

ONONDAGA TOWNSHIP

ZONING ORDINANCE

**Onondaga Township
Ingham County, Michigan**



ONONDAGA TOWNSHIP ZONING ORDINANCE

Adopted

July 10, 2014

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PREAMBLE

This Ordinance is enacted pursuant to PA 184 of 1943, as amended (the Township Zoning Act, MCL 125.271 et seq.), 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, amendment to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to the goals and objectives set forth in the Onondaga Township Master Plan and PA 110 of 2006, as amended (the Michigan Zoning Enabling Act, MCL 125.3101 et seq.), hereinafter referred to as the "Zoning Act."

Article 1 TITLE and PURPOSE

Section 1.01 TITLE

This Ordinance shall be known and cited as the Onondaga 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 Onondaga Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving its rural character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources, including the preservation of farmland resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services to conform with the most advantageous uses of land, resources, and property.

End of Article 1

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

Section 2.01 INTERPRETATION

The provisions of this Ordinance shall be interpreted and applied as to the minimum requirements adopted for the promotion of the public health, safety, 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 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 shall be deemed to be severable. 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. 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.

Section 2.04 REPEAL

The Zoning Ordinance of Onondaga Township presently in effect and all amendments thereto are hereby repealed; provided, however, if this Zoning Ordinance shall subsequently not be approved by public referendum or be judicially determined to have been unlawfully adopted, such public referendum or judicial determination shall then automatically reinstate the present Township Zoning Ordinance and all of its amendments to their full effect. The repeal of existing ordinances or parts of ordinances and their 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 Zoning Act.

End of Article 2

Article 3 ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 3.01 INTENT

It is the intent of this Article to provide for the administration of this Ordinance and the creation of a review and permit process. The primary permit process shall require the issuance of one permit which shall be the Building Permit. Issuance of such a Permit, pursuant to this Article, shall indicate that the uses and plans for which the Permit is requested comply with this Ordinance and the Unified Construction Code. Upon the issuance of a Permit, and any other permits required by law, the applicant may erect, establish, or alter a building, structure or use for which the Permit has been issued.

Section 3.02 RESPONSIBILITY FOR ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with the Zoning Act; 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.

Section 3.03 DUTIES of THE ZONING ADMINISTRATOR

A. 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 enforce this Ordinance and in doing so shall perform, at a minimum, the following duties:

1. Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest, hinder, or interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
2. 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.
3. Reports: The Zoning Administrator shall report to the Planning Commission and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of Permits and complaints of violation and actions taken on such complaints.

Section 3.04 GENERAL PERMIT PROCEDURES and REGULATIONS

A. Permit Application Required for Construction: No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Permit has been issued by Township. No Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Building Permit shall be available from the Township Clerk.

B. Plot Plan / Site Plan: An application for a Building Permit shall include the submittal of a Plot Plan or Site Plan. The preparation and review of such submittal shall comply with the provisions of Article 4. Upon approval of the plot plan or site plan, and the approval of all necessary plans pursuant to the Unified Construction Code, a Building Permit shall be issued.

C. Special Land Use: In addition to meeting the site plan requirements of Article 4, a Special Use Permit application for a use classified as a "special land use" within the subject zoning district shall be processed according to the provisions of Article 5.

D. Application Fees:

1. Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk.

2. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and administration resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

3. Professional Review and Fee:

- a. For any application for a Building Permit, variance, or other use or activity requiring a permit under this Ordinance, a reviewing or approving body may require the payment of a professional review fee when professional input is desired, before a decision is made, due to the 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 at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any approval or permit issued by the Township in response to the applicant's request.
- b. **Professional Review Report:** A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. 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.

E. Permit Issuance, Withholding, Expiration, and Revocation.

1. Issuance: 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 Building Inspector shall issue the appropriate permit after being directed to do so by the designated approving body or official. A performance guarantee may be required as a condition to the issuance of any permit in order to insure conformance with the requirements of this Ordinance (see Section 3.07). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: The Township may withhold any permit 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; or driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested permit upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator or Building Inspector not to issue a Permit until said permits from other agencies have been obtained.
3. Expiration of Permit: A permit shall become null and void one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector. Before voidance is actually declared, the Zoning Officer 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 upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
4. Revocation: The Zoning Administrator shall have the power to revoke or cancel any 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. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. Failure to terminate the use for which the 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. Revocation of a permit issued for a

special land use or variance shall not occur until a hearing has been held by the body which granted the permit.

F. Occupancy Permit: No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector, where required by the Unified Construction Code.

Section 3.05 PUBLIC HEARING NOTICE

Except as otherwise provided under this Ordinance, all applications for development approval requiring a public hearing shall comply with the Zoning Act. Additionally,

1. Notice of a public hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
2. Notice shall be provided to the owners of property for which the approval is being considered and the applicant, if the applicant is different than the property owner. Unless otherwise provided by the Zoning act, notice shall also be provided to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. If the name of an occupant is not known, the term "occupant" may be used for the intended recipient of the notice. In the case of a text amendment or zoning map amendment notice shall also be provided by mail 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 (if any), that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
3. The notice must be personally delivered or deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.
4. 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.
5. A notice under this section shall contain all of the following:
 - a) 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.
 - b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no existing street addresses, other means of identification may be used.
 - c) Indicate the date, time and place of the hearing during which the request will be considered.
 - d) Indicate when and where writing comments will be received concerning the request.

Section 3.06 VIOLATIONS

A. Violations are Nuisances Per Se: Violations of any provisions of this Ordinance are declared to be nuisances per se.

B. Notice of Violation: The Zoning Administrator or Building Inspector shall inspect each alleged or apparent violation. Whenever the Zoning Administrator and Building Inspector determine that a violation of this Ordinance exists, the Zoning Administrator shall issue a Notice of Violation, in writing, which specifies all circumstances found to be in violation. A Notice of Violation or stop work order posted by the township on a structure or dwelling shall not be removed without written authorization from the Zoning Administrator or Building Inspector.

C. Service of Notice: Such notice 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.

D. Violation Correction Period: All violations shall be corrected within the time period specified on the Notice of Violation, as deemed appropriate in the reasonable discretion of the Zoning Administrator, but not less than fourteen (14) days nor more than six (6) months.

E. Legal Action: If the owner or party in interest fails to correct the violation within the time period specified, the Township Board and Township Attorney shall be notified of such failure and appropriate legal action shall be taken. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate legal or equitable action in Circuit Court or any such other remedy provided by law.

Section 3.07 PENALTIES and REMEDIES

A. Violations as Misdemeanors: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Remedies: The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 3.08 PERFORMANCE GUARANTEE

A. Purpose: In authorizing any permit or variance for a use for which site plan approval is required, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished to: (1) insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) insure the discontinuance of a temporary use by a stipulated time; and (3) provide sufficient resources for the Township to complete required improvements or conditions in the event the 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, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. No performance bond shall be required for a single or two-family dwelling.

2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument 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 or bond shall be one hundred percent (100%) of the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the requiring body or official. After approval of the detailed cost estimate by the requiring body or official, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

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

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the applicant shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

2. Approval of Payment: The Township Board shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the Township Board shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant in reasonable proportion to the ratio of the work completed and approved on the required improvements. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

3. Lack of Full Completion: Should installation of improvements begin and 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 or bond. Any balance remaining shall be returned to the applicant.

D. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Building Inspector and Zoning Administrator.

End of Article 3

Article 4
PROCEDURES for PLOT PLAN and SITE PLAN REVIEW

Section 4.01 INTENT

It is the intent of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the Building Permit application process to ensure that the Zoning Administrator, Building Inspector, Planning Commission, and Township Board is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, and conformance with all applicable provisions and standards of this Ordinance.

Section 4.02 APPROVAL of SITE PLAN or PLOT PLAN REQUIRED

A. Township Board Approval for Site Plans: Site plan approval is required by the Township Board, prior to the issuance of the applicable permit, for the following land 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 developments subject to the platting requirements of the Land Division Act, as amended
4. All developments subject to the provisions of the Condominium Act, as amended, including site condominiums.
5. All other uses as required elsewhere in this Ordinance.

B. Building Inspector Approval for Plot Plans: Plot Plan approval is required by the Building Inspector, prior to the issuance of a Building Permit, for all other uses not listed in Section 4.02 (A), including single family and two family dwellings.

Section 4.03 DATA REQUIRED

A. Plot Plans: An accurate, readable, drawing showing the following shall be submitted with an application for a use requiring plot plan review, except in the case of minor alterations and repair, as determined by the Building Inspector.

1. Name, address and telephone number of the applicant (and owner if different).
2. Property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
5. A description of proposed use(s) of the building(s), land and structures.
6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
7. Configuration of the driveway and parking areas.
8. Existing public right-of-ways or easements.
9. Any other information deemed necessary by the Building Inspector to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.

B. Site Plan: A site plan shall be submitted with an application for a use listed in Section 4.02(A). The site plan shall be provided on a professional quality drawing of scale not less than 1"=200'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The site plan shall provide the following data except where the approving body determines that such data is not necessary in rendering a sound and educated decision on the specific site plan before the approving body:

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. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and existing man-made features such as roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Project description, including the location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms,

- and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
6. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
 7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
 8. Proposed location and dimensions of accessory structures, including trash receptacles.
 9. Proposed location of free standing and wall signs, including construction details of such signs, in compliance with Article 15, Signs.
 10. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
 11. Proposed 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 elevations and 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 approximate finished floor elevations of all buildings.
 12. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
 13. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 14. A statement from the applicant identifying all federal, state, county, and local permits required, if any.
 15. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
 16. Such other information as is necessary to enable the approving body to determine whether the proposed site plan will conform to the provisions of this Ordinance.

C. The Township may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.

Section 4.04 PLOT PLAN and SITE PLAN REVIEW PROCEDURES

A. Plot Plans:

1. At least three (3) copies of a plot plan shall be submitted to the Township Clerk. Upon receipt of the plans and application forms, the Township Clerk shall record the date of their receipt. The Township Clerk shall transmit all copies to the Building Inspector.
2. The Building Inspector shall review the application forms and plans for completeness and if such materials are not complete according to Section 4.03, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed forms and plans, the Building Inspector shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance including the provisions of Section 4.05.3.
3. After conducting a review, the Building Inspector shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Building Inspector shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Building Inspector shall be made within sixty (60) 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, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

4. At least three (3) 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 or site plan and delivered to the applicant for information and direction.

B. Site Plans:

1. At least ten (10) copies of a site plan, and same number of application forms, shall be submitted to the Township Clerk except that in the case of a site plan for a special land use, twenty (20) copies of each shall be submitted. Upon receipt of the plans, the Township Clerk shall record the date of their receipt and transmit copies to all bodies involved in the review and approval process.
2. In the case of a site plan for a special land use, the Planning Commission shall review the site plan and make a recommendation to the Township Board to deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. A site plan for a special land use shall be approved by the Township Board 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 Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. A decision by the Township Board shall be made within ninety (90) days of the Township Board's receipt of a complete site plan unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a decision.
3. For all other site plans, the Township Board shall review and deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05 and other provisions of 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 Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. The Township Board shall decide within ninety (90) days of receipt of a complete site plan unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a decision.
4. At least 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. For identification of the approved plans, each copy shall be signed and dated with the date of approval. 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 and delivered to the applicant for information and direction.
5. 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. Such drawings shall identify all improvements made upon the site including utility services.

Section 4.05 PLOT PLAN and SITE PLAN APPROVAL STANDARDS

A. Plot Plan: Each plot plan shall conform to all applicable provisions of this Ordinance including requirements pertaining to lot area, lot width, and permitted uses, and the applicable provisions of:

1. Article 15, Signs
2. Article 16, Off-Street Parking and Loading
3. Article 17, Landscaping and Screening
4. Article 18, Environmental Protection
5. Article 20, General Provisions

B. Site Plan: Each site plan shall conform with the applicable provisions of this Ordinance including requirements pertaining to lot area, lot width, and permitted uses, and the standards listed below:

1. Applicable provisions of:

- a. Article 15, Signs
 - b. Article 16, Off-Street Parking and Loading
 - c. Article 17, Landscaping and Screening
 - d. Article 18, Environmental Protection
 - e. Article 20, General Provisions
2. 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. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 3. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development.
 4. The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
 5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
 6. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
 7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
 8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
 9. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
 10. Residential and nonresidential development shall not include unnecessary curb cuts. Nonresidential uses shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
 11. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
 12. Site plans shall conform to all applicable requirements of state and federal statutes.
 13. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 - a. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
 - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 4.06 SKETCH PLAN REVIEW OPTION

An applicant may seek approval of a sketch plan, the purpose of which is to receive approval of the general design and layout of the project prior to preparing a detailed site plan.

A. Submittal of Sketch Plans: At least ten (10) copies of a sketch plan, and same number of application forms, shall be submitted to the Township Clerk except that in the case of a sketch plan for a special land use, fifteen (15) copies of each shall be submitted. Upon receipt of the plans, the Township Clerk shall record the date of their receipt and transmit copies to all bodies involved in the review and approval process. The sketch plan shall identify the following at a scale of not less than one (1) inch equals two hundred (200) feet:

1. Property dimensions.
2. Topographic elevations at two feet intervals.
3. Significant vegetation.
4. Water courses and water bodies, including man-made surface drainage ways.
5. Existing public right of way, pavements, and/or private easements.
6. Existing uses, buildings, structures, and lots.
7. Proposed uses and general location of buildings, structures, and lots.
8. Zoning classification of adjacent properties.

9. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.

B. Action:

1. After conducting a review, Building Inspector shall deny, approve, or conditionally approve the site plan. In the case of a sketch plan for a special land use, the Planning Commission shall review the sketch plan and make a recommendation to the Township Board to deny, approve, or conditionally approve the sketch plan. The Township Board shall take final action on a sketch plan for a special land use. A sketch plan shall be approved if it contains the information required by, and is in compliance with this Ordinance including the standards of Section 4.05, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required for approval shall be stated in writing, together with the reasons, and delivered to the applicant. Action on a sketch plan shall be made within ninety (90) days of the Township's receipt of a sketch plan unless, in the opinion of the designated approving or recommending body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
2. Approval of the sketch plan is valid for a period of one (1) year. If a complete site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the sketch plan shall be null and void. Sketch plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

Section 4.07 CONFORMITY to APPROVED SITE PLANS

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any approved amendments thereto. If construction and development does not conform with such approved plans, the approved Permit shall be revoked pursuant to Section 3.04(E)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

Section 4.08 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 walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and 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 require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - c. Such changes shall not result in the reduction of open space area as required herein.
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 may be approved by the Building Inspector. Approved changes shall be clearly specified in writing and signed by the Building Inspector. The Building Inspector shall keep accurate records of approved changes. The Building Inspector may defer action to the Township Board.

