

# ARTICLE 1

## TITLE, PURPOSE, CONSTRUCTION RULES APPLYING TO TEXT AND ENABLING AUTHORITY

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### **Section 1.01 Title**

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

### **Section 1.02 Purpose**

The purpose of this Ordinance is to provide for the regulation of land development and the establishment of districts in the unincorporated portions of the Township which regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy and other uses of land; to insure that the use of land shall be situated in appropriate locations and relationships; to prevent the inappropriate overcrowding of facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public services and facility requirements; to promote the public health, safety, and general welfare of the residents of Stockbridge Township by imposing certain regulations and restrictions; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for petitions, public hearings and referenda in accordance with the provisions of Public Act 110 of 2006, as amended; and to provide for appeals of the provisions of this Ordinance.

In order to more efficiently protect and promote the general welfare and to accomplish the aims and purposes of the Stockbridge Township Master Plan, the Township is divided into districts of such number, boundaries, shape and area, and of such common unity of purpose, adaptability of use, that are deemed most suitable to provide the best civic use, protect the common rights and interest of all, and to promote improved wholesome, harmonious, aesthetic development of said Township; and by further regulations and restrictions to limit the location, height, bulk, number of stories, size of dwellings, the uses and occupancy of dwellings, structures and land for residential, agricultural, commercial, industrial or other purposes; to regulate the size of front, rear and side yard, courts, or other open spaces; to promote a Board of Appeals, defining

and limiting the power and duties of said Board and providing the means for enforcing said Ordinance.

**Section 1.03      Scope and Construction of Regulations**

- A. This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- B. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.
- C. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This section is not intended to supersede the Mobile Home Commission Act, Public Act 97 of 1987, as amended.
- D. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

**Section 1.04      Rules Applying to the Text**

The following rules shall apply to the text and language of this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.

- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- F. The word "building" includes the word "structure", and "dwelling" includes "residence".
- G. The word "person" includes "corporation", "co-partnership", and "association" as well as an "individual".
- H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

**Section 1.05      Validity and Severability Clause**

- A. If any Court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
- B. If any Court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

**Section 1.06      State Legislation Enabling Authority**

This Ordinance is adopted pursuant to Public Act 110 of 2006 (MCL 125.3101 – 125.3702), as amended and, when so far as it is applicable, Public Act 33 of 2008 by the State of Michigan. Said Public Acts covering planning; the Michigan Planning Enabling Act (Act 33 of 2008) and zoning, the Michigan Zoning Enabling Act (Act 110) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

**Section 1.07 Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance**

The Zoning Ordinance of Stockbridge Township presently in effect in the Township and all amendments thereto, hereby is amended by this Ordinance. This Ordinance supersedes, reorganizes, and amends the present Zoning Ordinance on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined or by public referendum or other determination shall then automatically reinstate the present Stockbridge Township Zoning Ordinance and all of its amendments to their full effect.

## ARTICLE 2

### DEFINITIONS

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#### **Section 2.01**                      **Definitions.**

For the purpose of this Ordinance, the following terms and words are defined as follows:

**Accessory Building** - See "Building, Accessory"

**Accessory Use** - See "Use, Accessory"

**Adult Foster Care Facility** – See "State Licensed Foster Care Facilities"

**Adult Motion Picture Theater** - An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**Adult Physical Culture Establishment** - An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:

- A. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional.
- B. Electrolysis treatment by a licensed operator of electrolysis equipment.
- C. Continuing instruction in martial or performing arts or in organized athletic activities.
- D. Hospitals, nursing homes, medical clinics or medical offices.
- E. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.

**Adult Supply Store** - Premises used for the sale, distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"

**"Specified Sexual Activities"** are defined as:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, **"Specified Anatomical Areas"** are defined as:

- A. Less than completely and opaquely covered: (A) human genitals, pubic region, (B) buttock, and (C) female breast: below a point immediately above top of the areola.
- B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**Adjacent Property** - Property which adjoins any side or corner of a specific parcel of land.

**Agriculture** - Farms and general farming, including crop, fruit, horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises. See "Farming"

**Agribusiness** – An enterprise that derives a significant portion of its revenues from sales of agricultural products or sales to agricultural producers.

**Airport** - The use of land, including water, runway, or other facility designed, used or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangars and other necessary buildings, structures and open spaces. Other uses to be included: ticket offices, restaurants, confections, luggage checking facilities, and parcel shipping facilities.

**Alterations** - The term "Alterations" shall mean 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, the consummated act of which may be referred to herein as "altered" or "reconstructed". However, this does not

include maintenance items such as the one on one changing of doors or windows, siding or gutters or maintenance items such as painting or tuck pointing, etc.

**Alternative Tower Structure** - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Animal Hospital** - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

**Animal Shelter** - A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**Antenna** - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Antique** - Furniture, jewelry, silverware and other items that are at least one hundred (100) years old.

