occupancy shall not exceed sixty (60) days in any twelve (12) month period.
 - c. Bathroom facilities in the dwelling shall be made available to occupants of the recreational vehicle.

(Ord. #2014-01, 5-13-14)

Section 28.14 Setbacks for Terraces, Patios, Decks, and Porches

A. Uncovered: Terraces, patios, decks and porches, that are uncovered or unroofed and of a wood, concrete, brick, stone, or similar surface, shall comply with the following:

1. The terrace, patio, deck or porch shall comply with the front yard setback standard for the principal building except that in the case of a nonconforming dwelling encroaching into a required front yard setback, such terrace, patio, deck or porch may encroach no more than five (5) feet into the required setback.
2. The terrace, patio, deck or porch shall comply with the side and rear yard setback standard for the principal building except where the following standards are met:
 - a. The terrace, patio, deck or porch shall be without walls or other forms of enclosure except as follows:
 - (1) an open railing or fence not over three (3) feet high; and/or
 - (2) noncontinuous wind breaks or walls not over six (6) feet high and not enclosing more than one-half (½) the perimeter of the paved area.
 - b. The highest finished elevation of the terrace, patio, deck or porch shall not exceed three (3) feet in height above the average surrounding finished grade area.
 - c. No portion of any terrace, patio, deck or porch shall be closer than five (5) feet to any lot line

B. Covered: Terraces, patios, decks and porches, that are covered or roofed, shall comply with the following:

1. The terrace, patio, deck or porch shall comply with the front yard setback standard for the principal building except that in the case of a nonconforming dwelling encroaching into a required front yard, such terrace, patio, deck or porch may encroach no more than five (5) feet into the required setback.
2. The terrace, patio, deck or porch shall comply with the side and rear yard setback standard for the principal building except where the following standards are met:
 - a. The projection shall not exceed eight (8) feet from the building.
 - b. The porch does not exceed ten (10) feet in height.
 - c. The terrace, patio, deck or porch shall not be closer than eight (8) feet to any side or rear lot line.
 - d. The porch is erected on supporting piers.

C. Enclosed: Any terrace, patio, deck, or porch, that is enclosed and attached to a building, shall be considered an integral part of the building and shall be subject to all setback standards applicable to such building.

Section 28.15 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section. Such temporary buildings and uses may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; Christmas tree sales lots; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a plot plan prepared according to Article 4. The plot plan shall identify the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses. The Zoning Administrator shall refer the application to the Planning Commission for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Planning Commission. The Planning Commission may require the submittal of a site plan prepared according to Article 4 to adequately evaluate the merits of the request.

1. In the case where the application is for an outdoor use, the Zoning Administrator shall notify neighboring property owners of such application. The notice shall identify the property subject to the application, describe the nature of the proposed temporary use, and where written comments can be received concerning the application. Notice shall be given a minimum of fifteen (15) days prior to the date when the application may be acted upon.

D. Approval Standards: No temporary building or use application shall be approved, or be permitted to continue, which does not comply with the site plan approval standards of Article 4, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare.

E. Permit Duration and Removal: No permit issued under this Section shall be authorized for a period exceeding thirty (30) days in any twelve (12) month period except in the case where the establishment of a permanent building or use, for which the temporary building or use is required, will exceed thirty (30) days. However, in no case shall such authorization exceed a twelve (12) month period except where the continued need for such temporary condition can be demonstrated and in no case shall each subsequent authorization period exceed twelve (12) months. The temporary condition shall be removed from the lot no later than the termination date of the permit.

Section 28.16 Clear Vision Zones

A. Roads: No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two intersecting right-of-way lines at points which are thirty (30) feet from their point of intersection measured along the right-of-way lines (See Figure 28-1 at end of this Article).

B. Driveways: No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a straight line joining the two intersecting lines at points which are twenty (20) feet from their point of intersection, measured along the right-of-way line and driveway edge (See Figure 28-2 at end of this Article).

(Ord. #2014-01, 5-13-14)

Section 28.17 Height Requirement Exceptions

A. The following are exempted from the height limitations contained elsewhere in this Ordinance provided that no portion of the building or structure may be used for human occupancy and the Planning Commission finds that the exemption shall not undermine the character and enjoyment of nearby properties:

1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and similar features, provided such features do not exceed more than twenty percent (20%) of the structure's gross roof area.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, bulkheads, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height.

Section 28.18 Garage Sales

A. Garage sales, rummage sales, yard sales, moving sales, and similar activities in association with residential lot are prohibited except in compliance with the following conditions:

1. The display and sale of items shall be within sixty (60) feet of the dwelling or building accessory thereto.
2. No goods shall be offered for sale that were purchased, consigned or accumulated for the purpose of resale.
3. No single garage sale, rummage sale or similar activity shall exceed four (4) days in duration.
4. No more than two (2) garage sales, rummage sales or similar activity be held on a lot within any calendar year.
5. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.

Section 28.19 Fences and Walls

A. **Residential and Agricultural Lots:** Fences and walls on lots used principally for agricultural and/or residential purposes shall comply with the following standards:

1. No fence or wall exceeding three feet and six inches (3' 6") shall be erected in a front yard except for a fence erected to protect crops or confine livestock, in which case the fence or wall may be erected in a front yard provided it does not exceed five feet (5') in height, shall have at least fifty percent (50%) of its surface area open when viewed from the perpendicular, and shall comply with Section 28.16 (Clear Vision Zones).
2. No fence or wall exceeding eight feet (8') shall be erected in a side or rear yard.
3. In the case where a proposed fence or wall is within sixty (60) feet of a dwelling on an abutting lot, the finished side of a fence shall face the abutting lot.
4. No fence or wall with barbs, spikes, nails, or other sharp or electrified devices shall be permitted except for the purpose of confining animals.
5. Fences and walls shall not be subject to any setback requirements.

B. **Commercial, Industrial, Public, and Institutional Lots:** The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 4, shall be reviewed according to the site plan approval standards of Section 4.04.

Section 28.20 Outdoor Residential Swimming Pools

A. **Permit/Application:** No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a land use permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a land use permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan (Article 4) that identifies the location of the pool, adjacent buildings, fencing, and gates.

B. **Location and Setbacks**

1. No pool or pool fencing shall be located in a front yard.
2. No pool shall be located under a service drop conductor or other utility wires.
3. Pools shall comply with the minimum side yard setback for dwellings in the district.
4. No pool shall be located less than four (4) feet from the rear property line, as measured from the outside wall of the pool.
5. There shall be not less than four (4) feet between the wall of the pool and any building.

C. Fencing: All swimming pools shall be completely enclosed by wood, chain link, 2" by 4" welded wire, or masonry fence, of not less than four (4) feet in height nor more than six (6) feet in height, and located not less than four (4) feet from the outside perimeter of any pool wall. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. All openings in any such fence shall be equipped with a self-closing, self-latching gate.

1. Where all parts of all sides of an above-ground pool exceed four (4) feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool.

D. Building and Health Codes: All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of the State Department of Community Health.

(Ord. #4 of 2006, 11-14-06)

Section 28.21 Flood Damage Prevention

A. Special Flood Hazard Area Defined: For the purpose of this Section, "special flood hazard area" shall be defined as the land in a flood plain subject to a one percent or greater chance of flooding in any give year. as established by the Federal Insurance Administration report entitled "The Flood Insurance Study for the Township of Locke" dated September 1, 1981, and the accompanying flood insurance rate and flood boundary-floodway maps, and any subsequent updates to such report and maps.