B. Changes to a Plot Plan: The Building Inspector shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

End of Article 4

Article 5 PROCEDURES for SPECIAL LAND USES

Section 5.01 INTENT

It is the intent of this Ordinance to specify the procedures and supporting materials required for the application, review, and approval of a special land use. . In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities 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 by the issuance of a Building Permit for a Special Land Use.

Section 5.02 PROCEDURES for SPECIAL LAND USES

An application for a Special Land Use Permit shall be submitted and processed under the following procedures:

A. Submission and Distribution of Application: Any person owning or having an ownership interest in the subject property may file an application for one or more permits for a special land use as provided for in this Ordinance. At least twenty (20) copies of an application shall be submitted to the Township Clerk on a special form for that purpose and each application copy shall be accompanied by a site plan prepared pursuant to Section 4.03(A) and a zoning permit. Applications shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. The Township Clerk shall record the date of receipt and shall transmit copies of the application to the Zoning Administrator, Planning Commission and Township Board.

B. Planning Commission Action:

1. **Review:** The Planning Commission shall review the application forms and plans for completeness and if such materials are not complete according to Section 4.03, the materials shall be returned to the applicant with a written notice identifying the inadequacies. The Planning Commission shall review the application and materials and determine their conformity with the applicable provisions of this Ordinance including the provisions of Sections 4.03, 4.05, and 5.06, and shall forward five (5) copies to the Township Board, one (1) copy to the Fire Department, and the remaining copies shall be retained by the Zoning Administrator.

The Planning Commission may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for the special land use.

- a. County Road Commission.
- b. County Health Department.
- c. County Drain Commissioner.
- d. Other agencies as relevant.

If the site plan application has not been received by the Planning Commission at least ten (10) days prior to the next regularly scheduled meeting, the Planning Commission may delay initiating review of a submitted application at such meeting until the next regularly scheduled meeting.

2. **Public Hearing:** Except as otherwise provided, where application materials are complete, notice of the public hearing on the application shall be provided as required under Section 3.05.
3. **Planning Commission Recommendation and Basis for Recommendation:** Upon review of the special land use application, all supporting materials, and the public hearing, the Planning Commission shall recommend approval, denial, or approval with conditions regarding the special land use application, and forward its recommendation to the Township Board for its consideration. The recommendation shall state the reasons for the decision reached, incorporate a statement of findings and conclusions relative to the special land use, and identify any conditions imposed. The Planning Commission may recommend to the Township Board that a performance guarantee, in accordance with Section 3.08 of this Ordinance, be deposited with the Township to insure completion of improvements. The Planning Commission's recommendation shall be incorporated in a written statement of conclusions relative to the special land use under consideration, and shall specify the basis for the recommendation and any conditions recommended. In arriving at its recommendation, the Planning Commission shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards of Section 5.06, and the specific special land use standards of Article 14.

C. Township Board Action: Upon review of the special land use application, all supporting materials, public hearing comments, and the recommendations of the Planning Commission, the Township Board may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by the site plan standards set forth in Section 4.05, the general standards set forth in Section 5.06, and the specific special land use standards set forth in Article 14. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.08 of this Ordinance, be deposited with the Township to insure completion of improvements.

Section 5.03 APPEAL to CIRCUIT COURT

An appeal on a special land use application decision shall be taken to the Circuit Court.

Section 5.04 REAPPLICATION

No application for a special land use which has been denied wholly or in part by the Township Board 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. 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 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 4.08.

B. Use or Activity: A change in the character of the use or activity from the special land use originally approved shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. 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 special land use permit;
2. the establishment of another special land use or uses;
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

Section 5.06 APPROVAL STANDARDS

A. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply 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 designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. 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 or parking areas.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, 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
6. 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, smoke, fumes, glare or odors.
7. Not create excessive additional requirements at public cost for public facilities and services.

B. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity conforms to the specific site development requirements identified in Article 14.

End of Article 5

Article 6 ZONING BOARD of APPEALS

Section 6.01 INTENT

The intent of this Article is to insure 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 Zoning Board of Appeals first established by the Onondaga Township Zoning Ordinance adopted on January 13, 1994, as amended, is hereby retained in accordance with the Zoning Act. The Zoning Board of Appeals shall consist of three members, appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.

1. **Alternate Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals. 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. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

B. Terms of Office: Members shall be appointed for three (3) year terms except in the case of the Planning Commission and Township Board members, whose terms 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 been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

C. Removal from Office; Conflict of Interest: A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify him or herself under such circumstances constitutes malfeasance in office.

Section 6.03 ORGANIZATION

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

B. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board 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 may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

D. Records: The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.

E. Legal Counsel: An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

Section 6.04 JURISDICTION

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The Board shall perform its duties and exercise its powers as provided in the Zoning Act. The Zoning Board of Appeals 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 appeals regarding an administrative review, interpretation, and variance. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, Township Board or any official or body administering or enforcing the provisions of this Ordinance as set forth in Section 6.05. The Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal is taken.

Section 6.05 AUTHORIZED APPEALS and STANDARDS

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

A. Administrative Review: The Zoning Board of Appeals shall have the power to authorize variances from the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other non-use related standard in the Ordinance provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion. The Zoning Board of Appeals shall reverse or otherwise modify the decision of such body or official 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.

In hearing and deciding appeals under this sub-section, The Zoning Board of Appeal's review shall be based upon the record of the administrative decision being appealed, and the Zoning Board of Appeals shall not consider new information which had not been presented to the administrative official, board, or commission from whom the appeal is taken.

B. Interpretation of the Ordinance or Zoning Map: The Zoning Board of Appeals 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 Zoning Board of Appeals shall insure 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 Section 10.04*).
3. Classify a use 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 Zoning Board of Appeals 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 by classifying it with one of the groups listed in Article 16, Off Street Parking and Loading, based on an analysis of the specific needs for that use. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

Prior to deciding a request for an interpretation, the Zoning Board of Appeals 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. A decision providing an interpretation may be accompanied by a recommendation of an amendment of the Ordinance.

C. Variances: The Zoning Board of Appeals shall have the power to authorize dimensional variances from site development requirements such as lot area and width regulations, building height and bulk regulations, setback

regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance. The Zoning Board of Appeals is not authorized to grant a use variance to permit the establishment of any use that is not a principal permitted use within the subject zoning district.

1. **Required Findings:** The Zoning Board of Appeals shall have the power to authorize dimensional variances provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
 - a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions 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 zoning district, and shall not be recurrent in nature.
 - c. That the practical difficulty or special conditions or circumstances do not result from actions of the applicant.
 - d. That the variance will relate only to property under control of the applicant.
 - e. 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.
 - f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.
2. **Evidence:** In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the Zoning Board of Appeals may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony, and/or evidence on a variance request.

Section 6.06 APPEAL PROCEDURES

A. Application

1. **Ordinance Interpretation and Variances:** Requests for ordinance interpretation or variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by completing and filing a written request with the Zoning Administrator, providing such information as is necessary to decide the request. Upon receipt of a request, the Zoning Administrator shall promptly transmit records concerning the matter, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. **Administrative Review:** 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, a written Notice of Appeal shall be completed and filed with the Zoning Administrator purpose within fifteen (15) days after the date of the decision being appealed.

B. Fee: A fee as established by the Township Board shall be paid when the request for ordinance interpretation, variance, or a Notice of Appeal is filed. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

C. Hearing: Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing, taking into account adequate time for members of the Zoning Board of Appeals to review the application prior to such hearing and, if asked to review an administrative decision, to obtain all materials constituting the record upon which an appeal is taken. If the Zoning Board of Appeals receives a written request seeking an interpretation of this Ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing only on request. Notice of hearing in either case shall be given as required under Section 3.05, except that if the request does not involve a specific parcel of property, notice need only be published as provided under Section 3.05(1) and given to the person making the request as provided under Section 3.05(3).

D. Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of the request or Notice of Appeal, unless an extension of time is agreed upon by the parties concerned. The decision shall be in the form of a majority vote on a resolution containing a full record of the findings and determination of the Board of Appeals. The Zoning Board of Appeals shall state the grounds for each decision.

1. **Conditions:** In granting any variance, the Zoning Board of Appeals 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 approval is granted, shall be deemed a violation of this Ordinance.
2. **Variance Authorization Period:** A variance shall become null and void unless (1) the construction or other actions authorized by such variance have commenced within one hundred eighty (180) days of the granting of such variance, (2) occupancy has occurred within one (1) year of the granting of such variance.

E. Limitations on Participation in Deliberations and Hearing. A member of the Zoning Board of Appeals 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.

F. Reapplication: No application for a variance, Ordinance interpretation, or appeal of an administrative decision, denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

Section 6.07 STAY

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, 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 Zoning Board of Appeals, or, on application, by court of record.

Section 6.08 REVIEW by CIRCUIT COURT

The decision of the Zoning Board of Appeals shall be final. However, any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may seek a review in Circuit Court of Ingham County within the time and in the manner provided for by the Zoning Act.

End of Article 6

Article 7 PROCEDURES for AMENDMENTS

Section 7.01 INTENT

The intent 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 territorial limits of 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 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. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or upon request of one (1) or more owners of property to be affected by the proposed amendment.

Section 7.03 FILING FEE

The Township Board shall establish, by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the Township Board or Planning Commission initiates an amendment.

Section 7.04 PROCEDURES

A. Application:

1. A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Township Clerk on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name and address of the applicant and the desired change(s) and reason(s) for such change(s).
2. When the petition involves a change in the Zoning Map (a rezoning), 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 and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
 - d. The desired change and reasons for such change.
 - e. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information.

The Township Clerk shall forward the applications to the Planning Commission.

B. Planning Commission Action

1. **Review for Completeness:** The Planning Commission shall review the application form and supporting materials at its next regularly scheduled meeting to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. If the application has not been received by the Planning Commission at least ten (10) days prior to the next regularly scheduled meeting, the Planning Commission may delay initiating review of a submitted application at such meeting until the next regularly scheduled meeting.
2. **Public Hearing:** Upon finding that the application is complete, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing.
 - a. Notice of the public hearing shall be given in the same manner as required under Section 3.05 for the initial adoption of a zoning ordinance or for any subsequent zoning text or map amendments.

- b. Notice of public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, railroad operating within the district or zone affected, and airport manager of each airport, that has registered its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
 - c. Notice required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
 - d. An affidavit of all mailings shall be maintained by the Township Clerk and Planning Commission Secretary.
3. 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, the Planning Commission shall consider the following and any other factors:
 - 1) What, if any, identifiable conditions related to the application have changed that justify the proposed amendment?
 - 2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the amendment?
 - 3) 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?
 - 4) Does the rezoning adversely affect environmental conditions, or the value of the surrounding property?
 - 5) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
 - 6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
 - 7) Does the rezoning generally comply with the planning goals of the Township?
 - 8) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 9) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
 - b. If the petition involves an amendment to the text of the Ordinance, the Planning Commission consider the following and any other factors:
 - 1) Is the proposed amendment supported by documentation that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance (such as a decision by the Zoning Board of Appeals)?
 - 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 Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission, as well as Township consultants.
4. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact, recommendations and a summary of comments received at the public hearing to the Township Board within a period of ninety (90) days following the required public hearing in subsection (B)(2) above. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the County Planning Commission. The County Planning Commission shall notify the Township Clerk of its disapproval with the proposed amendment within thirty (30) days of receipt of the Planning Commission's recommendation, or approval of the proposed amendment shall be conclusively presumed.

C. Township Board Actions

- 1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, 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 amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. 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. **Public Hearing.** The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on a proposed amendment to any property owner who has filed a written request to be heard, provided that such request is submitted via certified mail to the Township Clerk. The Planning Commission shall be requested to attend the hearing.
3. **Notice of a public hearing held by the Township Board shall be published in accordance with Section 3.05 of this Ordinance.** For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the requirements of Section 3.05(2) and the requirements of Section 3.05(4)(b) that street addresses be listed do not apply to that group of adjacent properties.
4. An amendment to conform a provision of this Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board of agency provided for under this Ordinance.

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.

Section 7.05 RESUBMITTAL

No application for an amendment to the Zoning Map shall be resubmitted for a period of one (1) year from the date of the Township Board's 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 7.06 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.

End of Article 7

Article 8

End of Article 8

Article 9
NONCONFORMING LOTS, USES of LAND,
and STRUCTURES

Section 9.01 INTENT

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. It is the intent of this Article to permit legal nonconforming structures and uses to continue until they are removed, provided they are not enlarged, expanded or extended.

Section 9.02 NONCONFORMING LOTS

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

Section 9.03 NONCONFORMING USES of LAND

Where a lawful use of land exists that is made no longer permissible under the terms of the Ordinance or amendment thereof, such use may be continued, provided it remains otherwise lawful and complies with the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
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. If a nonconforming use of a parcel or lot ceases for any reason for a period of one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the district in which such lot or parcel is located.

Section 9.04 NONCONFORMING STRUCTURES

Where a lawful structure exists that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued provided it remains otherwise lawful, and complies with the following provisions:

1. No such structure may be enlarged or altered in any way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
2. Should such 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. This provision shall not apply where such structure is part of a bonafide farm operation or where the structure's nonconforming status is due to its lack of conformance with the District's setback standards.
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. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure 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 9.05 REPAIRS and MAINTENANCE

On any structure 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, improvements, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the structure's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building shall not be increased. No structural alterations shall be made, except that nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 9.06 DISTRICT CHANGES

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

Section 9.07 HARDSHIP CASES

Nonconforming buildings or structures may be structurally changed, altered or enlarged upon issuance of a variance from Zoning Board of Appeals if the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status. Any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Section 9.08 ILLEGAL NONCONFORMING USES

Uses or structures that were not lawfully in existence on the effective date of this Ordinance, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, are not entitled to the status and rights accorded legally established nonconforming uses.