**Antique Shop** - A business establishment primarily devoted to the sale of furniture, silverware, jewelry, and other items that are generally at least one hundred (100) years old.

**Apartments** - The term "Apartments" shall mean the dwelling units in a multiple dwelling as defined herein:

- A. **Efficiency Unit:** is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a one (1) room unit.
- B. **One Bedroom Unit:** is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

- C. **Two Bedroom Unit:** is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
- D. **Three or More Bedroom Unit:** is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room county by one (1) over the four (4).

**Appeal** - See "Zoning Appeal"

**Arcade** - Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

**Architectural Features** - Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**As-Built Drawing** - Final drawings or plans that are the result of modifications in the field. As built drawings shall conform to all regulations contained in the Michigan Building Code and the Stockbridge Township Zoning Ordinance.

**Assembly or Dance Hall** - A large public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

**Attic, Unfinished** - Is an attic space that does not meet the building code as habitable space, as referenced by the Michigan Building Code.

**Auto Body Shop** - Building and premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.

**Automobile Car Wash** - A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.



**Automobile Repair** - A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

**Automobile Service** - A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles. An automobile service station does not do body work.

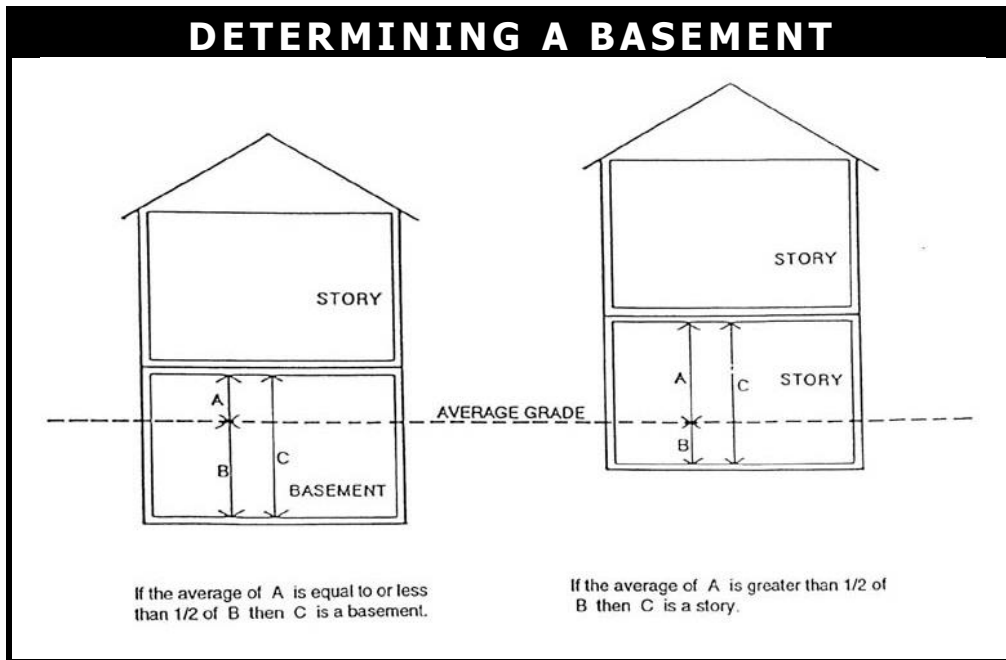
**Automobile or Trailer Sales Area** - Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

**Automobile Storage, Damaged** - Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

**Backhaul Network** - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Bar** - An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

**Basement** - That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty (50%) percent of one wall with no grade and two exits which are fire escape routes.



**Bedroom** - A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

**Bed and Breakfast** - Detached dwellings in which a maximum of six (6) sleeping room are rented with or without meals for hire or pay, for the traveling or vacationing public.