B. Building and Use Limitations: Except as may be expressly authorized elsewhere in this Ordinance, no use shall be established on land within a special flood hazard area, including the erection, conversion, or structural alteration of a building or structure, except for one (1) or more of the following:

1. Agriculture, provided it is an authorized use in the district.
2. Parks, playgrounds, golf courses, preserves, trails, and similar outdoor recreation and conservation uses, provided such uses are authorized in the district.
3. Required yard and setback areas.

C. Flow/Capacity Restrictions: No structures or alterations to grades within special flood hazard areas shall reduce the rate of flow of the water channel or otherwise reduce the special flood hazard area's water capacity.

(Ord. #2014-01, 5-13-14)

Section 28.22 Outdoor Display, Sales and Storage

A. Commercial Display and Sales: Outdoor display or sales of merchandise is prohibited except where expressly authorized pursuant to an approved site plan, and such display or sales area shall not extend into a district's required setback for principal buildings according to Table 10-4. The maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area. This subsection (A) shall not apply to the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales.

B. Commercial and Industrial Storage: Excepting the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales, and unless specifically noted elsewhere in this Ordinance, all storage of materials or products in association with a commercial or industrial use that are not intended for display or sales, including lumber piles, crates, boxes, building materials, discarded materials, and junk shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area. Such enclosure or screen shall be subject to site plan approval.

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Section 28.23 Keeping of Animals

A. Definitions: For the purpose of this Section, the following phrases shall have the following definitions:

1. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a similar or larger size upon reaching maturity.
3. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to an approximately similar size upon reaching maturity.
4. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to an approximately similar size upon reaching maturity.

B. Keeping of Vicious Animals: No vicious animal shall be kept permanently or temporarily in any district.

C. Keeping of Household Pets: The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in association with any residentially-used lot provided such activities do not constitute a kennel as defined in this Ordinance unless approval for such kennel has been granted pursuant to this Ordinance.

D. Keeping of Small, Medium and Large Livestock: The keeping of small, medium and large livestock is prohibited in a Residential District. The keeping of small, medium and large livestock as an accessory use to the principal residential use of a lot shall be permitted in Conservation Districts only, according to the regulations and standards set forth below. This subsection (D) shall apply only to the keeping livestock as accessory to the principal residential use of a parcel, including private stables, and shall not apply to household pets as regulated by (C) above or a farm.

1. Small Livestock:
 - a. The keeping of small livestock shall occur only on parcels of three (3) acres or greater.
 - b. At no time shall the density of such livestock exceed one (1) animal per one-tenth (1/10) acre comprising such parcel.
2. Medium Livestock:
 - a. The keeping of medium livestock shall occur only on parcels of three (3) acres or greater.
 - b. A minimum of three (3) acres is necessary for the keeping of the first animal, and an additional one-half (1/2) acre shall be necessary, above and beyond the initial three (3) acres, for each additional animal.
3. Large Livestock:
 - a. The keeping of large livestock shall occur only on parcels of three (3) acres or greater.
 - b. A minimum of three (3) acres is necessary for the keeping of the first animal, and an additional three-quarter (3/4) acres shall be necessary, above and beyond the initial three (3) acres, for each additional animal.
4. Regulations Applicable to All Livestock:
 - a. *Reserved for future use.*
 - b. Livestock shall be managed by the occupants of the premises.
 - c. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months provided the maintenance of such animals on the premises does not increase the permitted number of animals beyond the limitations of subsection (3) above by more than fifty percent (50%). Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (1) or (2), as applicable.

(Ord. #2014-01, 5-13-14)

Section 28.24 Condominium Subdivisions

A. Intent: The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than projects developed under another form of ownership.

B. Applicability of District Regulations: A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

C. Review and Approval Procedures:

1. Land Use Permit Required: No grading or any other form of construction shall be initiated for a condominium subdivision prior to the approval of a final site plan and issuance of a land use permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of and illustrated on the final site plan, shall require an additional land use permit prior to erection.
2. Site Plan Approval Required: The issuance of a land use permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Plot Plan and Site Plan Review, and master deed and bylaw documents. The Planning Commission shall be the approving body.
 - a. In addition to the preliminary and final site plan information required by Article 4, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. Issuance of Land Use Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Planning Commission a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Planning Commission shall direct the Zoning Administrator to issue a land use permit.
5. Changes: Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a land use permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Utilities: The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. Roads: All roads within a condominium subdivision shall be designed and constructed in conformance with the standards of the Ingham County Road Department.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium subdivision is required. The Planning Commission may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is provided pursuant to Section 3.06.

H. Monuments: All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

(Ord. #4 of 2006, 11-14-06)

Section 28.25 Home Occupations

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. **Class 1 Home Occupation:** An occupation or profession conducted entirely within a dwelling, excluding an attached garage, and which complies with the following standards:
 - a. All aspects of the occupation shall be carried on inside of the dwelling, except for a single sign as authorized by Section 22.03(J)(1).
 - b. The home occupation shall not occupy an area greater than one-third (1/3) of the first floor of the dwelling.
 - c. There shall be no structural additions or modifications to the dwelling to accommodate the home occupation.
 - d. The home occupation shall employ no persons on the premises during the ordinary course of business, except residents of the dwelling on the premises.
 - e. There shall be no customers, salesmen, or other business visitors on the premises during the ordinary course of business.
 - f. There shall be no receiving, storage, warehousing or distribution of goods not produced personally by the owner on the premises.
 - g. There shall be no display or sale of goods on the premises.
 - h. There shall be no evidence of the home occupation outside of the dwelling including storage areas for supplies, trash, or other waste materials, or noise, odors, vibration, fumes or other conditions detectable by normal sensory perception.
 - i. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
 - j. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and the surrounding yard areas.
 - k. The occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, environment, labor protection and taxation.
 - l. The home occupation shall not generate any increased potential for electrical, fire or other hazards than what is typically associated with a single family dwelling household.
2. **Class 2 Home Occupation:** An occupation or profession conducted in association with the principal residential use of the lot which does not conform with the standards of subsection (A)(1)(a) – (h) above for Class 1 Home Occupations.

B. Authorization: The operating or conducting of an occupation from or in a residence, or on a residentially-used lot, is permitted according to the regulations and standards of this Section.

1. **Class 1 Home Occupation:** A Class One Home Occupation is permitted as an accessory use to the principal residential use of a lot. A land use permit for such occupations is not required, but such occupation shall comply with the definitional standards of subsection (A)(1) above.
2. **Class 2 Home Occupation:** A Class 2 Home Occupation is classified as a special land use, and shall be subject to the application and review provisions of Article 5, and the regulations and standards of Section 14.13, except as follows:
 - a. An application for a Class 2 Home Occupation shall include a site plan meeting the requirements of Section 4.03(B)(1), except that the Planning Commission may waive portions of the required submittal information upon a finding that, given the character of the site and surrounding area, and the character of the proposed home occupation, such information is not pertinent to the application or the lack of such information shall not undermine the Planning Commission's ability to render a sound decision on the application.