End of Article 9

Article 10
ZONING DISTRICTS, REGULATIONS, and MAP

Section 10.01 ESTABLISHMENT OF DISTRICTS

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.

A. Conservation Districts:

AR Agricultural Residential District

B. Residential Districts:

R-1 Low Density Residential District

R-2 Medium Density Residential District

R-3 High Density Residential District

R-MHC Manufactured Housing Community District

C. Commercial Districts:

C-1 Local Commercial District

D. Industrial Districts:

I-1 Light Industrial District

E. Other Districts:

OSC Open Space Communities Overlay District (See Article 11)

PUD Planned Unit Development District (See Article 12)

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 entitled ONONDAGA 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 if 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 a certification of the date of adoption. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning 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 Official Zoning 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 Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing a certification of the date of adoption. 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. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, 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.

B. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following streets or highways shall be construed as following the center lines of said streets 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 therefrom 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 regulations of the more restrictive district shall govern.

Section 10.05 PERMITTED USES IN ZONING DISTRICTS

A. Compliance with Zoning Regulations: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located. 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.

B. Uses Permitted in Each Zoning District: Table 10-2 identifies the principal land uses permitted in each of the zoning districts enumerated in Section 10.01. No land use shall be established on a lot or parcel except in conformance with Table 10-2. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Table delineates whether a land 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. Such uses may require site plan approval pursuant to Section 4.02
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 within the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such proposed uses shall be subject to a public hearing. See Article 5.

C. Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.16 (Accessory Uses, Buildings, and Structures), and Section 20.17 (Home Occupations).

D. Prohibited Uses: Any use of land not specifically permitted is prohibited. The Zoning Board of Appeals shall have the power to classify a use which is not specifically identified, according to a comparable permitted or prohibited use, for the purpose of clarifying the use regulations in any District, if so petitioned and in accord with the requirements of Sections 6.05(B)(3) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, 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 criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use.

Section 10.06 SITE DEVELOPMENT REQUIREMENTS OF ZONING DISTRICTS

A. All land uses shall comply with the site development requirements in Table 10-3, unless otherwise specified by Article 13 – Standards for Specific Special Land Uses, or Article 20 – General Provisions. 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 15: Signs
2. Article 16: Off-Street Parking and Loading
3. Article 17: Landscaping and Screening
4. Article 18: Environmental Standards

B. Variances from required site development standards may be granted by the Zoning Board of Appeals according to Section 6.05(C). Owners of nonconforming lots of record, structures, or uses should refer to Article 9.

C. No part of a setback area, yard, or other open space required about 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, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to 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 law or ordinance shall govern.

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-MHC: Manufactured Housing Community District

1. Preliminary Plan: 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 Manufactured Housing 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. Compliance with Mobile Home Commission Act 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 Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from state agencies and all other agencies pursuant to the Manufactured Housing 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 Manufactured Housing Commission, the following standards and provisions shall apply:
 - a. Permitted uses shall be limited to manufactured housing communities and accessory uses and structures customarily incidental to such uses including, but not limited to, recreation facilities, administrative offices, and similar support facilities.
 - b. Minimum Parcel Size: The minimum parcel size for a manufactured housing community shall be ten (10) acres.
 - c. Minimum Site Size: The mobile home park 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 by other rules and requirements of the Manufactured Housing Commission.

Table 10-1
PURPOSES of ZONING DISTRICTS

DISTRICT TYPE	DISTRICT	PURPOSE
ALL DISTRICTS	All Districts	It is the purpose of all Districts to protect environmental resources, and that all uses be adequately served by facilities and services including sewage disposal, potable water, fire protection, and streets, and recognize natural constraints presented where public sewer and water is not present. It is the purpose of all Residential Districts that development assure a stable and sound residential environment with suitable open spaces associated with dwellings.
CONSERVATION DISTRICTS	AR	It is the purpose of the AR (Agricultural Residential) District to encourage and provide opportunities for agriculture and retention of land areas which are well suited for production of food and fiber, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, agricultural and other natural resources, and the Township's rural character. Persons considering residing within this district should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with responsible farming will continue on a long term basis in this District.
RESIDENTIAL DISTRICTS	R-1	It is the purpose of the R-1 (Low Density Residential) District to provide opportunities for comparatively low density single family residential development patterns often associated with rural and suburban lifestyles.
	R-2	It is the purpose of the R-2 (Medium Density Residential) District to provide opportunities for residential development patterns and lifestyles of somewhat greater densities than the R-1 District, and often associated with suburban lifestyles.
	R-3	It is the purpose of the R-3 (High Density Residential) District to provide opportunities for residential development patterns and lifestyles of a greater density and urban character than the R-2 District. In light of the comparatively small lot sizes authorized in this District, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or to recognize such land division patterns already in existence.
	R-MHC	It is the purpose of the R-MHC (Manufactured Housing Community) District to provide alternative urban housing opportunities in the form of manufactured housing communities, frequently referred to as mobile home parks. In light of the development densities associated with such developments, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or to recognize such developments already in existence.
COMMERCIAL DISTRICTS	C-1	The C-1 (Local Commercial) District is intended to provide opportunities for business establishments that primarily address the local day-to-day retail and service needs of Township residents and visitors. Buildings and uses are intended to be of comparatively small size and bulk in light of the local market such buildings and uses are intended to serve and the desired small-town character and scale of such Districts. This District is intended to accommodate commercial uses of such size, scale and type that support the desired character of the Onondaga village business area and similar commercial nodes. Regional or highway retail and service uses, or other uses or site development characteristics that may undermine the intended function and character of this District, are not considered appropriate in this District. It is further the purpose of all Commercial and Industrial Districts that uses within be designed to avoid negatively impacting adjacent uses and in recognition of the Township's overall rural character, including complimentary landscaping, screening, signage and related development features. In addition to the above, more specific purposes of each District are delineated below:
INDUSTRIAL DISTRICTS	I-1	The I-1 (Light Industrial) District is intended to provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, excessive heavy truck traffic, and which are characterized by activities and operations which are typically contained wholly within enclosed structures and buildings. Manufacturing uses are intended to be generally limited to those operations primarily involved in the making of products from previously prepared materials, rather than reliance on raw materials. It is further the purpose of all Commercial and Industrial Districts that uses within be designed to avoid negatively impacting adjacent uses and in recognition of the Township's overall rural character, including complimentary landscaping, screening, signage and related development features. In addition to the above, more specific purposes of each District are delineated below:
OTHER DISTRICTS	OSC	See Section 11.01, OSC (Open Space Communities) Overlay District.
	PUD	See Section 12.01, PUD (Planned Unit Development) District.

**Table 10-2
PERMITTED PRINCIPAL USES In each DISTRICT**

See Footnote #1 at end of Table for all uses.

PRINCIPAL LAND USES	DISTRICTS and PERMITTED PRINCIPAL USES¹ BR=Use Permitted by Right S=Special Land Use, - =Prohibited Use See Section 10.07 for R-MHC District
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		AR	R-1	R-2	R-3	C-1	I-1
Primarily Agricultural, Outdoor Recreation, or Natural Resource-Based Character							
1	Agriculture.	BR	BR	-	-	-	-
2	Agricultural service establishment.	BR	-	-	-	BR	S
3	Retail sales of ornamental trees, shrubs, and nursery stock grown on the premise.	BR	-	-	-	BR	-
4	Farm equipment sales, service, and repair.	S	-	-	-	BR	S
5	Public or private conservation areas, areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, game refuges, and similar uses, but excluding private campgrounds, hunt clubs, and shooting ranges.	BR	BR	-	-	-	-
6	Outdoor commercial recreation including, but not limited to, campgrounds, golf courses and country clubs, recreational fields, shooting ranges and hunt clubs, and outdoor recreational activities including boat and canoe liveries.	S	S	S	S	S	S
7	Retreat Center	S	-	-	-	-	-
8	Extraction operation.	S	-	-	-	-	-
9	Retail Sales of locally grown, in season, produce	BR	BR	BR	BR	-	-
Primarily Residential Character							
1	Single family dwellings.	BR	BR	BR	BR	S	S
2	Two family dwellings.	S	S	BR	BR	-	-
3	Multiple family dwelling.	-	-	-	S	-	-
4	Second or third story dwellings above commercial uses.	-	-	-	-	BR	-
5	Day care, family home.	BR	BR	BR	BR	-	-
6	Day care, group home.	S	S	S	-	-	-
7	Foster care facility, family home.	BR	BR	BR	BR	-	-
8	Foster care facility, group home.	S	S	S	S	-	-
9	Nursing home.	S	S	S	S	S	-
Primarily Commercial or Business Character¹							
1	Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building including, but not limited to foods, drugs, liquor, furniture, clothing, dry goods, books, flowers, jewelry or hardware.	-	-	-	-	BR	-
2	Service station, standard. or multiple use	-	-	-	-	S	-
3	Commercial vehicle repair shop.	S	-	-	-	BR	S
4	Commercial Sale of New or Used Cars, Farm Machinery, and Other Vehicles and Equipment, and the services and repair of such vehicles and equipment provided such service and repair is an accessory use.	S	-	-	-	BR	-
5	Motels and hotels.	-	-	-	-	S	-
6	Bed and breakfast establishments.	S	S	S	S	S	-
7	Mini-storage facilities.	-	-	-	-	BR	S

(Table 10-2 continued)

PRINCIPAL LAND USES ¹		DISTRICTS and PERMITTED PRINCIPAL USES ¹					
		BR=Use Permitted by Right S=Special Land Use, --=Prohibited Use See Section 10.07 for R-MHC District					
		AR	R-1	R-2	R-3	C-1	I-1
Primarily Commercial or Business Character (continued)¹							
8	Standard restaurants, clubs, and other establishments that provide food or drink for consumption on the premises, but not serve alcohol.	-	-	-	-	BR	-
9	Standard restaurants, clubs, and other establishments that provide food or drink for consumption on the premises, and may serve alcohol.	-	-	-	-	S	-
10	Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, and indoor shooting ranges, and similar uses.	S	-	-	-	BR	-
11	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including non-standard restaurants, financial institutions, dry cleaning businesses, and similar facilities.	-	-	-	-	BR	-
12	Funeral homes and mortuaries.	-	-	-	-	S	-
13	Personal service establishments that 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, and dry cleaners.	S	S	-	-	BR	S
14	Office establishments that perform services on the premises including but not limited to offices for financial institutions, insurance, real estate, artists, galleries, accountants, doctors, lawyers, engineers, and architects.	S	S	-	-	BR	S
15	Offices and showrooms of plumbers, electricians, decorator, 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 any abutting street shall be used only for entrances, offices, or display.	S	S	-	-	BR	S
16	Class One Communication Tower	BR	BR	BR	BR	BR	BR
17	Class Two Communication Tower	S	-	-	-	S	S
18	Kennels.	S	-	-	-	-	-
19	Commercial stables.	S	-	-	-	-	-
20	Veterinarian clinics.	S	-	-	-	BR	-
21	Arcade	-	-	-	-	S	-
22	Hospitals and clinics.	S	S	S	S	S	-
23	Vehicle / car wash facility	-	-	-	-	S	S
25	Day care center.	S	S	S	S	S	-
26	Adult entertainment facility.	-	-	-	-	S	-
27	Home vehicle repair shop	S	S	-	-	S	S

See Footnote #1 at end of Table for all uses.

Table 10-2 Continues on Next Page

(Table 10-2 continued)

PRINCIPAL LAND USES ¹		DISTRICTS and PERMITTED PRINCIPAL USES ¹					
		BR=Use Permitted by Right S=Special Land Use, - =Prohibited Use					
		See Section 10.07 for R-MHC District					
		AR	R-1	R-2	R-3	C-1	I-1
Primarily Industrial Character							
1	Composting center.	S	-	-	-	-	S
2	Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants. (Includes office space in conjunction with these uses)	S	-	-	-	S	S
3	Junkyards.	-	-	-	-	-	S
4	Bulk storage facilities.	-	-	-	-	-	S
5	Tool and die manufacturing establishments.	-	-	-	-	S	BR
6	Plastic molding and extrusion.	-	-	-	-	S	BR
7	Monument and art stone production	-	-	-	-	S	BR
8	Printing and publishing	-	-	-	-	S	BR
9	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts), hardware and cutlery.	-	-	-	-	S	S
10	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.	-	-	-	-	S	BR
11	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.	-	-	-	-	S	BR
12	Saw mill, including storage yards for saw mill operations.	S	-	-	-	-	S
Other Uses Not Listed Above							
1	Public facilities and places of public assembly not otherwise delineated in this Table elsewhere including, but not limited to, veterans of foreign wars facilities, fire stations, police stations, substations, jails, public parking lots, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	S	S	S	S	S
2	Clubs, lodges, and similar social centered organizations.	S	S	-	-	S	-

Footnotes for Table 10-2

1. 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, Procedures for Special Land Uses:
 - a. Any use or business in a C-1 or I-1 District that exceeds 3,000 sq. ft. in gross floor area per floor or story, or exceeds 6,000 square feet in gross floor area per total building. For the purposes of this Table, a "building" shall include both a single business in a single structure as well as multiple business occupying a structure divided into individual units (shared wall construction) occupied by one or more uses or businesses.
 - b. Any use that has a principal function or operational characteristic of 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.

End of Table 10-2

**Table 10-3
Site Development Requirements¹**

All land uses shall comply with the site development requirements in Table 10-2 unless otherwise specified in this Ordinance. See Section 10.06.