**Block** - The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

**Board of Appeals** - See "Zoning Board of Appeals"

**Breezeway** - A covered passageway, as between a house and garage, often enclosed on the sides.

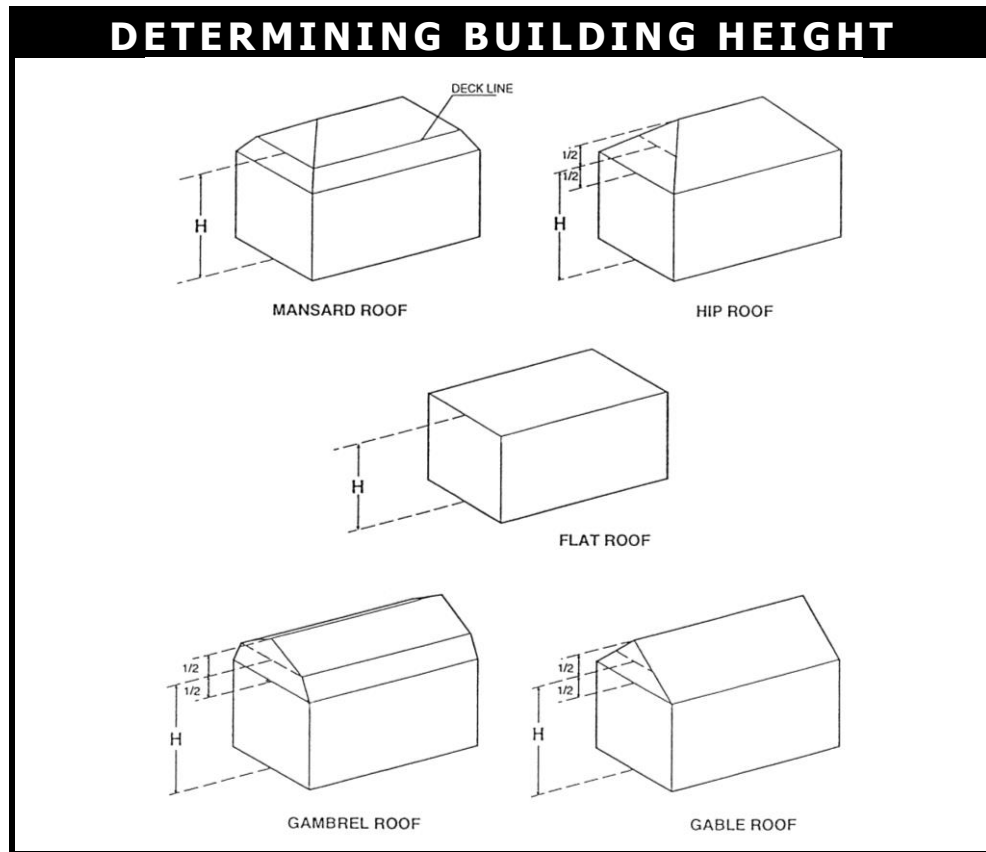
**Building** - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building. Definitions for specific types of buildings include:

- A. **Accessory Building** - A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.
- B. **Farm Building** - Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.
- C. **Principal Building** - A building in which is conducted the principal use of the premises on which it is situated.
- D. **Temporary Building** - See the definition for "Use"

**Building Area** - The space remaining on a lot or parcel after the minimum yard and open space requirements of this Ordinance have been complied with.

**Building Code** - The currently designated code or codes regulating building construction in the Township of Stockbridge.

**Building Height** - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



**Building Inspector** - The Township official appointed by the Township Board to administer and enforce the standards of his Zoning Ordinance.

**Building Line** - A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

**Building Permit** - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

**Building Setback Line** - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Also see "Setback."

**Bus Station** - A building or premises where commercial motor vehicles pick up and discharge fare paying, intercity passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

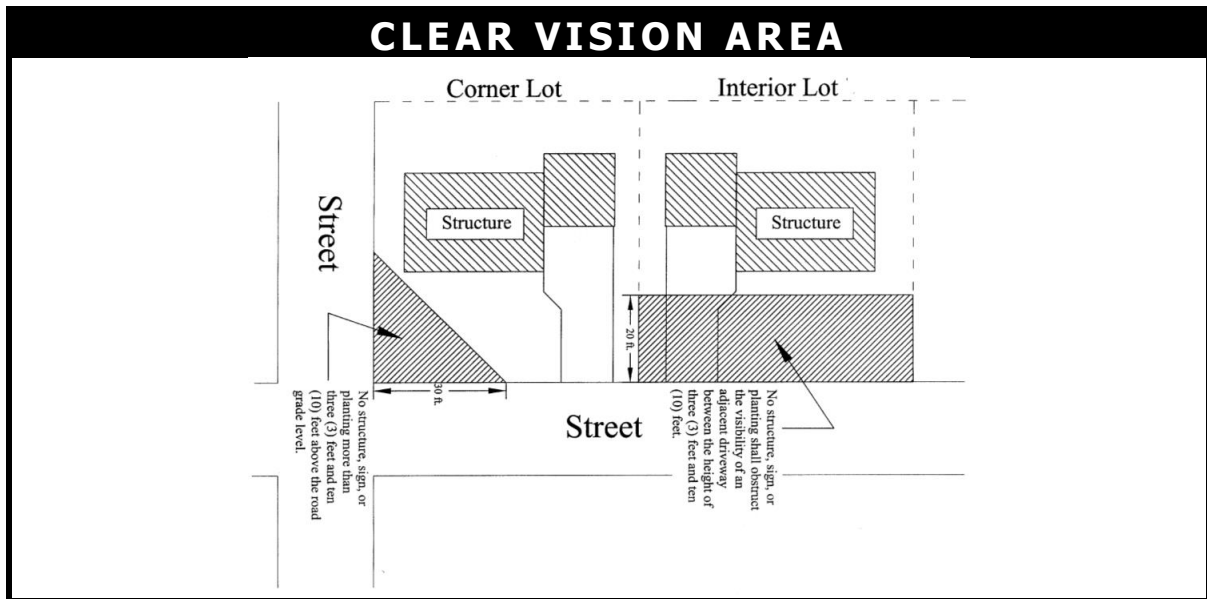
**Cabaret** - A cabaret is an establishment where live entertainment is provided, presented, permitted or performed including but not limited to, dance, comedy, theatrical, or musical performances, or performances which are distinguished or characterized by an emphasis on, or related to, "specified anatomical areas" (as heretofore defined) for observation by persons or patrons therein.