- b. In addition to the information required by Article 5, the applicant shall submit a detailed description of the nature of the occupation, which shall clearly specify the following:
 - 1) A detailed description of the character of the business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
 - 2) The type and frequency of vehicular traffic to be generated by the home occupation and the location of all outdoor parking, delivery and storage areas, if proposed.
 - 3) Proposed landscaping/screening in association with any parking and outdoor storage areas to minimize negative impacts on nearby properties.
 - 4) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
 - 5) The location(s) and square footages to be occupied by the home occupation, including within both the dwelling and any accessory building.
 - 6) The maximum number of vehicles to be parked or otherwise located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business.
- c. Any approval of a Class Two Home Occupation, and any permit issued for such occupation, shall delineate the standards that the home occupation shall comply with in regard to subsection (b)(1) – (6) above.

(Ord. #2012-01, 2-14-12; Ord. #2014-01, 5-13-14)

Section 28.26 Private Wind Turbine Generators (PWTG)

A. Approval Procedures: PWTGs are classified as a special land use and shall be subject to the review and approval procedures of Article 4 (Site Plan Review) and Article 5 (Special Land Uses) except as follows:

1. A residential PWTG that is no greater than thirty-five (35) feet in height, measured from the normal ground elevation below to the highest point of the wind turbine tower including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, or no greater than fifteen (15) feet above a roof surface or other existing structure to which it is attached, is not classified as a special land use and is subject to Zoning Administrator approval according to Section 3.04(B). However, such PWTGs shall comply with the standards and regulation of this Section.
2. A PWTG that is serving a commercially or industrially used property or other non-residential use that is no greater than thirty-five (35) feet in height, measured from the normal ground elevation below to the highest point of the wind turbine tower including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, or no greater than fifteen (15) feet above a roof surface or other existing structure to which it is attached, is not classified as a special land use, and is subject to Planning Commission approval according to Article 4 (Site Plan Review). However, such PWTG shall comply with the standards and regulations of this Section.

B. Standards:

1. Minimum Lot Area: The minimum lot area for a PWTG, or an anemometer tower erected prior to a wind turbine generator, shall be as necessary to meet required setbacks and any other standards of this ordinance.
2. Setbacks: A wind turbine tower and anemometer tower shall be set back a minimum distance from all property lines, a distance equal to two (2) times the height of the respective tower, as measured from the normal ground elevation at the tower base to the highest point of the tower including to a blade tip in its nearest position (vertical, horizontal, and/or diagonal) if such tip is the nearest point. No setback shall be required in the case where the tower is mounted on a roof or similar existing support structure and does not increase the height of such structure by more than fifteen (15) feet provided such structure complies with all required setbacks. In addition, for a tower of less than forty (40) feet in height, the approving body may decrease the required setback to one (1) times the height of the tower upon finding that existing site and surrounding conditions warrant a more flexible setback requirement, such as due distances of nearby dwellings or the screening effects of site conditions. All guy wires that may be part of an anemometer shall comply with the district's minimum setback requirements according to Table 10-4, Article 10.
3. Maximum Height: The maximum wind turbine generator tower height, or the height of an anemometer tower erected prior to the wind turbine generator, shall be ninety (90) feet as measured from the normal ground elevation below to the highest point of the tower including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point.
4. Minimum Rotor Wind Vane or Blade Clearance: The lowest point of the arc created by rotating wind vanes or blades shall be no less than twenty (20) feet from the ground below, except where the turbine is attached to a roof or other structure that prohibits vehicular and pedestrian movement below such blades.

5. Maximum Noise Levels: A PWGT shall comply with Section 25.07 of this Ordinance.
6. Vibrations and Wind Currents: A PWTG or anemometer shall produce no vibrations or wind currents humanly perceptible beyond the property boundaries of the parcel on which they are located.
7. Transmission Lines: Any on-site electrical transmission lines connecting the PWTG to the public utility electricity distribution system shall be located underground.
8. Electromagnetic Interference: No PWTG shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other public, commercial, or personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the PWTG . No PWTG shall be installed in any location within the line of sight of an existing microwave communications link where operation of the PWTG is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
9. Local Codes, State and Federal Requirements: All PWTGs and anemometer towers shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies including those of the Federal Aviation Authority, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the permit is approved. A PWTG shall meet the manufacturer's specifications for erection and anchoring the wind turbine including foundation specifications, and shall exceed such specifications where local codes, state or federal regulations require.
10. Base/Foundation: When a concrete foundation is not to be used, a proposal for a PWTG or anemometer tower shall be accompanied by a report prepared by a Michigan-licensed professional engineer addressing the soils present on the site based on soil borings, and specifications for the anchoring of the PWTG or anemometer tower, with the seal of such engineer. A concrete foundation shall meet the minimum specifications of the PWTG or anemometer tower manufacturer and shall not extend to within eight (8) inches of the ground surface to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed. If the manufacturer provides no such specifications, the Planning Commission may require certification of the proposed anchoring system by a Michigan-licensed professional engineer.
11. Anemometer Tower is Temporary: An anemometer tower shall be temporary and shall be removed within twenty-four months of its erection.
12. Shadow Flicker: A wind turbine shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The Planning Commission, or the Zoning Administrator in the case of a PWTG not classified as a special land use, may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the PWTG on June 21 and December 21, specific to the Locke Township area, including the source and basis for such projections.
13. Appearance / Lighting: A PWTG or anemometer tower shall meet the following requirements:
 - a. A wind turbine or anemometer tower shall either maintain a galvanized steel finish or be of a medium grey shade, subject to any applicable standards of the FAA. The Planning Commission may approve an alternate color if an alternate color would otherwise benefit the community.
 - b. A wind turbine or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, and in which case such lighting shall be of the lowest intensity allowable, shall minimize glare and visibility, and shall not pulsate.
 - c. A wind turbine tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower.) This provision shall not apply to anemometer towers or wind turbine towers of no greater than forty-five (45) feet in height.
 - d. No sign shall be posted in association with a PWTG except that a sign of no greater than one (1) square feet in area may be posted on a wind turbine tower for the purpose of displaying manufacturer information and address and telephone number for emergency calls and informational inquiries.

14. Removal of Abandoned or Unsafe PWTGs or Anemometer Towers.

- a. A PWTG or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.
- b. The owner of a PWTG or anemometer tower that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment or violation.
- c. In addition to removing a PWTG, or anemometer tower, the owner shall restore the site to its condition prior to location of the PWTG or anemometer tower (excluding replanting of original vegetation and trees), and shall stabilize soils through use of ground cover.
- d. Approval of a PWTG shall be conditioned on a performance guarantee according to Section 3.06, equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures.

(Ord. #4 of 2006, 11-14-06; Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 28.27 Artificial Ponds

A. Artificial Pond Definition: For the purpose of this Section, “artificial pond” shall be defined as a body of water created other than by natural environmental conditions to cover, or be designed to cover, more than seven-hundred fifty (750) square feet of land area. The term “artificial pond” shall also include such land areas subsequently inundated as a result of the artificial or man-made extension of an existing natural water body or artificial pond.

B. Authorization/Application: No artificial pond shall be constructed prior to the receipt of a Land Use Permit for the same. Application for an artificial pond shall be made to the Zoning Administrator who shall forward the application to the Planning Commission for action. Upon approval by the Planning Commission, the Zoning Administrator shall issue the land use permit for the pond. A land use permit application for an artificial pond shall include the information required by Section 3.04(B) for the plot plan, in addition to clear and, where applicable, graphic illustration of the pond’s features including shape, size, depth, location, setbacks, and typical cross-section. The Planning Commission may require additional information about the proposed pond where aspects of the proposed pond, such as size, depth, surrounding drainage patterns and/or other surrounding conditions, raises matters of public concern and/or complexity that the Planning Commission determines such additional information is necessary prior to taking action on the application. Such additional information may include, but need not be limited to, soil conditions, detailed grading plans, construction details for points of discharge, and documentation of the soundness of the pond design by an applicable licensed engineer.