Zoning District	Minimum Lot Area	Minimum Lot Width and Road Frontage ²	Maximum Building Height	Maximum Lot Coverage	Minimum Yard Setback ⁵		
					Front Yard	Side Yard	Rear Yard
AR Agricultural Residential	2 acres	220 ft. ³	35 ft. ⁴	25%	See Footnote 5	30 ft. ⁶	50 ft.
R-1 Low Density Residential	1 acre	200 ft. ³	35 ft.	25%	See Footnote 5	15 ft. ⁶	35 ft.
R-2 Medium Density Residential	Without Sewer: Sfd: 20,000 sq. ft. Tfd: 30,000 sq. ft. With Sewer: Sfd: 13,000 sq. ft. Tfd: 22,000 sq. ft.	Without Sewer Sfd: 80 ft. Tfd: 100 ft. With Sewer Sfd: 65 ft. Tfd: 85 ft.	35 ft.	30%	See Footnote 5	10 ft. ⁶	30 ft.
R-3 High Density Residential	Without Sewer: Sfd: 20,000 sq. ft. Tfd: 30,000 sq. ft. With Sewer: Sfd: 5,000 sq. ft. Tfd: 10,000 sq. ft.	Without Sewer ³ Sfd: 80 ft. Tfd: 100 ft. With Sewer ³ Sfd: 50 ft. Tfd: 70 ft.	35 ft.	35%	See Footnote 5	10 ft. ⁶	30 ft.
R-MHC Manufactured Housing Community (See Section 10.07)	10 acre project parcel	330 ft. project parcel	Conformance with Rules and Regulations of the Michigan Manufactured Housing Commission				
C-1 Local Commercial	20,000 sq. ft.	100 ft.	35 ft.	50%	See Footnote 5	30 ft. ⁷	30 ft. ⁷
I-1 Light Industrial	20,000 sq. ft.	100 ft.	35 ft.	50%	See Footnote 5	30 ft. ⁷	30 ft. ⁷

Sfd = single family dwelling; Tfd = two family dwelling; sq. ft. = square feet

See Following Page for Footnotes

Footnotes

1. All uses shall comply with the site development requirements in Table 10-4, unless otherwise specified by provision of this Ordinance specific to the particular use. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including but not limited to Article 15.
2. The depth of a lot shall not exceed four times its width.
3. Alternative minimum lot width and frontage requirements are as follows:
 - a. AR District: 150 feet for a lot in a platted subdivision, site condominium, or similar unified development, relying on the construction of an interior road into the parcel from which such lot will gain access.
 - b. R-1 District: 120 feet for a lot in a platted subdivision, site condominium, or similar unified development, relying on the construction of an interior road into the parcel from which such lot will gain access.
4. The maximum height of farm buildings and structures shall be one hundred twenty-five (125) feet. All farm buildings and structures over eighty (80) feet shall be set back from a lot line a distance at least equal to one half the height of the building.
5. Front yard setbacks shall comply with the following Table:

	Type of Road Abutting Lot or Parcel	Minimum Required Setback from Right-of-Way*
a.	A road in a platted subdivision, site condominium, or similar unified development.	AR and R-1 District: 40 feet. All Other Districts: 25 feet
b.	County Primary Road as identified below, except where otherwise included in (1) above: Bellevue Rd.; Byrum Rd.; Covert Rd. between Aurelius and Ridley Rds.; Aurelius Rd. between Plains and Kinneville Rds.; Kinneville Rd. between Waverly and Onondaga Rds.; Old Plank Rd.; Onondaga Rd.; Plains Rd., between Waverly and Onondaga Rds.	50 feet
c.	State Highway M-188	50 feet
d.	All other roads not otherwise included in (a), (b), or (c) above.	40 feet

* The front yard setback in the C-1 District may be lessened or waived by the site plan approval body where such body finds that an alternative setback is consistent with the predominant setbacks of similar buildings in the immediate area, supports the preservation of the historic character of Onondaga village, and will not undermine the public health, safety, and welfare.

6. For a corner lot, the minimum side yard setback for the side yard along the road shall equal the minimum front yard setback for the lot.
7. Minimum setback shall be increased to 50 feet where the yard abuts a Conservation or Residential District. No side yard setback is required in the C-1 District on the side of a lot characterized by shared-wall construction with a building on an abutting lot.
8. Irrespective of any other requirements of this Ordinance pertaining to setbacks, under no conditions shall buildings housing animals, feed or manure be closer than fifty (50) feet to any lot line.

End of Article 10

Article 11

OPEN SPACE COMMUNITIES OVERLAY DISTRICT

Section 11.01 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, sensitive environmental areas, open spaces, and 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 largely undisturbed or available for agricultural use.

Section 11.02 OVERLAY DISTRICT

The OSC District is established as an overlay district. The District exists as an overlay on top of all Conservation and Residential Districts. Land located within such Districts may be developed according to the more traditional provisions of the base zoning district, such as the AR (Agricultural Residential) District, or according to the more flexible open space community overlay provisions of this Article. A rezoning for an OSC is not necessary as it is already available as a Overlay District.

Section 11.03 PROCEDURES for OPEN SPACE COMMUNITIES

A. Applications for an OSC shall not be considered an application for a special land use. However, the process for application, review, and action on an OSC request shall follow the same procedures and requirements for special land uses under Article 5 except as provided below:

1. Conventional Plan: At the time the applicant submits a preliminary 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 underlying District provisions. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall review the conventional plan and determine the approximate number of dwellings and lots attainable by conventional design. This information shall be used when comparing the available number of dwelling units and lots between the Conventional and OSC Plan.
2. 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 OSC plan unless a change is approved by the Township Board. 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. Upon receipt of the recorded documents, the Township Clerk shall direct the Building Inspector to issue a Building Permit for the OSC.
3. Public Hearing: A public hearing is not required for a proposed OSC, whether the proposed OSC is to be a subdivision plat, site condominium, or other form of development, if all of the following conditions can be met:
 - a. No dwellings other than single-family detached dwellings are proposed.
 - b. The resulting number of lots would not require compliance with the platting requirements of the Land Division Act, Public Act 591 of 1997, as amended, but rather would be in compliance with the Act's allocation of divisions for the project parcel. For the purposes of this provision, each proposed single-family dwelling site shall be considered a lot whether the project is developed as a platted or site condominium, or other form of development.

Section 11.04 APPROVAL STANDARDS

A. Minimum Eligibility: To be considered as an OSC project, the proposed development project must be consistent with Section 11.01 and comply with the following provisions.

1. Permitted Principal Uses: Dwellings, as authorized by the base District's requirements.
2. 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.
3. Dedicated Open Space: The OSC shall include permanently dedicated open space.

B. Design and Compatibility Standards: An application for an OSC shall comply with this Article and the following:

1. Section 4.05(B), Site Plan Approval Standards.
2. Section 5.06(A), General Standards for Special Land Uses.
3. Section 11.05, OSC Design Standards.

Section 11.05 OSC DESIGN STANDARDS:

A proposed OSC shall comply with the following design standards:

A. Regulatory Flexibility: To encourage flexibility and creativity consistent with the OSC concept, departures from the regulations of the base zoning district may be permitted, subject to review and approval by the Township Board. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and building height standards. Such modifications may be permitted only if the proposed OSC shall result in a higher quality of development than would be possible without the modifications, and that the proposed OSC shall be 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 the underlying District alone. All proposed modifications shall be specified in the OSC application materials. Density standards may not be modified more than the maximum permitted under the bonus provisions of Section 11.05(B) below.

B. Number of Allowable Dwelling Units:

1. Except as provided below in (2), the OSC shall not result in more dwelling units or lots than the number approved by the Planning Commission in its review of the Conventional Plan prepared pursuant to Section 11.03(A)(1).
2. An OSC may provide for no greater than a twenty-five percent (25%) increase in the number of dwelling units or lots available under the Conventional Plan where one or both of the following conditions are met:
 - a. More than fifty percent (50%) of the OSC is dedicated to permanent open space; or
 - b. All land within one hundred (100) feet of public right-of-ways abutting the OSC parcel is set aside as dedicated open space, excluding access roads, and is designated for farming or as a natural area where natural plant succession shall be undisturbed except for selective thinning and removal of dead plant material.

C. 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 Township Board on the approved site plan. Further subdivision of open space land or its use for other than recreation, 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 Township 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 Township 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, to be maintained in an undeveloped state. "Undeveloped state" shall mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
2. Any structure(s) or building(s) accessory to a recreation, conservation, or agricultural use or area preserved in an undeveloped state, 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 dedicated open space area in the AR and R-1 Districts and ten percent (10%) in all other Districts.
3. Dedicated open space may include flood plain areas, but required dedicated open space shall not include required yard setback areas, roads and road rights-of-way, public rights-of-way, and wetlands (as defined by the Michigan Department of Environmental Quality) and year round submerged lands where such wetlands and/or submerged lands exceed thirty percent (30%) of the required dedicated open space.
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 Township Attorney, 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 Township Board 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 of Onondaga 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.

D. Utilities:

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.
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. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the OSC. 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 and roads in the area. Pedestrian circulation network 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, wetlands, floodplains, stream corridors, and special plant and animal habitats.

G. 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 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.

Section 11.06 WAIVER OF STANDARDS

The Township Board may waive any of the Section 11.05 standards for an OSC, except Section 11.05(B) and (C), where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the open space development provisions will still be achieved.
3. No nuisance will be created.

End of Article 11

Article 12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 12.01 PURPOSE

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUD). It is the intent of the 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 underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

Section 12.02 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 subject of the approved PUD application.

Section 12.03 MINIMUM ELIGIBILITY CRITERIA

- A. Completed Zoning Permit Application
- B. Completed Site Plan Review Application (including survey)
- C. 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, where such benefit would otherwise be unfeasible or unlikely to be achieved. Such benefit must otherwise be unfeasible or unlikely under the regulations of the underlying or any other zoning district.
 - 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 Onondaga 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 12.01.
 - 5. **Economic Impact:** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the existing zoning district within which the PUD is proposed.
 - 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 Township Clerk.

Section 12.04 PROJECT DESIGN STANDARDS

PUDs shall comply with the following project design standards:

A. General Site Development Requirements 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 authorized uses, lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive standards of the underlying zoning district for any, or all, of the specific uses and facilities proposed to be part of the PUD 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, mixed uses shall comply with the regulations applicable for each individual use. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.

2. The waiving of development standards may be authorized only upon a finding by the Township Board 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.

B. Permitted Uses and Mix of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use, irrespective of the underlying district, provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the underlying district. Where the existing underlying zoning district is residential, 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 Township Board shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: extent to which it serves residents in the PUD compared to others who travel to the site; amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and building area allocated to each use.

Section 12.05 APPROVAL STANDARDS

Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance including but not limited to:

1. Site Plan Approval Standards, Section 4.05.
2. General Approval Standards for Special Land Uses: Section 5.06.

Section 12.06 PROCEDURE for REVIEW and APPROVAL

An application for PUD shall be made on forms provided by the Zoning Administrator. The application shall be submitted by the owner of an interest in land for which PUD approval is sought, or by the owner's authorized agent. The applicant or a designated representative should be present at all scheduled review meetings or consideration or the proposal may be tabled. PUD applications shall be submitted in accordance with the following procedures and requirements.

A. Optional Preapplication Conference: Prior to the submission of a sketch 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 in terms of 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. Sketch Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Zoning Administrator twenty (20) copies of a sketch plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall review the plans to determine whether the plans appear complete and, if so, forward copies to the Planning Commission. The sketch plan shall comply with the requirements of Section 4.06 and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. The Planning Commission shall review the sketch plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the sketch plan submittal, the Planning Commission shall hold at least one (1) public meeting on the request for approval of the PUD. Notice of the public hearing shall be given in the same manner as required under Section 3.05.
3. Following the public hearing and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 4.05 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 sketch plan. In reviewing the sketch plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 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 recommended conditions relating to an affirmative decision. The effect of Township Board approval of the sketch plan shall be:

- a. to authorize the fundamental PUD character and layout embodied in the sketch 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 sketch plan approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final plan, or phase one of a final plan, including a final site plan conforming with Section 4.03(B) and including a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for. If the final plan has not been submitted within such period, the sketch plan approval shall become null and void unless the Planning Commission extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred.
2. The Zoning Administrator shall forward copies to the Planning Commission and any other public agency or private consultant for the purposes of determining compliance of the submitted plan with the standards and regulations of this Article and Ordinance and the approved sketch plan.
4. 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 recommend to the Township Board to approve, deny, or approve with conditions the final 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 final plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 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 recommended conditions relating to an affirmative decision.
3. 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 amendment is approved by the Township Board 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.

Section 12.07 PHASING

A. 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 insure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the surrounding area.

B. In Conservation and Residential District 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 Township Board. Such percentages may be modified should the Township Board determine that the applicant presented adequate assurance that the residential component or components of the project will be completed within the specified time period.

End of Article 12

Article 13

End of Article 13

Article 14 STANDARDS for SPECIFIC LAND USES

Section 14.01 PURPOSE

The purpose of this Article is to establish special site development standards and requirements for special land uses to assure such uses, if approved, are erected and operated in a manner that will minimize negative impacts upon abutting and nearby land uses. The following standards and requirements apply to the special land uses permitted by special approval in the zoning districts of this Ordinance. A special land use shall be approved only where such application complies with the general standards of Section 5.06(A) and those standards contained in this Article for specific special land uses. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. See Article 5: Procedures for Special Land Uses.

Section 14.02 CAMPGROUNDS

1. 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.
2. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
3. At least one public telephone shall be provided in the facility.
4. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
5. Each campsite shall have a picnic table and designated place for fires.
6. All campgrounds shall be licensed by the Michigan Department of Environmental Quality.
7. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
8. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
9. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet.
10. All entrances and exit lanes within a campground shall be lighted.

Section 14.03 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.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling.

B Special Performance Standards:

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to overnight guests only. 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 six (6).
4. No receptions, private parties or activities shall be permitted except where expressly authorized by the approving body and according to any limitations established by such body regarding size, frequency, hours, and related matters.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must 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. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
10. The exterior appearance of the structure shall not be altered from its single family character.

Section 14.04 Cemeteries

1. Minimum parcel size shall be one (1) acre.
2. No more than five percent (5%) of the site area may be occupied by buildings.

Section 14.05 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. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Commercial stables shall not be located in platted subdivisions or site condominiums unless specifically designed as an equestrian community.
4. Stables, buildings housing horses, and manure piles shall be set back a minimum of fifty (50) feet from any lot line.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the approving body may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

B. Special Performance Standards:

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
3. No special events such as shows, exhibitions, and contests shall be permitted within one hundred (100) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.

Section 14.06 SHOOTING RANGES AND HUNT CLUBS

1. Minimum lot area shall be forty (40) acres for outdoor shooting activities. The approving body may require additional acreage where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile to cross a property line.
2. Minimum front, side and rear yard setbacks for outdoor shooting ranges shall be two hundred fifty (250) feet.
3. A minimum eight (8) foot high fence shall be provided around the entire area devoted to or used for the outdoor shooting of firearms to assure that individuals will not unknowingly trespass on the property.
4. A site plan for the range, whether indoor or outdoor, shall be submitted and clearly indicate all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent property.
5. The approving body may submit a copy of the site plan to law enforcement agencies for review and comment.
6. 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.
7. Hours of outdoor operation shall be between 7:00 a.m. and dusk, excluding facilities operated by law enforcement agencies.

Section 14.07 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. An 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.
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.

Section 14.08 DRIVE-IN AND DRIVE-THROUGH FACILITIES

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
2. Ingress and egress driveways shall be located at least seventy-five (75) linear feet from any corner when said property abuts an intersection of two streets. Further, no driveway shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business. All driveways providing ingress and egress to a drive-in business shall be not more than twenty-four (24) feet wide at the property line.
3. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.

Section 14.09 FOSTER CARE FACILITY, GROUP HOME

A. The following special performance standards shall apply:

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.
2. Facilities, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Passenger loading/unloading areas of adequate dimensions shall be provided near a barrier-free entrance to the facility, and loading/unloading areas of adequate dimensions shall be provided for delivery vehicles servicing the facility.

Section 14.10 GOLF COURSES AND COUNTRY CLUBS

A. The following site and developmental requirements shall apply:

1. A minimum of sixty (60) acres shall be provided for a nine hole golf course; and one hundred twenty (120) acres for an eighteen (18) hole golf course.
2. The minimum front, side and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot line. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.
3. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Township Board.

B. Special Performance standards:

1. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
2. Major accessory uses such as a restaurant and bar shall be housed in the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
3. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
4. Water quality protective measures are required as follows:
 - a. Maintenance of erosion control barriers during construction.
 - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
 - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Michigan Department of Agriculture Licensed Applicator. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
5. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.

Section 14.11 JUNKYARDS

A. The following site and developmental requirements shall apply:

1. The minimum lot size shall be ten (10) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. No portion of the enclosed area shall be located within 1,000 feet of a school, day care facility, church, hospital, and convalescent or nursing home.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line and one hundred (100) feet from a road right-of-way. A landscaped buffer strip at least fifty (50) feet in width shall be provided between the enclosed area and any adjoining Residential district.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

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 inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
2. No open burning shall be permitted.
3. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles, if such activities are conducted on the property.
4. 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.
5. Inoperable vehicles shall be drained of all fuels, oils, anti-freeze and similar toxic liquids within forty-eight hours of arriving on the site, and such draining and disposal of liquids shall comply with all county, state and federal regulations.

Section 14.12 KENNELS

A. The following site and developmental requirements shall apply:

1. The lot shall be at least five (5) acres in size and four hundred (400) feet in width.
2. Kennels shall not be located in a subdivision plat or site condominium.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one-hundred feet (100) to any adjacent lot line in a Residential district or any adjacent building used by the general public. Runs and exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

B. Special Performance Standards:

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
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. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. Animals shall be permitted in outdoor runs or pens between 7:00 a.m. and 10:00 p.m. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

Section 14.13 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. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. 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 obscuring wall or fence. A chain link fence may only be permitted along property lines which abut a Commercial or Industrial District.
3. Storage spaces shall not contain more than 400 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 fifty (50) feet from any right-of-way.
5. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Section 14.14 MOTELS AND HOTELS

A. The following site and developmental requirements shall apply:

1. No buildings shall be located within seventy-five (75) feet of a Conservation or Residential District.

B. Special Performance Standards:

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
3. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

Section 14.15 NURSING HOMES

A. The following site and developmental requirements shall apply:

1. All ingress and egress for the site shall be from a paved road.
2. No building shall be closer than fifty (50) feet to any lot line.

B. Special Performance standards:

1. A nursing home shall provide adequate outdoor open space.
2. All facilities shall be licensed by the State of Michigan and shall conform to applicable state and federal laws.

Section 14.16 OPEN AIR BUSINESSES (VEHICLES, LANDSCAPE SUPPLIES, AND SIMILAR USES)

A. The following site and developmental requirements shall apply:

1. All buildings and loading/unloading areas shall be set back a minimum of fifty (50) feet from any lot line.
2. Outdoor storage associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

B. Special Performance standards:

1. In the case of vehicle sales:
 - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
 - c. All areas subject to vehicular use shall be paved with a durable dust-free surface.
 - d. No more than thirty-five percent (35%) of the lot shall be used for the storage or display of outdoor vehicles, and all storage and display areas shall be a minimum fifty (50) feet from all side and rear lot lines, and seventy-five (75) feet from a road right-of-way.
2. Storage or display of goods and materials shall not occur in the required yards.
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
4. Outdoor broadcasting of voice or music shall be prohibited, unless approved by the Township Board, in its reasonable discretion, during the permitting process described in Article 5.

Section 14.17 VEHICLE / CAR WASH ESTABLISHMENT

A. The following site and developmental requirements shall apply:

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of seventy-five (75) feet from Conservation and Residential Districts.
3. All maneuvering and stacking lanes 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.

Section 14.18 VEHICLE REPAIR SHOPS AND SERVICE STATIONS

A. The following site and developmental requirements shall apply:

1. 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.
2. All underground storage tanks shall be three hundred (300) feet from any residential well and two thousand (2,000) feet from any public water well.
3. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
4. All gasoline pumps shall be not less than thirty (30) feet from any lot line and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
5. 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 not be parked or stored in a front or side yard, and shall be screened.
3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
4. 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.

Section 14.19 VETERINARY CLINICS

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the principal building.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

Section 14.20 MULTIPLE FAMILY DEVELOPMENT

A. The following site and developmental requirements shall apply:

1. Minimum lot size shall be one (1) acre for the first three (3) dwelling units, and an additional two thousand five hundred (2,500) square feet for each additional dwelling unit.
2. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
3. If both of the walls facing each other contains windows or other openings, the distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, not less than twenty (20) feet for all other situations.
4. Maximum building heights shall not exceed thirty-five (35) feet, except that maximum building heights shall not exceed twenty-five (25) feet where such buildings exceed one hundred (100) feet in length.
5. All roads shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum width of ten (10) feet.
6. 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.
7. Minimum side and rear yard setbacks shall be thirty (30) feet.

B. Special Performance Standards:

1. All streets and driveways shall be constructed and maintained with an all weather road surface.
2. All group off-street parking facilities shall be adequately lighted during hours of darkness.
3. 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.
4. The minimum floor area of dwelling units within multiple family dwellings shall comply with the following:

Efficiencies:	400 sq. ft.
One bedroom units:	600 sq. ft.
Two bedroom units:	750 sq. ft.
Three bedroom units:	900 sq. ft.
Four or more bedroom units:	1,200 sq. ft.
5. Minimum side and rear yard setbacks shall be thirty (30) feet.
6. No more than ten (10) dwelling units shall be located in a single building, and no building shall exceed one hundred fifty (150) feet in length.

Section 14.21 COMMUNICATION TOWERS, CLASS TWO

A. The following site and developmental requirements shall apply:

1. The minimum parcel size shall be one (1) acre.
2. The maximum height of a communication tower shall not exceed one hundred fifty (150) feet. The Township Board may waive this standard upon the applicant successfully demonstrating that a greater height is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). Applicants shall present an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within the respective District.
3. The setback of the support structure from any adjacent property shall be no less than the height of the highest point of any structure on the premises, or the minimum distance necessary so that if it were to fall or collapse, it would remain within the confines of the parcel.
4. The base of the tower shall be fenced with a minimum eight (8) foot chain-link fence.
5. 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.

6. The structure shall comply with the requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission.
7. All structures shall be located at least two hundred (200) feet from any dwelling and one-thousand feet from a Residential District.
8. Communication towers shall be constructed no closer than two (2) miles apart.

B. Special Performance Standards:

1. The applicant shall provide verification that the antenna mount 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. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other public agency.
3. The Township Board 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 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 Township Board, taking into consideration the standards contained in this Section.
- c. **Requirements for Collocation:**
 - 1) A permit for the construction and use of a Class 2 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.
 - 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 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. Special Application Requirements

1. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
2. The application shall include a map showing existing and known proposed communication tower facilities within the Township, and further showing existing and known proposed communication facilities within four (4) miles from the borders of the Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
3. The application shall be accompanied by security in an amount and form satisfactory and approved by the Township.

Section 14.22 ADULT ENTERTAINMENT BUSINESSES

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

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 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:

4. **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.
5. **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.
6. **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".
7. **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.
8. **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.
9. **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.*"
10. **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.
11. **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 genitals in a discernibly turgid state, even if completely and opaquely covered.
12. **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.
13. **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.

B. The following site and developmental requirements shall apply:

1. No adult entertainment business shall be established on any premises where there exists another adult entertainment business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult entertainment business is located shall be situated at least one-thousand (1,000) feet from a state licensed child care facility, religious institution, public school, public building, public park, or any Residential District or residential use, measured as a straight line distance between the closest property lines.

C. 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."
2. Adult entertainment businesses shall not be located within a building in which one (1) or more dwelling units are located.
3. Operational hours are permitted between 10:00 a.m. and 10:00 p.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.

Section 14.23 EXTRACTION OPERATIONS

A. Additional Materials to be Submitted for Special Use Review: In addition to the data requirements of Section 4.04, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
 - a. The area and amount of material to be excavated in cubic yards.
 - b. Proposed side slopes and depths for all portions of the excavated area.
 - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
 - d. The time, duration, phasing and proposed work schedule of the total project.
 - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for transport of excavated material.
7. Proposed plans for fencing, and signs.
8. Depth to groundwater.
9. Vertical aerial photography, of a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed erosion and sedimentation plan showing measures to be taken to control soil erosion and sedimentation cause by extraction activities, in conformance with the most current rules and standards of the Ingham County Drain Commissioner, and any other applicable county, state or federal agency. Such measures shall address sediment trapping, seeding or other treatment of stockpiles and bare earth, channeling of water through and/or around extraction areas, stabilization of sloped areas, and temporary and final stabilization measures.
11. A detailed reclamation plan that identifies, at a minimum, the following:
 - a. 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.
 - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
 - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.

- e. The restoration of vegetation 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.
- f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-vertical).
- g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
- h. No noxious, flammable or toxic backfill and grading materials shall be used.
- i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
- j. 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.

B. The following site and developmental requirements shall apply:

- 1. Notwithstanding any other minimum yard sizes required by this Ordinance, the following minimum setbacks shall apply:
 - a. For all fixed machinery and buildings: One-hundred (100) feet from any right-of-way of any public road or private road, seventy-five (75) feet from a Residential District, and fifty (50) feet from all other lot lines.
 - b. For top of slope of extraction area: Fifty (50) feet from all lot lines, including from any right-of-way of any public road or private road.
 - c. For all extraction activities, including buildings, structures, fixed equipment, and washing and stockpiling of materials, seventy-five (75) feet from a Residential District.
- 2. There shall be not more than one (1) entrance-way from a public road to said lot for each one thousand (1,000) feet of frontage.
- 3. No grades in any portion of the site shall exceed a 3:1 (horizontal:vertical) slope upon completion of extraction operations in such portion of the site.
- 4. Blasting or the use of any explosive device to loosen or gain access to material is prohibited except where expressly authorized by the Township Board and in conformance with any conditions associated with such authorization.

C. Special Performance Standards:

- 1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured fence with suitable gates. Such fence shall be a minimum of four (4) feet high and shall not exceed six (6) feet in height. The gate shall be locked at all times when the site is not in use or when an attendant is not present. "KEEP OUT-DANGER" signs shall be posted at two hundred (200) foot intervals along the perimeter.
- 2. Where deemed necessary by the Township Board, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within five hundred (500) feet of any lot line.
- 3. All extractive operations shall comply with the soil erosion and sedimentation control requirements of the Ingham County Drain Commissioner and Michigan Department of Environmental Quality.
- 4. Topsoil shall be stockpiled on the site so that the exposed land can be restored with vegetative cover with a minimum of three inches (3") of top soil. Excess topsoil may be removed from the site except that which is required for site restoration.
- 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.
- 8. 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.
- 9. 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. Extraction areas shall be reclaimed pursuant to the approved reclamation plan.

10. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to one hundred fifty percent (150%) of the estimated 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 bond or letter of credit has been posted for that area of the site.
11. 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.
12. Extraction, processing, and storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Extraction shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
13. Each operator or permittee shall furnish a report to the Township Board for each project site at periods no greater than one (1) year following issuance of a Special Use Permit, documenting the extent of the activities and extent of extraction during that year and any revised future schedule of operations.

D. Other conditions: The conditions of any permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.

1. Extraction operations shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
2. 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 Township Board determines that no substantial work has occurred on the site for more than one (1) year.
 - c. The Township Board has received notification from the owner that operations are complete.
 - d. A permit for the extraction has expired.

E. Existing Extraction Areas: In the case of an extraction operation existing on the effective date of this Ordinance for which a permit does not specify the limits of extraction operations, such extraction operations may continue to operate and expand on such parcel existing on the effective date of this Ordinance provided such operations comply with all other applicable Township ordinances.

Section 14.24 HOME VEHICLE REPAIR SHOPS

A. The following site and developmental requirements shall apply:

1. A Home Vehicle Repair Shop site is subject to all applicable site and developmental requirements as set forth in Section 14.18(A), except as otherwise provided in this section.
2. A Home Vehicle Repair Shop use shall not be permitted in R-2 or R-3 districts.
3. A Home Vehicle Repair Shop shall be located no less than seventy-five (75) feet from R-2 or R-3 districts.
4. A Home Vehicle Repair Shop shall be located 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.
5. Home Vehicle Repair Shops must be located in one (1) garage or accessory building of a dwelling as defined by Article 21.
6. Garages and accessory buildings are subject to the regulations as set forth in Section 20.16 ACCESSORY USES, BUILDINGS, and STRUCTURES and shall have a maximum area of four thousand nine hundred fifty (4,950) square feet, a maximum height of thirty-five (35) feet, and a minimum required setback of fifty (50) feet from a road right-of-way.

7. Any parking area for vehicles in the process of being repaired shall be adequately drained.
8. No underground storage tanks shall be allowed.