C. Design and Location Standards

1. An artificial pond shall be set back a minimum of fifty (50) feet from side and rear lot lines and one hundred (100) feet from a front lot line or other right-of-way.
2. Soils excavated to create the pond shall not be stockpiled within fifty (50) feet of a lot line.
3. No artificial pond shall be located within twenty (20) feet of a dwelling, but in no case shall the location of a pond undermine reasonable emergency access to all sides of the dwelling.
4. No artificial pond shall be created within (50) feet of ecologically sensitive areas, including wetlands, streams, and high erosion areas unless all applicable county, state and federal permits are obtained and no other reasonable alternatives exist. This limitation may be waived by the Planning Commission in the case where the artificial pond is to be fed by an existing stream or other water body.
5. No less than ten (10) feet shall exist between the artificial pond and the toe of any berm near the pond where the berm exceeds a slope of 4:1.
6. An artificial pond shall have a minimum depth of (6) feet over a minimum fifty percent (50%) of its maximum design surface area, and no portion of an artificial pond shall be less than two (2) feet deep except along its banks.
7. Artificial pond banks intended to be submerged shall be at a minimum grade of 1:10 but no greater than 1:1.
8. No artificial pond shall cover more than twenty percent (20%) of the area of the lot.
9. In no case shall an artificial pond extend to within twenty (20) feet of a potable well or fifty (50) feet of a septic drain field.

D. Erosion, Drainage and Runoff Standards

1. Erosion control shall be provided for all filled or disturbed surface areas including the water body margin and locations where water is discharged into or out of the artificial pond. These areas shall be covered or treated during all phases of construction to prevent material from being wind blown onto neighboring properties or eroded by runoff. The applicant shall meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Ingham County Soil Conservation District and Ingham County Drain Commissioner.
2. Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic fields and farm field runoff. The approving body may require the submittal of existing and proposed grading and topographic data documenting the existing and proposed runoff flow patterns.
3. The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.

E. Land Form and Landscaping Standards

1. All excavated material shall be deposited on the property and suitably landscaped to assure the appearance of natural land forms and compatibility with surrounding properties. No berms created by the excavated material shall exceed slopes of 4:1 and a maximum height of eight (8) feet above the original surface.
2. Should the construction of the pond or continued maintenance of the pond be abandoned, all pond excavation areas shall be graded and filled to blend with surrounding topographic conditions and to discourage the ponding of water.
3. The Planning Commission may require screening around the pond, in the form of plant material or fencing, if it finds that such measures, because of the pond's location and character in relation to surrounding land uses or circulation systems, is necessary to assure compatibility between land uses or otherwise protect the public health, safety or welfare. No fence shall be located within ten (10) feet from the edge of the pond.

F. Other Standards/Regulations

1. No excavated material shall be removed from the lot on which the pond is to be established except where expressly authorized by the Planning Commission. In such a case, the approving body may require the applicant to seek special land use approval for an extraction operation.
2. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless the Township, its officials, agents and employees, from all manner of liability, whatsoever, that may arise as a result of such pond construction.
3. The applicant shall demonstrate to the satisfaction of the Planning Commission that the proposed design of the pond will not result in stagnation, odors, mosquito infestation, flooding, wind-born dust or other nuisance-causing conditions.

(Ord. #2009-01, 4-14-09; Ord. #2014-01, 5-13-14)

Section 28.28 Farm-Based Biofuel Production Facilities

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. **Biofuel:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
2. **Ethanol:** A substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
3. **Farm:** That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472.
4. **Proof gallon:** That term as defined in 27 CFR 19.907.

B. Production Facilities Classified as "Accessory Uses": A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel, is classified as an "accessory use" and is not subject to special land use approval, provided all of the following requirements are met:

1. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all other applicable setback requirements of this Ordinance.
2. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

C. Production Facilities Classified as “Special Land Uses”:

1. A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel is classified as a “special land use” if the facility meets the requirements of subsection (B)(1) but that does not meet the requirements of subsection (B)(2).
2. A biofuel production facility located on a farm with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel, is classified as a “special land use” if the facility meets the requirements of subsection (B)(1).

D. Application Requirements: An application for special land use approval for a biofuel production facility described in subsection (C) shall include the required information according to Article 5 in addition to the following:

1. A description of the process to be used to produce biofuel.
2. The number of gallons of biofuel anticipated to be produced annually.
3. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
4. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
5. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (C) and (F).
6. Any additional information requested by the Planning Commission and relevant to compliance with this Ordinance.

E. Special Land Use Public Hearing: The Township shall hold a hearing on a special land use application for a biofuel production facility under subsection (C) not more than 60 days after the application is filed.

F. Special Land Use Conditional Approval: Special land use approval of a biofuel production facility described in subsection (C) shall be made expressly conditional on the facility meeting all of the following requirements before the facility begins operation and no additional requirements:

1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or additional products resulting from biofuel production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
3. The biofuel production facility includes sufficient storage for both of the following:
 - a. Raw materials and fuel.
 - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

(Ord. #2013-02, 6-11-13)

Section 28.29 Medical Marihuana

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. **Marihuana:** All parts of the plant *Canabis sativa* L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
2. **Primary caregiver:** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the Medical Marihuana Act, MCL 333.26421 et seq, and who otherwise meets the definition of a primary caregiver under the Act.
3. **Qualifying patient:** A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the Medical Marihuana Act, MCL 333.26421 et seq, and who has been issued and possesses a registry identification card according to the Act.

B. Authorization: The growing, distribution and use of marihuana is prohibited except as provided in this Section. The growing, possession and medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq, is permitted only as a Class 1 home occupation. Such home occupation may operate within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, and which may be located within the associated dwelling or, Section 28.25(A)(1)(a) notwithstanding, within an accessory structure on the premises.

1. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to cultivate marihuana, except as a Class 1 home occupation according to the requirements of this Section.
2. Nothing in this Section shall be construed as authorizing any use of a parcel for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.

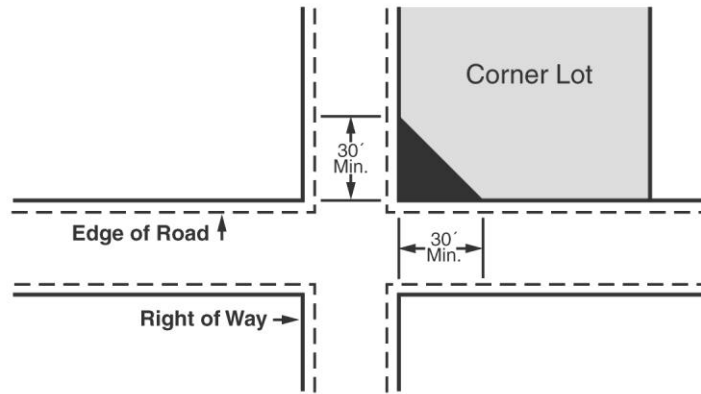
C. Standards and Conditions: The following standards and conditions shall apply in addition to the standards of Section 28.25(A)(1), except where expressly provided otherwise. Where the following standards and conditions are more stringent than those of Section 28.25(A)(1), the more stringent standards and conditions shall apply.

1. No medical marihuana Class 1 home occupation shall be operated except in a single family dwelling or accessory structure thereto.
2. No medical marihuana Class 1 home occupation shall be operated by anyone other than a primary caregiver. Such primary caregiver shall reside in the dwelling on the parcel where the home occupation is occurring.
3. No more than one (1) primary caregiver residing in a dwelling shall operate a medical marihuana Class 1 home occupation.
4. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver according to the Medical Marihuana Act, MCL 333.26421 et seq., and such containment area shall not exceed 600 square feet in floor area.
5. No more than seventy-two (72) marihuana plants shall be grown on the parcel at any one time.
6. In accordance with Section 28.25(A)(1)(e), no patients shall call or be present on the premises during the ordinary course of business other than qualifying patients residing on the premises and no marihuana suppliers shall call at or be present on the premises except primary caregivers who either reside on the premises or who are connected through the medical marihuana registration process with a qualifying patient residing on the premises.
7. There shall be no sign erected pertaining to the home occupation.
8. The provisions of Section 28.25(A)(1)(f) shall not be applied to preclude the storage of an amount of marihuana that does not exceed the amount allowed under the Act, if lawfully obtained under the Act, notwithstanding that such marihuana may not have been produced personally by the owner on the premises.

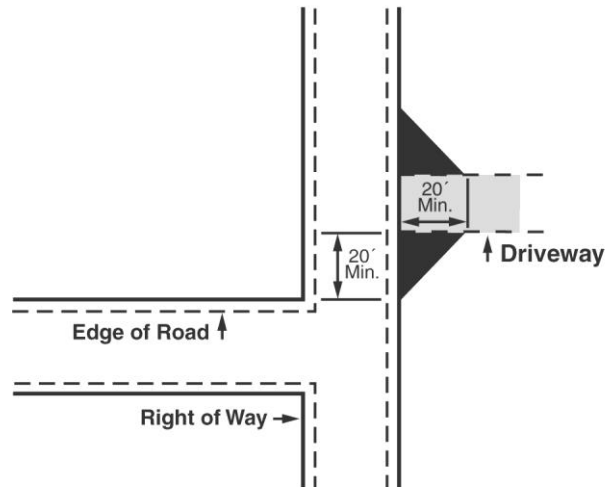
9. All aspects of a medical marihuana Class 1 home occupation shall comply at all times with the provisions of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

(Ord. #2012-01, 2-14-12; Ord. #2014-01, 5-13-14)

**Figure 28-1
CLEAR VISION AREA ALONG PUBLIC ROAD**



**Figure 28-2
CLEAR VISION AREA FOR DRIVEWAYS**



End of Article 28

Article 29 DEFINITIONS

Section 29.01 Construction of Language

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

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C.** The word "building" includes the word "structure" and both include any part thereof.
- D.** The word "lot" includes the word "plot", "tract", or "parcel".
- E.** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H.** 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:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The "Township" is the Township of Locke in the County of Ingham, State of Michigan; the "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 29.02 DEFINITIONS

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Entertainment Business: Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*", either in person or by photograph, motion picture, television or other type of image. This definition includes the following: "*adult book store*," "*adult cabaret*," "*adult motel*," "*adult novelty shop*," "*adult theater*," "*massage parlor*," "*public bath*" and "*taxi dance hall*." Additional terms and definitions applicable to "adult entertainment business" shall be as follows:

- 1. **Adult Book Store:** An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, where the floor area or shelf space devoted to such material and accessible to customers exceeds fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.

2. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. persons who appear in a state of semi-nudity or nudity; or
 - b. live performances which are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas;" or
 - c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or by "specified anatomical areas;" or
 - d. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
3. Adult Motel: A hotel, motel or similar commercial establishment which:
 - a. offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - b. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
4. Adult Novelty Shop: Any establishment where the floor area or shelf space devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation accounts for more than fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
5. Adult Theater: Any establishment where, for any form of consideration:
 - a. films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - b. regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".
6. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
7. Nudity or State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.
8. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths*."
9. Semi-Nude: A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.
10. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human male genitals in a discernibly turgid state, even if completely and opaquely covered.
11. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
12. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

Agriculture: The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products including but not limited to tillage of soil; dairying; greenhouse operations; pasturage; the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities; forestry; and livestock or poultry husbandry, but not including concentrated animal feeding operations as defined in this Ordinance; and accessory activities thereto including, but not necessarily limited to the receipt of supplies, materials, and labor, and the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products produced on such farm. Nothing in this definition shall be construed as meaning or authorizing the growing of marihuana.

Agricultural Service Establishments: Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; the storage, sale and repair of farm equipment; livestock and produce receiving and transfer stations; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

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

Anemometer: An instrument for measuring and recording the speed of the wind to determine whether a site has wind resources sufficient for the operation of a wind turbine generator.

Anemometer Tower: A tower temporarily erected on which an anemometer is mounted.

Arcade: Any establishment which provides on its premises six (6) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

Automotive Proving Grounds: Land used by an automobile or automotive parts manufacturer for the testing of vehicle or automobile parts performance where the dominant use of the land, both in overall character and dedicated acreage, is an outdoor automobile testing track on which automobiles are driven to evaluate certain operating systems such as, but not necessarily limited to, braking and other safety systems, and engine and exhaust systems. The phrase "automotive proving grounds" shall be interpreted to include accessory buildings and support facilities necessary to perform testing operations on a day-to-day basis, and additional indoor testing facilities provided such indoor facilities are clearly subordinate to the principal use of the site as a test track.

Bed and Breakfast: A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists or travelers, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.

Basement: That portion of a building that is partially or wholly below grade but so located that the average vertical distance from the surrounding ground surface to the floor is greater than the vertical distance from the surrounding ground surface to the ceiling.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Boarding house: A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. The terms "boarding house" and "bed and breakfast" are not mutually exclusive.

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: mobile homes, tents, sheds, garages, and greenhouses.

Building Height: The vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see *Figure 29-3 at end of this Section*).

Building Inspector: An individual or agency hired by the Township to administer the Township's Building Code.

Campground: A parcel or tract of land under the control of a person, business, corporation or public body on which sites are offered for the use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Township's building codes.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Citation A written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person cited.

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.

Collocation: The location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

Communication Tower: A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Concentrated Animal Feeding Operation: A farm which has animals stabled or confined other than in grazing areas and fed for a total of 45 days or more in any 12 month period and which contains more than the following numbers and types of confined animals: 1,000 slaughter or feeder cattle; 1,000 mature dairy cattle; 1,000 swine each weighing more than 55 pounds; 150 horses; 3,000 sheep, lambs, or goats; 15,000 turkeys or ducks; 30,000 laying hens or broilers, or 300 animal units. An "animal unit" is a unit of measurement of any animal feeding operation is calculated by adding the following numbers: the number of feeder cattle multiplied by 1.0 plus the number of swine multiplied by .4, plus the number of chickens multiplied by .01, plus the number of turkeys multiplied by .02, plus the number of horses multiplied by 2.0, plus the number of dairy cattle multiplied by 1.4, plus the number of sheep and lambs by .1, plus the number of ducks by .2, plus the number of other livestock multiplied by 1.0 per 1,000 pounds of mature body weight.

Condominium Project: A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

Condominium Subdivision ("Site Condo"): A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a condominium project or condominium subdivision which is 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. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to maximum lot depth, minimum lot size, minimum lot width, and maximum lot coverage.

Convalescent Home: See "Nursing Home."

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.