B. Special Performance Standards:

1. A Home Vehicle Repair Shop is subject to all applicable specific performance standards as set forth in Section 14.18(B), except as otherwise provided in this section.
2. Hydraulic hoists, service pits, lubricating, greasing and repair equipment and all operations shall be located within a completely enclosed structure
3. All repair, assembly, disassembly, or maintenance of vehicles shall occur within an enclosed garage or accessory building except minor maintenance, including tire replacement, adding oil and wiper replacement.
4. Vehicles rendered inoperable for any reason shall not be maintained on the property for more than sixty (60) calendar days.
5. Any vehicles stored on a driveway shall be arranged so that they will not be parked on or overhanging any public sidewalk or a road right-of-way.
6. The sale of used vehicles may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such sale area and the type and maximum number of vehicles to be stored on the site for such purpose.

C. Other Conditions

1. Home Occupations. A Home Vehicle Repair Shop is subject to the conditions set forth in Section 20.17 HOME OCCUPATIONS, except as provided in this Section.
2. Hazardous waste. A Home Vehicle Repair Shop shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste other than the types and quantities typically associated with the day-to-day operations of a home vehicle repair shop.
3. Outdoor Storage, Sales, and Merchandise Display. Outdoor display and sale of used vehicles in conjunction with a Home Vehicle Repair Shop located within an AR, R-1, C-1, or I-1 district is permitted, so long as such storage, sales and merchandise display remains an accessory use of the Home Vehicle Repair Shop and otherwise satisfy the following:
 - a. All storage and display areas shall be a minimum of fifty (50) feet from all side and rear lot lines, and seventy-five feet from a road right-of-way.
 - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
 - c. Outdoor broadcasting of voice or music shall be prohibited.
 - d. Outdoor lighting of vehicles after sunset and before sunrise is prohibited.
4. Signs. All signage, including wall signs and freestanding signs, is subject to the general standards set forth in Article 15 and the following additional provisions:
 - a. **Number.** No more than one (1) freestanding sign or one (1) wall sign shall be permitted for the Home Vehicle Repair Shop.
 - b. **Area.** No sign shall exceed an area of twelve (12) square feet. The area of a sign shall be computed as set forth in Section 15.03(A).
 - c. **Setbacks.** All freestanding signs shall be setback a minimum distance of at least fifteen (15) feet from all lot lines and road right-of-ways. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the road right-of way or property line.
 - d. **Height.** The height of a freestanding sign, measured as set forth in Section 15.03(C), shall not exceed a maximum height of four (4) feet.
 - e. **Prohibited Signs.** Flags, banners and streamers are prohibited.
5. Environmental Protection.
 - a. **On-site Potable Water and Sewage Disposal.** If a Home Vehicle Repair Shop engages in the sale of used vehicles, there shall be an on-site sewage and potable water facility that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes constructed and maintained in accordance with the requirements and standards of the Ingham County Public Health Department as well as those of other applicable local, county, state, or federal agencies.
 - b. **Lighting.** No lighting shall in any way impair the safe movement of traffic on any street or highway.
 - c. **Blight and Nuisance.** All Home Vehicle Repair Shops shall comply with the Township Ordinance #23, the Anti-Blight and Anti-Nuisance Ordinance.

- d. **Noise and Vibration.** Operating any devices that creates noise or vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct mean as, but not limited to, sensation by touch or observation or moving objects.
 - e. **Glare and Heat.** Any repair which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such repair form direct view from any point along the lot lines. If heat is a result of a repair, it shall be so insulated as to not raise the temperature at any property line at any time.
6. Permits.
- a. **Non-Transferability.** A permit shall not be sold, assigned, devised, or otherwise transferred from the original applicant without the written consent of the Planning Commission.
 - b. **Inspection.** Home Vehicle Repair Shops shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
 - c. **Revocation.** The Township shall have the power to revoke or cancel any Special Land Use Permit in case of failure or neglect to comply with any provision of this section or in the case of any false statement or misrepresentation made in the application. The permit holder and the owner shall be notified prior to a revocation in writing and shall have the right to a hearing before the Planning Commission. Upon revocation, all further operations and usage shall cease upon the site. Failure to terminate the use for which the 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.

End of Article 14

Article 15 SIGNS

Section 15.01 PURPOSE

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. 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. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

Section 15.02 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. Business Sign: A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.

B. 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 signs.

C. Non-Commercial Sign: A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.

D. Outdoor Advertising Sign: 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 (sometimes 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, sandwich boards, 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. Projecting Sign: A sign that projects more than eighteen (18) inches from the face of the building or structure upon which it is located.

G. Real Estate Sign: A temporary sign advertising a property or structure's availability for sale, lease, or rent.

H. Roof Sign: A sign mounted on the roof of a building or structure, lying flat or positioned upright.

I. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, 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, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.

J. Wall Sign: A sign which is attached directly to a building wall, or nonrigid fabric marquee or awning-type structure attached to a building, with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy or awning-type structure.

SECTION 15.03 GENERAL STANDARDS

A. 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 one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

B. Sign Setbacks: Unless otherwise specified, all freestanding signs shall be setback a minimum distance from all lot lines of at least ten (10) feet. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.

C. 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. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

D. Traffic Hazards: No sign shall be erected in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes 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. Signs may be illuminated, but no flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

E. Sign Materials and Maintenance: 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. 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. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

F. Lighting: The internal lighting of signs shall be prohibited except where the approving body determines that internal lighting is the only reasonable option and will not cause a nuisance to surrounding properties. All sign lighting shall comply with the provisions of Section 18.04.

G. Prohibited Signs: Projecting signs, roof signs, and outdoor advertising signs are prohibited.

Section 15.04 SIGNS PERMITTED in ALL DISTRICTS

A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 15.08):

1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed ten (10) square feet in area.
4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
5. Regulatory, direction, and street signs erected by a public agency.
6. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or two (2) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
7. Residential identification signs for single family dwellings, two family dwellings, and home occupations, and residences with family home day care facilities, provided only one (1) sign shall be permitted per lot and shall not exceed two (2) square feet in sign area. Home occupation signs in Residential Districts shall be affixed to the wall of the dwelling.
8. Residential development consisting of a platted subdivision, site condominium, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one 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 twenty-five (25) square feet and a height not exceeding five (5) feet.

9. Real estate signs advertising a single lot, residence or office not exceeding an area of ten (10) square feet provided such signs are no closer than fifteen (15) feet to the right-of-way of a street. A platted subdivision, site condominium, 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 ten (10) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of eighty (80%) of all lots, units, or buildings within said development.
10. Construction signs are permitted in any district with a maximum height of five (5) feet and not exceeding eighteen (18) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be setback a minimum of ten (10) 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.
11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
12. 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 twenty-five (25) square feet in area and are an integral part of the structure.
13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
16. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.

Section 15.05 SIGNS in COMMERCIAL and INDUSTRIAL DISTRICTS

In addition to the signs permitted pursuant to Section 15.04, signs for authorized institutions, public buildings, special land uses and businesses, but excluding home occupations, shall be permitted in Commercial and Industrial Districts subject to the following restrictions:

A. Type and Usage: Signs shall be wall signs, projecting signs, freestanding signs, and/or roof signs and shall pertain exclusively to the business or use located on the lot on which the sign is located.

B. Wall Signs:

1. Placement: Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.
2. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
3. Area: The maximum total sign area of all wall signs upon a building shall not exceed ten (10) percent of the vertical surface area of the facade forming the principal business frontage. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area.

C. Freestanding Signs:

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:** The maximum total sign area of a freestanding sign shall not exceed thirty-four (34) square feet in area. In the case of a business center that exceeds five-hundred feet of continuous frontage along a single road, the maximum sign area of a freestanding sign shall not exceed forty (40) square feet in area.
3. **Height:** Freestanding signs shall not exceed a height of fifteen (15) feet.

Section 15.06 SIGNS in CONSERVATION and RESIDENTIAL DISTRICTS

In addition to the signs permitted pursuant to Section 15.04, signs for authorized institutions, public buildings, special land uses and businesses including farms, but excluding home occupations, shall be permitted in Conservation and Residential Districts subject to the following restrictions:

A. Type and Usage: Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or use located on the lot on which the sign is located.

B. Wall Signs:

1. **Placement:** Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.
2. **Number:** No more than one (1) wall sign shall be permitted on a lot or parcel.
3. **Area:** The total maximum sign area of all wall signs shall not exceed ten (10) percent of the vertical surface area of the facade forming the principal business frontage, but in no case shall exceed eighteen (18) square feet. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area, but in no case shall exceed eighteen (18) square feet.

C. Freestanding Signs:

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:** The maximum sign area of a freestanding sign shall be sixteen (16) square feet, except that such signs may not exceed twenty-five (25) square feet in the case of seasonal agricultural sales associated with a farm, or a church or other religious institution, school, museum, library, or other nonprofit institution.
3. **Height:** Freestanding signs shall not exceed a height of six (6) feet.

D. Lighting: No sign shall be illuminated except upon a finding by the approving body that such lighting shall not be a nuisance to surrounding land uses.

Section 15.07 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 Section. 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 and outdoor advertising structures 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 or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure 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, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance

Section 15.08 SIGNS REQUIRING PERMITS

All signs larger in area than twenty (20) square feet, including wall signs, shall require a zoning permit prior to erection and/or placement. If a proposed sign is to be part of an existing or proposed project which, under this Ordinance, such project would require site plan review, the designated site plan review body shall review the proposed signage as part of the site plan review procedure for the entire project, or pursuant to Section 4.08(A)(1) in the case of an existing project which previously received site plan approval.

End of Article 15

Article 16 OFF-STREET PARKING and LOADING

Section 16.01 PURPOSE

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference and hazards with public use of streets and alleys, every facility customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

Section 16.02 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 Zoning Board of Appeals must decide the requirements of off-street parking. A record of the rationale applied shall be recorded and forwarded to the Planning Commission.

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 or selling of any kind shall be conducted in an off-street parking area unless specifically permitted through the issuance of a temporary zoning permit.

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 permitted by the Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is 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 zoning permit and a copy shall be recorded with the Register of Deeds of the County 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 Township Board for termination of such agreement.

F. Queued Vehicles: There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with street traffic. The approving body may increase this length where the approving body feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to single family and two family dwellings.

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, measuring a minimum of twelve (12) feet in width, and associated signage and ramps, 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 convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

Section 16.03 PARKING SPACE REQUIREMENTS

A. Compliance with Required Number of Parking Spaces: 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 16.02(E).

1. In recognition that certain commercial uses may rely on all of their parking spaces during only limited times during the year, the designated site plan review body (see Section 4.02) may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of spaces as a reserved parking area for future use. However, the approving body may subsequently require the applicant to construct such spaces upon a determination by such 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 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 twenty-five (25) parking spaces.
2. The designated site plan review body may waive a portion or all of the number of required off-street parking spaces in the business area of the unincorporated village of Onondaga if, after review, it finds the following conditions to be true:
 - a. There are adequate public parking facilities nearby to accommodate the increased parking demand.
 - b. The waiving of the off-street parking requirements will not result in a visible increase in the use of nearby residential neighborhoods for off-street parking purposes.
 - c. The waiving of the off-street parking requirements will not result in a visible increase in traffic congestion or traffic hazards.
 - d. Significant practical limitations exist that effectively prohibit providing the required parking spaces on the development site.
 - e. Provisions for the required off-street parking spaces cannot be addressed under Section 16.02(E).

B. Number of Required Parking Spaces

<u>Use or Building Type</u>		<u>Number of Required Parking Spaces</u>
Residential*		
	One and Two Family Dwellings	2 spaces per single family dwelling unit
	Multiple Dwellings	2 spaces per multiple family dwelling unit, plus 1 additional space per five (5) units for guest parking
	Mobile Home Park	2 spaces per mobile home site, plus 1 additional space per three (3) units for guest parking
	Group Homes (Adult Foster Care)	1 space per three (3) residents of the home
Commercial*		
	Athletic Clubs, physical Exercise Establishments, Health Studios, Sauna Baths, Judo Clubs	1 space per three (3) patrons based on the occupancy load established by the State Fire Marshall

Automobile or Machinery Sales and Service Garages	1 space for each 200 square feet of showroom floor area, plus 2 additional spaces for each service bay, provided at least ten (10) spaces are provided. <i>Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.</i>
Banks and Financial Institutions	1 space for each 250 square feet of usable floor area, plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
Barber Shops and Beauty Parlors	2 spaces for each beauty or barber chair
Bowling Alleys	3 spaces per alley
Car Wash, Automatic	Reserve parking or storage is required for eighty (80) percent of the manufacture's hourly rated capacity for the system in use, if the system does not operate as a continuous conveyor system accommodating multiple vehicles at a time.
Car Wash, Self-Service	Reserve parking is required to accommodate up to five (5) times the maximum number of vehicles able to undergo some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
Clinics	2 spaces for each examination or treatment room
Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe repair, Personal Services (<i>other than beauty and barber shops</i>)	1 space per 400 square feet of gross floor area
Commercial and Institutional Recreational Facilities	1 space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshal.
Convalescent Homes, Convents, or Similar Uses	1 space per 3 beds.
Gasoline Filling and Service Stations	2 spaces for each repair and service stall. <i>A service stall is not a parking space.</i>
Dance Halls, roller Skating Rinks, Pool and Billiard Rooms	1 space per 3 persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
Day Care Centers, Child Care Center, Nursery School, School of Special Education	1 space per 350 sq. ft. of usable floor space <i>or</i> 1 space per 7 children, whichever is greater.
Funeral Homes and Mortuaries	1 space per 50 sq. ft. of floor area of chapels and assembly rooms.
Kennels	1 space for each 5 animals of the facility's capacity
Laundromat	1 space per 3 machines (washing or drying)
Miniature or Par 3 Golf Courses	3 spaces per hole

	Motels, Hotels, Auto Courts, Tourist Homes	1 space per sleeping unit, plus spaces for bars, restaurants, banquet rooms and other associated facilities
	Offices, Business and Professional	1 space per 200 sq. ft. of gross floor area
	Private recreational Facilities	1 space per 6 potential members based on the capacity of the facility as determined by the State Fire Marshal
	Retail Stores <i>(except as otherwise specified herein)</i>	1 space per 300 sq. ft. of gross floor area
	Restaurant Standard	1 space per 4 seats, plus 1 additional space for each 75 square feet of usable floor area
	Restaurant, Drive-Through (with indoor eating facilities)	1 space per 4 seats, plus sufficient area for 8 stacking spaces for drive-in windows
	Restaurant, Drive-Through (no indoor eating facilities)	1 space per 15 sq. ft. of usable floor area except that a minimum of 10 spaces is provided
	Restaurant, Carry-Out (no indoor eating facilities)	1 space per 15 sq. ft. of useable floor area, provided a minimum of 5 spaces is provided
	Supermarket, Self-Service Food Store	1 space per 100 sq. ft. of gross floor area, excluding walk-in refrigeration.
Industrial		
	Industrial or Manufacturing Establishments	1 space per employee of largest working shift
	Warehouses, wholesale stores	1 space per 800 sq. ft. of floor area
Institutional *		
	Place of Worship	1 space per 3 seats or 5 linear feet of pew or bench eating in the main unit of worship, <i>whichever is greater.</i>
	Auditorium, Theater, Assembly Hall	1 space per 3 seats or 5 linear feet of bench seating or 1 space per 3 persons based on the occupancy load as established by the State Fire Marshall, <i>whichever is greater.</i>
	Private Civic, Fraternal Club or Lodge	1 space per 3 members, based upon the load capacity as determined by the State Fire Marshall
	Elementary and Middle Schools	1 space per 3 seats or 5 linear feet of bench seating or 1 space per 3 persons based on the occupancy load as established by the State Fire Marshall, <i>whichever is greater.</i>
	Public Golf Course	4 spaces per hole.
	High Schools	1 space per 5 students (based on the capacity of the facility as determined by the Fire Marshall), plus 1 per 4 seats where the school contains an auditorium and/or stadium or gym

	Hospital, Sanitarium, Nursing Facility, Home for the Aged	1 space per 2 beds
	Libraries, Museums, Post Offices	1 space per 500 sq. ft. of floor area

* One additional parking space per employee of the largest work shift.