Day Care, Family Home: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care, Group Home: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

District: An area of land for which there are regulations governing the use of buildings and premises such as yard requirements, lot sizes, and height regulations. A "district" is also known as a "zone" or "zoning district".

Drive-in Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, and complies with the provisions of this Ordinance.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a permanent residential dwelling.

Dwelling, Multiple Family: A building or portion thereof containing three or more dwelling units designed for residential use for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Dwelling, Two Family (Duplex): A building or portion thereof containing only two dwelling units designed for separate residential use.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

Erected: The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.

Event Barn: One (1) or more existing agricultural buildings originally constructed for bona fide agricultural purposes and may be presently part of a functioning farm or may be remaining buildings following the termination of farming activities, that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions including, but not limited to, meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural buildings for event barn activities, kitchen facilities for the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public.

Excavation: Any breaking of ground, except common household gardening, general farming, ground care, and in association with a zoning permit for the construction of a building or other approved project.

Extraction Operation: The removal, extraction, or mining of sand, gravel, or other naturally occurring mineral where more than twenty (20) cubic yards of such material is extracted in any twelve (12) month period.

Family:

1. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than one (1) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

Fence: An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

Filling: The depositing or dumping of any matter into or onto the ground.

Floodplain: A Special Flood Hazard Area as shown on the current Flood Hazard Boundary Map or Flood Insurance Map of the Township.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Usable: For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

1. Family Home: A facility which provides foster care to six (6) or fewer persons.
2. Group Home: A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the line separating said lot from the road right-of-way, and frequently identical to the front lot line.

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage Sale: The temporary sale or offering for sale to the general public of items of personal property on any portion of a residential lot, whether within or outside a residence.

Golf Course/Country Club: A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

Human Care Facilities: An establishment where human patients are examined for medical soundness and treated for injury, sickness or other medical condition, by one or more physicians and support personnel, and which may provide both in-patient and out-patient services including facilities commonly referred to as clinics and hospitals. A medical care facility may include such professionals as physicians, dentists, surgeons, and psychologists, and include accessory facilities and services such as laboratories, medical testing, staff offices, and pharmacies.

Home Occupation: See Section 28.25.

Hotel: See "Motel."

Industrial Park: The development of a parcel in a unified manner in which multiple lots or similar building sites are created to accommodate separate industrial facilities, all of which are accessed by a road or drive constructed as an integral part of the development.

Junk Yard: Any land or building, over 200 sq. ft. in area, used for: 1) the abandonment, storage, keeping, collecting, selling, exchanging or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles, boats, or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval.

Kennel: Any lot or premises used for the sale, boarding, or breeding of three (3) or more dogs, cats, or other animals commonly kept as household pets.

Livestock: Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

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

Local Thoroughfare: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Department and classified by the Department as a "local" road according to PA 51 of 1951, but excluding roads within a subdivision.

Lot: A tract of land which is described by a legal description in one or more instruments of conveyance, devices or agreements to convey, or by inclusion in one or more plats. A lot for purposes of this Ordinance may or may not correspond to any particular tax parcel as reflected on the tax rolls. (see Figure 29-1 at end of this Section).

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of the area of a lake or any public or private road right-of-way adjoining any portion of the lot, except in the case of lots of ten (10) acres or more in size in which case the area of any public or private road right-of-way may be considered part of the lot area.

Lot, Corner: Any lot having at least two (2) contiguous sides adjoining upon one or more roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot adjoining a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see Figure 29-1 at end of this Section).

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. (see Figure 29-2 at end of this Section)

Lot, Flag: A lot whose access to a road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property, including a shared driveway, and does not meet the frontage requirements of the district in which it is located. (see Figures 29-1 and 29-2 at end of this Section)

Lot Lines: The lines bounding a lot or parcel (see Figure 29-2 at end of this Section).

1. **Lot Line, Front:** (see Figure 29-2 at end of this Section)

- a. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way.
- b. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval.
- c. In the case of a flag lot or lot that gains access from a shared driveway, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. This application shall also

apply in the case of a lot which gains access from a shared driveway and does not have frontage upon a public or private road.

d. In the case of a lot that gains access from a shared driveway, the front lot line shall be the lot line most parallel to and nearest the shared driveway.

2. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

3. **Lot Line, Side:** Any lot line other than a front or rear lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Ingham County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Ingham County Register of Deeds prior to the adoption or amendment of this Ordinance.

Lot, Through: A lot having frontage on two (2) roads other than a corner lot (*see Figure 29-1 at end of this Section*).

Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*see Figure 29-2 at end of this Section*).

Manufactured Housing Community (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, non-recreational 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.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development, land use, and preservation. The plan, developed pursuant to Public Act 168 of 1959, as amended, the Township Planning Act, consists of maps, charts and written material representing in summary form the soundest concept for addressing community growth.

Mini Storage (warehouse) Facilities: A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and water craft.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, dwellings consisting of prefabricated units transported to a site on a removable undercarriage or flat-bed and assembled for permanent location on a lot (modular homes), recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Modular (Pre-Manufactured) Home: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Municipal civil infraction. An act or omission that is prohibited by this article that is not a misdemeanor or crime under this article or any other ordinance of the township and for the punishment of which civil sanctions, including, without limitation, fines, damages, expenses and costs may be ordered pursuant to Chapter 87 of Public Act 236 of 1961.

Municipal civil infraction determination means a determination that a defendant is responsible for a municipal civil infraction by one of the following: 1) An admission of responsibility for the municipal civil infraction; 2) An admission of responsibility for the municipal civil infraction, "with explanation"; 3) A preponderance of the evidence at an informal hearing or formal hearing on the question under MCL 600.8719 or MCL 600.8721 respectively; or 4) A default judgment for failing to appear as directed by a citation or other

notice, at a scheduled appearance under section MCL 600.8715(3)(b) or (4), at an informal hearing under MCL 600.8719, or at a formal hearing under MCL 600.8721.

Nonconforming Building or Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Lot (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Nuisance: Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sales including products used for gardening and landscaping. "Nursery" shall not be interpreted to mean any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Nursing Home: A facility other than a hospital, having as its primary function the rendering of 24-hour nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Order. A written mandate, precept or command that: 1) is denominated on its face as an "Order"; 2) directs a particular person to act or refrain from acting in a specific manner; 3) is issued by the Zoning Administrator, Board of Appeals, Planning Commission or Township Board within the scope of the issuing entity's authority under this article; 4) is served upon the person in accordance with the provisions of this article; and 5) bears a written warning to the effect that "Knowingly failing or refusing to comply with this order is a misdemeanor subject, upon conviction, to imprisonment in the county jail for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00) or both.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Person Aggrieved: A person aggrieved shall be any person, firm, partnership, corporation, or association with an interest in real property which will suffer "special damages" as a result of the decision in question. Special damages shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood, community unit, or non-residential use, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 571 of 1996, as amended, or a prior statute.

Plot Plan: A plan showing basic features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts less detailed information compared to a site plan.

Primary Thoroughfare: M-52 and any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Department and classified by the Department as a "county primary" road according to PA 51 of 1951.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Landing Strip: A facility for the taking-off, landing, and storage of small aircraft, designed for use by the owner or lessee of the premises only and is not available to the public, is not shown on aeronautical charts, is not licensed nor required to have licensing by the Federal Aviation Authority, Michigan Aeronautics Commission, or other federal or state aviation authority, and does not offer charter flight service, the sale of gasoline or oil, student instruction, flying lessons, aviation maintenance services or other commercial services

to the public.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Assembly Facility: A public or semi-public facility or institution whose principal function involves the regular gathering of members of the general public, as opposed to gatherings associated with a restricted membership. Examples of public assembly facilities include, but are not limited to, theaters, places of religious worship, parks, and museums.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, police and fire protection facilities, courts of justice, and government offices.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Recreational Vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, including what are commonly referred to as travel trailers, camping trailers, motor homes, and truck campers. Recreational vehicles do not include mobile homes.

Restaurant, Drive-In: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-in restaurant may or may not also have indoor seating, and may also be referred to as a drive-through restaurant.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
2. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retreat Center: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

Right-of-Way: A public or private street, road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries referred to as right-of-way lines.

Road: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Department or other public entity.

Roadside stand: A structure for the display or sale of agricultural products, with no space for customers within the structure itself.

Sawmill: A facility of a permanent nature where trees or logs are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products, but not including the processing of timber for use on the same lot from which it is cut by the owner or resident of such lot.

Secondary Thoroughfare: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Department and classified by the Commission as a "county local" road according to PA 51 of 1951.

Service Station, Standard: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.

Service Station, Multiple Use: A standard service station as defined in this Ordinance, which also includes other accessory or principal uses and/or services such as, but need not be limited to, a restaurant, shower facilities, and/or convenience store. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

Setback: The distance between the road right-of-way line or the side or rear lot line and the nearest supporting member of a structure on the lot.

Shooting Range: Any indoor or outdoor facility designed for and devoted to the shooting of firearms or archery equipment. Depending upon the type of shooting range, such shooting range may also be commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range.

Sign: See Article 22.

Site Plan: A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Land Use: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Special Land Uses.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet all of the definition requirements of a "private stable", as defined in this Ordinance.

Stable, Private: An accessory structure and/or land use where no more than twelve (12) horses are bred, reared, trained, cared for, and/or boarded, irrespective of remuneration, and the keeping of such horses complies with the standards of Section 28.23(D)(3). A private stable may provide riding lessons but a private stable shall not be interpreted to include a facility providing horse shows, rodeo shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three 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 use. A half-story 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 top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

Swimming Pool: An above or below grade structure or container designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Temporary Use: A use of land which is authorized for a limited duration of time.

Towing Service: A facility whose principal function is to provide for the transport and temporary storage of vehicles but does not include disposal, disassembly, salvage, repair or accessory storage of inoperable vehicles.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

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 the Zoning Ordinance authorized by the Zoning Board of Appeals according to the provisions of this Ordinance.

Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and vehicle painting.

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

Warehouse: A building that is part of a commercial or industrial enterprise and that is used to store goods, commodities, or other materials customarily associated with the particular commercial or industrial activity.

Wind Turbine Generator, Commercial (CWTG): An electricity generating facility consisting of one or more wind turbine towers under common ownership or operation control, and may include substations, cables, wires and other structures and buildings accessory to such facility, whose main purpose is to supply electricity to offsite customers. A CWTG may be a principal or accessory use of the parcel on which it is located.

Wind Turbine Generator, Private (PWTG): An electricity generating facility consisting of one turbine tower, and may include cables, wires and other structures and buildings accessory to such facility, that is used to serve only the parcel on which the PWTG is located, and which generates no greater than ten (10) kilowatts peak capacity per tower. A PWTG shall be construed as an accessory structure to the principle use of the parcel. Nothing in this definition shall be construed as prohibiting a PWTG from selling back to a local electrical service provider unused electricity generated by the PWTG.

Wind Turbine Tower: A wind energy system that converts wind energy into electricity and is comprised of, in part, a generator, turbine and blades or rotors mounted on a tower, pylon, or similar support structure.

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 29-2 at end of this Section*):

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot and through lot.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

Zoning Administrator: The authorized individual or agency charged with the responsibility of administering this Ordinance and appointed by the Township Board.

Zoning District (District): A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

(Ord. #2009-01, 4-14-09; Ord. #2012-01, 2-14-12; Ord. #2014-01, 5-13-14; Ord. #2015-01, 7-14-15)