Section 16.04 SITE DEVELOPMENT REQUIREMENTS

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 storage 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.

C. Surface: All required off-street parking areas shall be paved with concrete, bituminous asphalt or other 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. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.

D. Setback: Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback, except for a driveway which may cross such setback area in a generally perpendicular manner.

E. Lighting: All parking lot lighting shall comply with the applicable provisions of Section 18.04.

F. 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 be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	10 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if abutting landscaping, or abutting a sidewalk at least seven (7) feet wide.

Section 16.05 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 16.03 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 service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, seventy-five (75) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

<u>Institutional, Commercial, and Office Uses</u>	<u>Spaces Required</u>
Up to 5,000 square feet of gross floor area:	1 space if determined to be necessary, based on project.
5,001 to 60,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft.
60,001 square feet of gross floor area and over:	4 spaces, plus 1 space per each additional 20,000 square feet.
<u>Industrial Uses</u>	<u>Spaces Required</u>
Up to 1,400 square feet of gross floor area:	0 spaces.
1,401 to 20,000 square feet of gross floor area:	1 space.
20,001 to 100,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street 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 street or alley.

D. Screening: All loading and unloading areas which abut another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be adequately screened.

E. Location: A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard abuts a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

End of Article 16

Article 17 LANDSCAPING and SCREENING

Section 17.01 PURPOSE

The intent of this Article is to minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible land uses; regulate the appearance of property abutting public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community and its residential neighborhood areas.

Section 17.02 APPLICATION

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 4, Section 4.02(A) and (B), and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article. This Article does not apply to single family and two family dwellings.

Section 17.03 LANDSCAPE PLAN REQUIRED

A separate detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Section 17.04) and parking lot landscaping (see Section 17.05). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

Section 17.04 BUFFER AREAS

A. Side and Rear Yard Buffer Areas: All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer.

1. The buffer area shall be a minimum of twenty (20) feet wide and include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height.
2. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred fifty (150) linear feet, although such plantings need not be formally arranged or evenly spaced. Heights of walls shall be measured on the side of the proposed wall having the higher grade.
3. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
4. Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development not adequately screened by (A)(1-3) above, a fence or solid wall shall be required by the site plan approving body.

B. Front Yard Buffer Areas: A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 17.05 PARKING LOT LANDSCAPING and SCREENING

Parking lots shall be landscaped and screened as follows:

1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains five (5) or more parking spaces and is within two hundred (200) feet of a Conservation or Residential district, a vegetative screen or fence of at least four feet in height shall be installed to fully screen views to the parking area from the neighboring Residential district.
3. Plant materials shall be a height of at least three (3) feet at the time of their planting.

Section 17.06 MINIMUM STANDARDS of LANDSCAPE ELEMENTS

A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body.

B. Composition: A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

C. Existing Trees:

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the approving body, protective techniques shall be installed during construction, including, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the approving body, the applicant shall replace them with trees which meet Ordinance requirements.

Section 17.07 INSTALLATION, MAINTENANCE and COMPLETION

A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the approving body that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

B. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

C. The owner of property required to be landscaped by this Ordinance shall maintain such required landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 17.08 FENCING and WALLS CONSTRUCTION

The character, design, and appearance of all proposed fencing and walls shall be clearly indicated on the site plan, and shall not be erected prior to receiving site plan approval for the project and the necessary zoning permit.

Section 17.09 WAIVERS and MODIFICATIONS

A. Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

B. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval Granted.

End of Article 17

Article 18 ENVIRONMENTAL PROTECTION

Section 18.01 PURPOSE

The purpose of this Article is to promote a healthy environment in Onondaga 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 and uses unless otherwise noted.

Section 18.02 NATURAL RESOURCES

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform to 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 Building Code and State Fire Marshall.
2. Soil erosion and sedimentation requirements of the Ingham County Drain Commissioner.
3. Requirements of the Michigan Department of Public Health and the Ingham County Health Department.
4. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and for waste disposal.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission.

B. Discharges

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 any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited. 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 at any point 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. Radioactive emissions shall not exceed quantities or levels established as safe by state or 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, public 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, and such

stripping shall be limited to those approved site improvement areas. "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. In the case where no site improvements are proposed or no permit has been issued for any excavation or construction, no removal of top soil shall be performed other than for common household gardening, general farming and ground care.

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 is 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 uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon abutting properties including an abutting street.

Section 18.03 POTABLE WATER and SEWAGE DISPOSAL

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure 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 human, commercial, and industrial 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 Public Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 18.04 LIGHTING

No lighting shall in any way impair the safe movement of traffic on any street or highway.

Section 18.05 VIBRATION

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

Section 18.06 GLARE and HEAT

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

End of Article 18

Article 19

End of Article 19

**ONONDAGA TOWNSHIP, INGHAM COUNTY, MICHIGAN
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS**

Ordinance No. 19-01

SECTION 1: TITLE. This ordinance shall be known as and may be cited as the Onondaga Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2: INTENT AND PURPOSE. The State of Michigan, by voter referendum of November 2018, approved the use and possession of recreational marihuana by individuals over the age of 21. The law also established at least six commercial recreational marihuana licensed establishments that may operate within the Township, subject to State of Michigan and Township regulation. This law has been identified as the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, ("MRTMA") as may be amended. The Township determines that the general purposes of this ordinance are as follows:

1. The citizens of Onondaga Township narrowly approved the MRTMA, with a vote of approximately 56% in favor to 44% opposed.
2. Legitimate concerns remain regarding the proper regulation of recreational marihuana establishments either distinct from medical marihuana facilities allowed under the Michigan Medical Marihuana Facilities Licensing Act or combined with such facilities.
3. Certain provisions of the MRTMA create ambiguity as to potential impacts upon the Township.
4. The State of Michigan is charged with promulgating rules that will give further effect to the MRTMA and potentially address ambiguities in the MRTMA, but the State of Michigan has up to a year before such rules will be available for review and study by the Township.
5. The Township has a concern that proper regulation must be considered to address the MRTMA's impacts before allowing the commercial establishments permitted under the law.
6. The Township Board determines that the adoption of this Ordinance is necessary to preserve the public peace, health and safety by preventing the establishment of businesses related to recreational marihuana without proper time for the Township to study the new state law and properly determine how to effectuate appropriate regulation regarding it.

SECTION 3: DEFINITIONS. Words used within this Ordinance shall be construed to have the same meaning as provided in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

SECTION 4: NO MARIHUANA ESTABLISHMENTS. All marihuana establishments are prohibited within the boundaries of Onondaga Township pursuant to the MRTMA.

SECTION 5: VIOLATIONS AND PENALTIES.

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$5,000, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Onondaga Township or by such other person(s) as designated by the Township Board from time to time.

SECTION 6: SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 7: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Article 20 GENERAL PROVISIONS

Section 20.01 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 requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

Section 20.02 CONDITIONAL APPROVALS

A. Conditions on Discretionary Decisions: The Zoning Administrator, 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 insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.07.

Section 20.03 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, except that essential services do not include administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses.

Section 20.04 PERMITTED YARD ENCROACHMENTS

Yard encroachments are prohibited except as authorized below or expressly authorized elsewhere in this Ordinance:

1. An unenclosed porch or deck of less than eight (8) inches in height, (excluding railings) may project from a principal building into any required setback area but in no case shall such deck or porch be placed closer than five (5) feet to any lot line.
2. An unenclosed porch or deck more than eight (8) inches, but not more than thirty (30) inches in height, (excluding railings), may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet; into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a deck or porch be placed closer than five (5) feet to any lot line.

3. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements.
4. Balconies and awnings may encroach into any setback area no more than five (5) feet, but in no case shall such balcony or awning be placed closer than five (5) feet to any lot line.

Section 20.05 ONE DWELLING UNIT to a LOT

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

Section 20.06 MOVING BUILDINGS

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

Section 20.07 MANURE SPREADING

All disposal of manure through spreading on the ground surface or injecting into the soil below shall be carried out in strict compliance with all Generally Accepted Agricultural Management Practices, as most recently published by the Michigan Commission of Agriculture. For the purposes of this Section, "manure" shall mean the fecal and urinary defecations of livestock in addition to any feed, bedding, or liquids mixed with such defecations. No storage of manure shall occur within fifty (50) feet of a lot line.

Section 20.08 HEIGHT REQUIREMENT EXCEPTIONS

The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

1. Structures that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, 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 but do not exceed one hundred (100) feet in height.
3. Those structural extensions deemed necessary for appropriate building design such as cornices and parapet walls, and may extend a maximum of five (5) feet above height limitations and shall have no window openings.
4. Public utility structures, excluding communication towers.

Section 20.09 EARTH SHELTERED HOMES

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

Section 20.10 FENCES

A. Except as otherwise provided in this Ordinance or during site plan review and approval proceedings, fences in all Districts shall be subject to the following provisions:

1. Fences shall not exceed six (6) feet in height except where the portion of a fence greater than six (6) feet in height is a minimum of ninety-five (95) percent transparent, such as in the case of a cyclone fence. However, in no case shall a fence exceed ten (10) feet in height.
2. The finished side of a fence shall face the adjoining lot.

B. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted, except in association with agricultural operations, unless specifically granted approval by the Zoning Administrator. No fence shall constitute a hazard to the public health and welfare.

Section 20.11 FRONT SETBACK REDUCTIONS

Any front setback in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location is less than the minimum required, in which case the required minimum front setback shall be based on the established average.

Section 20.12 OUTDOOR STORAGE, SALES and MERCHANDISE DISPLAY

A. Outdoor display and sales of merchandise is permitted within Commercial districts. 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, but in no case shall not exceed an area of five-hundred (500) square feet. These regulations shall not apply to the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials. All outdoor display and sales areas shall comply with the District's setbacks for principal buildings.

B. Excepting the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial and Industrial districts, including equipment, vehicles, lumber piles, crates, boxes, building materials and discarded materials, 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.

Section 20.13 EXCEPTION to FRONTAGE REQUIREMENTS

The lot frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot 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. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over a minimum of seventy percent (70%) of the lot area. The front yard setback for such lot shall be measured at the point where the lot complies with the minimum required lot width.

Section 20.14 JUNK and INOPERATIVE VEHICLES

All land uses, including the use, storage or sale of junk and inoperative vehicles, shall comply with Township Ordinance #23, Anti-Blight and Anti-Nuisance Ordinance.

Section 20.15 GARAGE SALES

A. Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any Conservation or Residential district subject to the following conditions:

1. Any single garage sale, rummage sale or similar activity shall be allowed without a temporary zoning permit for a period not to exceed three (3) days.
2. In no instance shall more than four (4) garage sales, rummage sales or similar activity be held on a lot within any twelve (12) month period.
3. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
4. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
5. Items purchased specifically for the sale are prohibited.
6. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

Section 20.16 ACCESSORY USES, BUILDINGS, and STRUCTURES

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

A. **Attached:** An accessory building, including carports, which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

B. Separation Distance: An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot except where expressly authorized by the Building Code.

C. Placement: Accessory buildings and structures shall be set back a minimum of ten (10) feet from all side and rear lot lines, and shall comply with the minimum front yard setback for principle buildings in the subject District. An accessory building or structure may extend beyond the principle building into the front yard provided the following conditions are met:

1. In no case shall an accessory building or structure encroach into the minimum front yard setback for principle buildings in the subject District.
2. For each two (2) feet that an accessory building or structure extends closer to the front lot line than the principle building, such accessory building or structure shall be moved one (1) foot closer to the nearest side lot line in addition to the ten (10) foot separation distance required by (B) above. However, in no case shall the accessory building or structure be less than ten (10) feet from the side lot line.

D. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling.

E. Prior to a Principal Structure: Accessory buildings and structures shall not be erected on a lot or parcel prior to the issuance of a building permit for a principal building on the same lot. This provision shall not apply to farm accessory buildings.

Section 20.17 HOME OCCUPATION

A. The regulation of home occupations is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of use and appearance of residential districts, to be changed by the occurrence of non-residential activities. Home occupations, as defined in Article 21 of this Ordinance, shall satisfy the following conditions:

1. The area within a dwelling devoted to a home occupation shall not occupy an area greater than twenty-five (25%) of the total ground floor area of the dwelling.
2. The home occupation shall not employ more than one (1) person not residing in the home.
3. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
4. There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than a permitted sign.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
6. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided as an incidental activity associated with the principal service offered by the home occupation.
7. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste other than the types and quantities typically associated with day-to-day household operations.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

B. A permit is required. It shall be issued by the Zoning Administrator upon a finding that the proposed home occupation shall conform to the above requirements and the required fee has been paid. The applicant shall submit a written description of the proposed home occupation and day-to-day operations, and a certification that each of the above standards in (A) shall be satisfied with. Conformance to the above standards shall be maintained throughout the duration of the home occupation.