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Figure 29-1
LOT TYPES

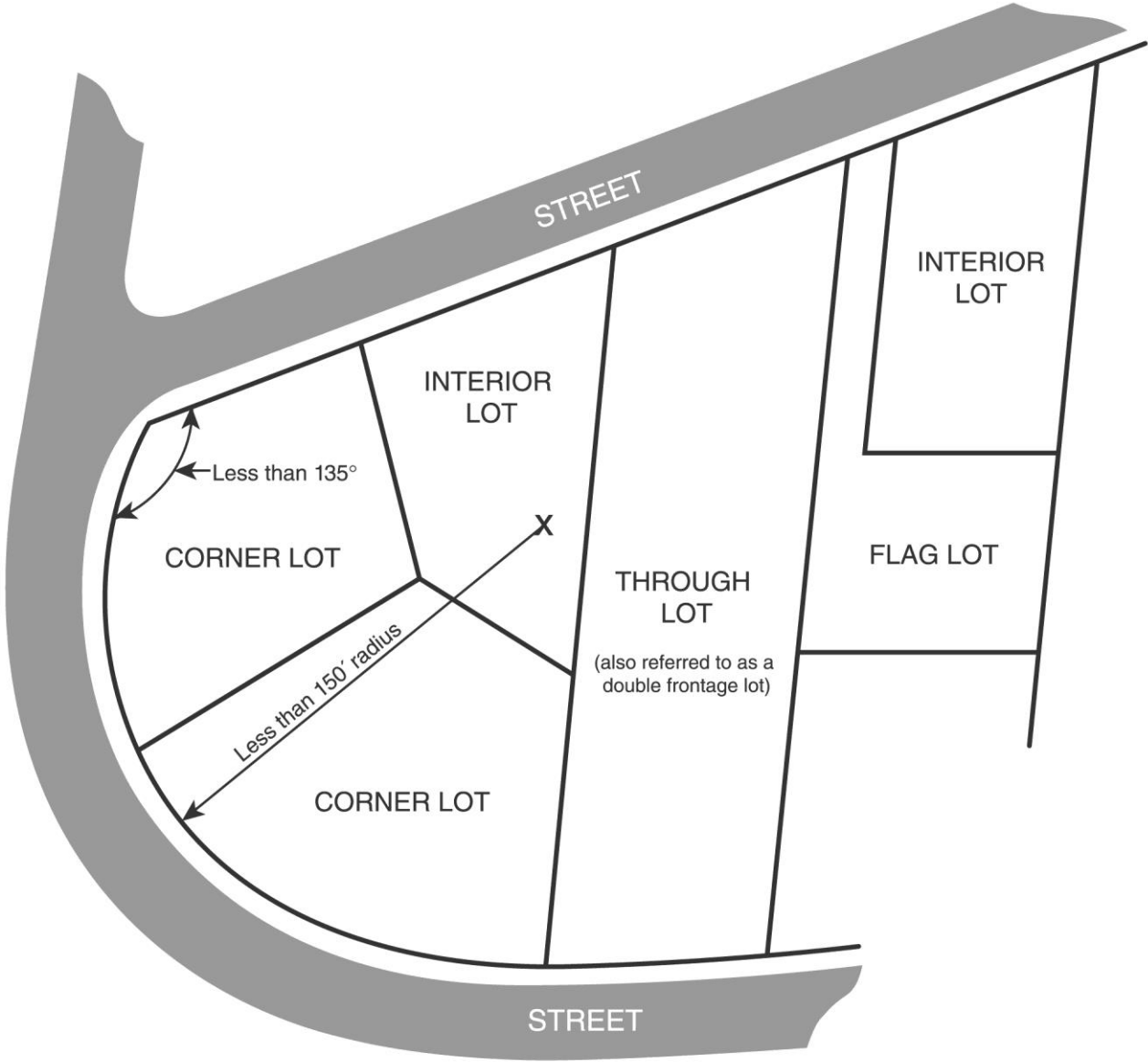


Figure 29-2
LOT LINES and YARDS

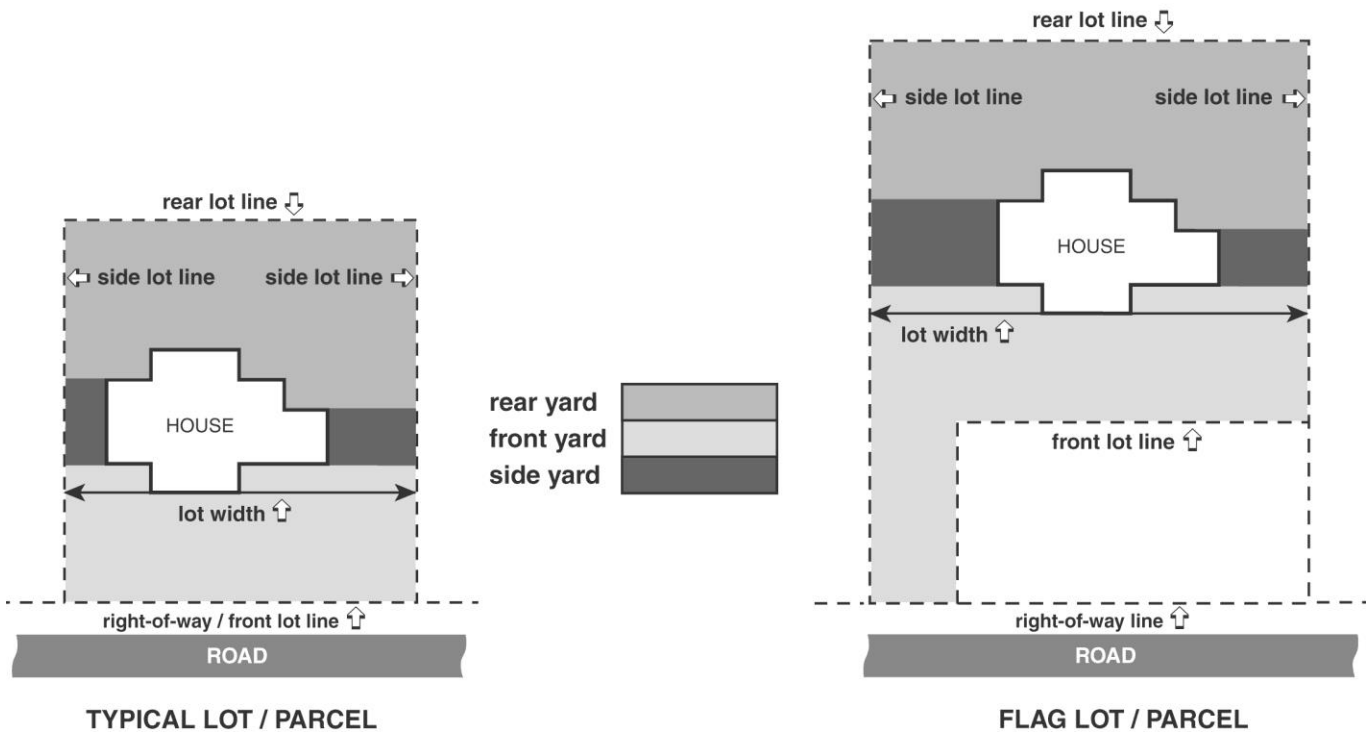
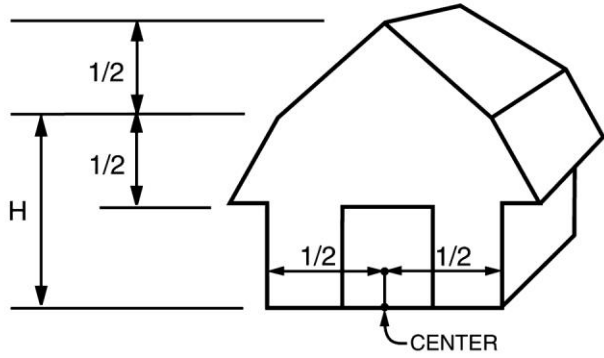
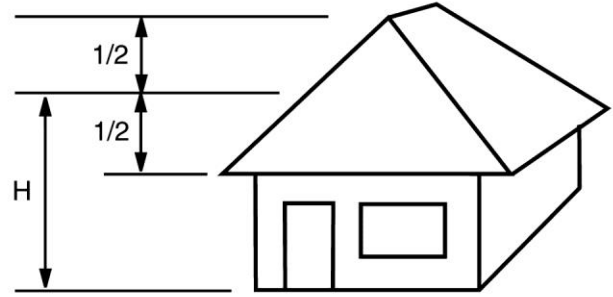


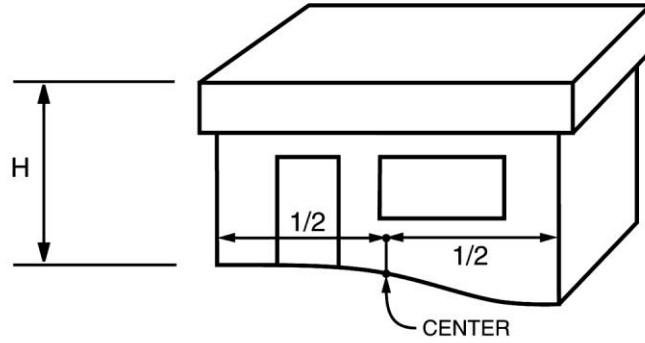
Figure 29-3
BUILDING HEIGHTS



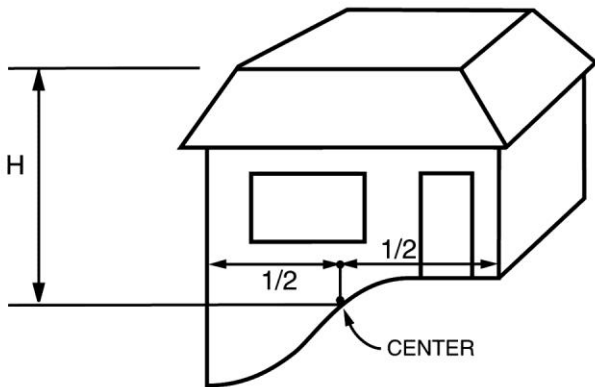
GAMBREL ROOF



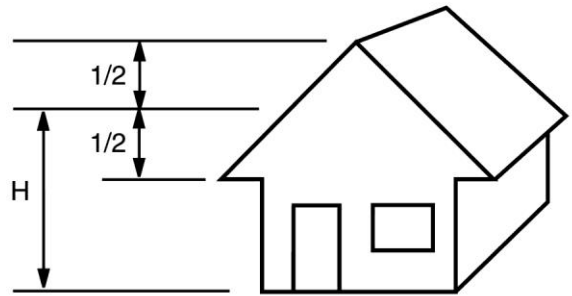
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

End of Article 29