Section 20.18 SINGLE FAMILY DWELLING STANDARDS

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

A. Single family dwellings shall contain a minimum of eight hundred forty-six (846) square feet of floor area and comply in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a 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 Township building code, then and in that event such federal or state standard or regulation shall apply.

B. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling 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".

C. Each mobile home dwelling shall be installed with the wheels removed.

D. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis. Skirting shall be installed within thirty (30) days of setup of the home.

E. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.

F. All dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and approximate repairs, surface coating, and other appropriate protective measures.

G. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. The dwelling shall include not less than two (2) exterior doors with one being in the front of the dwelling, and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

H. No dwelling shall contain additions or rooms or other areas that are not of similar or better construction materials, visual appearance, and quality of workmanship as the original structure, including construction of a foundation as required herein and permanent attachment to the principal structure.

I. All plywood, insulation, and similar materials used in the construction of dwelling walls and roofs shall be completely covered and protected from weather conditions, including damage caused by freezing and frost, wind, snow, and rain, by brick, siding, or other material and design meeting the requirements of Section (G) above, within one (1) year from the installation of such plywood, insulation, or similar materials.

Section 20.19 SITE CONDOMINIUMS

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

A. 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 setback, height, coverage and area requirements, and all other provisions of this ordinance except as may be varied through a planned unit development. A condominium unit in a site condominium 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, except as may be permitted by a planned unit development.

B. Utilities: The site condominium 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.

C. Roads: All roads within a site condominium shall be designed and constructed in conformance with adopted standards of the Ingham County Road Commission.

D. Review and Approval Procedures:

1. **Zoning Permit Required:** Construction of a site condominium shall not be initiated prior to the issuance of a zoning permit. The issuance of a zoning permit shall require the submission and approval of a final site plan pursuant to Article 4, and master deed and bylaw documents. The Township Board shall be the approving body.
2. **Sketch Plan Approval Required:** The applicant shall submit a preliminary site plan, which shall be acted upon pursuant to this Ordinance.
3. **Site Plan Approval Required:** Following submission of the preliminary site plan to applicable outside agencies, the applicant shall revise the plan as required and submit a final site plan pursuant to Article 4. The site plan shall include:
 - a. all information required by Section 4.04(B).
 - b. information constituting a site condominium 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.
4. **Master Deed/Bylaws Approval Required:** The applicant shall furnish the Zoning Administrator with fifteen (15) copies of the proposed master deed and bylaws and 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 site condominium plan which are approved by the Township Board shall be incorporated, as approved, in the site condominium master deed.

E. Building Permit: No building shall be erected prior to the issuance of a Building Permit for that specific building by the Building Inspector.

F. As-Built Plan and Occupancy: Submission of an as-built plan of a site condominium is required. The Building Inspector may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on the estimated assessed value.

G. 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 1997, the Land Division Act, as amended.

Section 20.20 TEMPORARY DWELLINGS

A. The Zoning Board of Appeals shall have the authority to approve a temporary permit to use a mobile home or recreational vehicle as a temporary dwelling. Said permit shall be in effect for six (6) months and the Zoning Board of Appeals may grant a single six (6) month extension upon a finding that, in the case of (1) and (2) below, the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:

1. **Emergency Housing:** When a dwelling is destroyed 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, as determined by the Building Inspector, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle to be placed on the property upon the request of the owner.
2. **New Home Under Construction:** When a new dwelling is being constructed on a vacant lot, a temporary permit may be issued to allow a mobile home or recreational vehicle on the same lot.

B. A temporary permit shall not be granted in (A) above, for any reason, unless the Zoning Board of Appeals finds:

1. The mobile home or recreational vehicle complies with all setback requirements of the District for a principal building and does not interfere with emergency access to the principal dwelling.

2. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
3. Adequate measures are available for potable water and sewage disposal.

Section 20.21 ACCESS

The purpose of this Section is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Ingham County Road Commission, and other provisions of this Ordinance.

A. Curb Cuts and Driveways: 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 Section 4.03. Said plan shall be approved prior to the issuance of a permit. No such plan shall be approved unless such driveway access is onto a public road. Driveways and curb cuts shall, at a minimum, meet the requirements of the County Road Commission and Michigan Department of Transportation, and the following standards:

1. Driveways shall generally enter perpendicular to the existing street or road.
2. 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 by the Planning Commission.
3. Residential driveways shall comply with the following minimum standards:
 - a. The driveway surface shall be a minimum twelve (12) feet wide, measured edge to edge.
 - b. The driveway minimum overhead clearance shall be fourteen (14) feet above driveway grade at all points.
 - c. Any driveway in excess of three hundred (300) feet in length shall include minimum eighteen (18) foot wide passing flares, provided at least every three hundred (300) feet, to permit oncoming vehicles to pass one another.
 - d. Any driveway in excess of one hundred (100) feet shall have a compacted gravel or paved surface and shall avoid wetlands and unstable soils. The driveway surface and subsurface shall require removal of topsoil to a depth of ten (10) inches and backfilled with six (6) inches of sand or bank run gravel. The driveway surface shall consist of processed road gravel, crushed stone, asphalt, or a combination thereof, to a depth of at least six (6) inches.
 - e. Any driveway in excess of three hundred (300) feet in length shall provide an adequate area at the end of the driveway or elsewhere along the driveway to enable emergency vehicles, including fire trucks, to turn around. The Building Inspector may refer a plot plan to the Fire Chief for verification that the proposed emergency vehicle maneuvering is adequate.
 - f. The property owner shall be responsible for the maintenance and accessibility of the driveway in all seasons.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.
5. No driveways providing access to non-residential uses or structures shall cross residentially-zoned property.

B. Lots to Have Access: All parcels or lots hereinafter created in the Township shall have frontage on a public street and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

C. Clear Vision Zone: The following regulations shall apply to all landscaping, fences, walls, screens, or similar devices at street intersections:

1. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the right-of-way of an intersecting street.
2. No structure, hazard or obstruction shall be placed or maintained in the right-of-way, except as may be approved by the County Road Commission and Township Board.

Section 20.22 FLAG LOTS

Flag lots are prohibited (See Figure 21-1 and 21-2).

End of Article 20

Article 21 DEFINITIONS

Section 21.01 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, joint venture, municipal or public entity, or equivalent entity, or any combination of them, as well as an individual.

C. The word "building" includes the word "structure" and both include any part thereof. Likewise, the word "dwelling" includes "residence."

D. The word "lot" includes the word "plot", "tract", or "parcel".

E. The terms "shall," "must," and "will" are always mandatory and not discretionary. The word "may" is permissive and discretionary.

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 "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon," or any physical operation or work on the land on which the building or structure is to be erected, built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.

H. The particular shall control over the general.

I. The words "this Ordinance" means the text of the Onondaga Township Zoning Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended, unless the context clearly indicates otherwise.

J. 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.

K. The "Township" is the Township of Onondaga in the County of Ingham, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Board of Appeals, and Planning Commission of the Township.

L. Any word or term not interpreted or defined by this Ordinance shall have common, customary meanings. A dictionary may be consulted.

M. 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.

N. The Onondaga Township Zoning Board of Appeals shall have the jurisdiction to provide any necessary interpretation of this ordinance.

Section 21.02 DEFINITIONS

Abutting (lot or parcel): A lot or parcel which shares a common border with the subject lot or parcel.

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.

Agricultural Service Establishments: Establishments that 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; 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.

Agriculture: The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

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.

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, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.

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.

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, greenhouses, and other principal or accessory buildings.

Building Code: The various codes of the Township that regulate construction including building, electrical, mechanical and plumbing permits, and other permits as may be applicable.

Building Height: The vertical distance measured from the finished grade 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. In the case of a lakefront lot, the building height shall be measured from the finished grade where the building abuts the rear yard (*see Figure 21-3 at end of this Section*).

Building Inspector: An individual hired by Onondaga Township to administer the Township building code.

Building Permit: A permit signifying compliance with the provisions of this Ordinance and the Unified Construction Code.

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 or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the County building code.

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: See *Place of Worship*.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

Collocation: The location by two or more wireless communication providers of wireless communication facilities 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.

1. **Class 1:** A communication tower meeting either of the following requirements:

a. A communication tower to be affixed to an existing structure, such as existing building, tower, water tank, utility pole, and the like, where the proposed combined existing structure and communication tower is either less than a total height of twenty (20) feet or does not extend the height of the existing

structure by more than twenty percent (20%).

- b. A proposed collocation upon an existing communication tower which had been pre-approved for such collocation as part of an earlier approval by the Township.
2. **Class 2:** A communication tower proposed to be newly established and not otherwise meeting the definition of a Class 1 communication tower.

Composting Center: An establishment principally involved in the biological decomposition of organic matter under controlled conditions that are primarily characterized by aerobic, elongated piles that generate heat, and where organic matter is collected and delivered from off-site, thereby allowing for large scale composting.

Condominium: 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 Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein the condominium units function essentially as lots in a platted subdivision.

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

Condominium Unit: That portion of a condominium project or site condominium 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 as in the case of a site condominium or space which either encloses or is enclosed by a building structure. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage and similar standards pertaining to lots.

Day Care Center: A facility, other than a private residence, receiving one (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:

- a. 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.
- b. 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 uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

Drive-In / Drive-Through 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 street 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, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Ingham County Road Commission or State of Michigan.

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 dwelling except where expressly authorized in this Ordinance for temporary dwelling purposes.

Dwelling, Multiple Family: A building 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 containing not more than two separate dwelling units designed for 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.

Excavation: Any breaking of ground, except common household gardening, farming and ground care.

Extraction Operation: The removal, extraction, or mining of sand, gravel or similar material for commercial gain or for use on a parcel other than the parcel from which the material was extracted.

Family:

- a. 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 two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
- b. 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.

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.

- a. **Family Home:** A facility which provides foster care to six (6) or fewer persons.
- b. **Group Home:** A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear 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.

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.

Grade, Finished: The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Home Occupation: An occupation or profession conducted entirely within a dwelling which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Home Vehicle Repair Shop: A garage or accessory building of a dwelling used primarily for one or more of the following purposes: rebuilding or reconditioning engines or motor vehicles; collision service such as body, frame and fender repair, and painting; or minor automobile repair, including engine tune-ups and servicing or 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 overnight storage of motor vehicles. A car wash facility or operation is not included within this definition of a Home Vehicle Repair Shop.

Hospital: An institution which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.

Hunt Club: An area where wildlife are maintained for hunting by club members.

Junk Yard: Any land or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged 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 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: A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more similar animals, four (4) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale, or transfer.

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.

Lot: A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (see Figure 21-1 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 abutting 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 abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting 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 21-1 at end of this Section).

Lot Coverage: The amount of a lot, stated in terms of percentage, that 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.

Lot, Flag: A lot whose access to a public road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (see Figures 21-1 and 21-2 at end of this Section)

Lot Lines: The lines bounding a lot or parcel (see Figure 21-2 at end of this Section).

- a. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the Planning Commission shall determine the location of the front lot line based upon minimizing negative impacts to surrounding properties, and said line shall be designated as such on the plot plan or site plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained (see Figure 21-2 at end of this Section).
- b. **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 (see Figure 21-2 at end of this Section).
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line (see Figure 21-2 at end of this Section).

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 21-1 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 21-2 at end of this Section).

Manufactured Housing. A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Manufactured Housing Community: 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. (also referred to as mobile home park)

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

Master Plan: The statement of policy by the Township Zoning Board relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

Medical Clinic: An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Mini Storage (Warehouse) Facilities: A building or group of buildings in a controlled access or fenced area that contains 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 watercraft.

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, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

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.

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: 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.

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

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, lessee, 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.

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

Place of Worship: A building wherein persons regularly assemble for religious worship and that 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.

Plot Plan: A plan showing all salient 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 generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

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.

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

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.

Restaurant, Non-Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and that does not meet the definitional requirements of a "standard restaurant," including establishments in which all or a substantial portion of the business consists of serving foods and beverages in a ready to consume state: 1) from a drive-through window to patrons in motor vehicles; 2) for delivery by the restaurant to the customer in the customer's vehicle other than by a drive-through window, for consumption in the vehicle on the restaurant property; 3) from a counter for consumption by the customer off-site; 4) for delivery by the restaurant to the customer at another location; and 5) for consumption in an outdoor area on the property. Such non-standard restaurant may be commonly referred to as a carry-out, delivery service, drive-in and drive-through facility.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption in the restaurant building, and in which the prepared food is delivered to the customer seated at a table or the prepared food is acquired by the customer for consumption at such table.

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

Right-of-Way: A public or private 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.

Right-of-Way Line: The legal line of demarcation between a right-of-way and abutting land.

Road: A state highway, county road, or dedicated public thoroughfare which affords the principal means of access to abutting property. The term "road" also includes the term "street."

Road, County Local: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission and classified by the Ingham County Road Commission as a "primary" road pursuant to P.A. 51 of 1951, as amended.

Road, County Primary: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission and classified by the Ingham County Road Commission as a "local" road pursuant to P.A. 51 of 1951, as amended.

Sawmill: A facility to which trees, logs, or parts thereof are transported for the purpose of cutting, splitting, shaving, stripping, chipping or other processing.

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 place used for more than one (1) principal use, one (1) of which is the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Other principal uses may include, but need not be limited to, a restaurant, convenience store, and car wash. 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 minimum distance by which any building or structure must be separated from the front, side or rear lot line.

Shooting Range: Any facility, whether operated for profit or not, and whether public or private, which is designed primarily for the use of bow and arrow or firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.

Sign: Refer to Article 15: for definitions pertaining to signs.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. Site plan approval is generally delegated to the Planning Commission.

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.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained 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 horses are bred, reared, trained and/or boarded. A private stable may provide horse care and/or riding lessons but a private stable shall not be interpreted to include a facility providing horse 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.

Street: See "Road."

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.

Township Engineer: The licensed staff engineer of the Township, or a licensed engineer the Township may hire from time to time as needed.

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 variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

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 and offices.

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 painting.

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 21-2*):

- a. **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.
- b. **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.
- c. **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(s) or body charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

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

Figure 21-1
LOT TYPES



Figure 21-2
LOT LINES and YARDS

Figure 21-3
BUILDING HEIGHTS

End of Article 21