**Campground** - The uses and activities which take place on a lot or parcel of land for temporary short term, not to exceed four (4) weeks at any one period of stay or reservation, resort or recreation purpose and the year-round storage of unoccupied and unused recreation vehicles and related campground equipment and supplies in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District or State Public Health Departments.

**Cemetery** - Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments.

**Church** - A building wherein persons assemble regularly for religious worship; maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with a church. Churches include temples or synagogues.

**Clear Vision Area** - The clear vision area (sometimes called the "sight triangle") is a triangular-shaped area on corner lots. On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines. In addition, no structure, sign or planting shall obstruct the visibility of an adjacent driveway between the height of three (3) feet and ten (10) feet.



**Clinic, Animal** - A building or group of buildings and/or structures where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related para-professionals and technicians and where such animals may be provided with overnight housing.

**Clinic, Human** - A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

**Club or Lodge** - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

**College** - A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**Collectables** - Any class of items that can be collected for a hobby or for sale that are usually old, but not an antique.

**Commercial Recreation** - A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, such as an indoor or outdoor golf driving range.

**Commercial Use** - Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services for profit.

**Commission** - The words "Commission" or "Planning Commission" shall mean the Stockbridge Township Planning Commission.

**Convenience Store** - Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with it and having a gross floor area of less than 5,000 square feet.

**Commercial District or Center** - A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

**Common Areas, Uses and Services** - Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

**Condominium, Site** – See Article 6 for specific definitions regarding condominiums.

**Construction Code** - Means the Michigan State Construction Code or any Code established in accordance with its provisions.

**Convalescent or Nursing Home** - A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

**Cottage Industry** - A home occupation that utilizes a single family home and/or one accessory structure on the same residential lot in which to conduct, by the residents of the property, a business.

**Cul-De-Sac** - Cul-de-sac means a minor street of short length, having one end open to traffic and being terminated at the other end by a vehicular turn-around.

**Day Care** - See "State Licensed Day Care Facilities"

**Development** - The construction of a new building on a zoning lot that is appropriately zoned the relocation of an existing building on another zoning lot an appropriately zoned lot, or the utilization of open land that is appropriately zoned for a new use.

**District** - A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. Also see "Zoning District."

**Drive-In Business** - Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle.

**Drive-In Theater** - A lot which is used commercially for the purpose of showing motion pictures which are viewed by patrons from the confines of a motor vehicle. A drive-in theatre also includes accessory uses and structures such as a snack bar, projector building, speaker stands and ticket office.

**Driveway** - A residential vehicle access provided between a street or land and parking space, parking area or loading area, or between two parking areas and shall be constructed of and maintained with a stable dustless surface, such as asphalt, brick, compacted gravel or macadam.

**Dry-Cleaners, Coin Operated** - A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

**Dry Cleaners, Distribution Station** - A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dry dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaners' plant.

**Dry Cleaning or Laundry Outlet** - A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process, carried out on-site, of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

**Dwelling** - A building designed and built in accordance with the Township Construction Code and used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings. Specific dwellings shall be defined as follows:

- A. **Farm Dwelling** - A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.
- B. **Group Dwelling** - (Group housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.
- C. **Mobile Home Dwelling** - A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.



- D. **Multiple Family Dwelling** - A dwelling structure or portion thereof, designed for occupancy by two (2) or more families living independently of each other.
- E. **One Family Dwelling** - A dwelling structure designed exclusively for occupancy by one (1) family.
- F. **Two Family or Duplex Dwelling** - A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

**Dwelling Unit** - A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

**Efficiency Unit** - An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

**Entrance Ramp** - Automotive access to a highway.

**Equipment Rental** - A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

**Erected** - The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and other similar construction, shall be considered a part of erection.

**Escort Agency** - Any business, agency, or person who, for a fee, furnishes names of persons or introduces persons who may accompany other persons to social affairs or places of amusement, or who may consort with others about any place in public or private.

**Essential Services** - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

**Excavation** - Any breaking of ground, except farm use, common household gardening and ground care.

**Exception** - See "Zoning Exception"

**Exit Ramp** - Automotive exit from a highway.

**Family** - A family shall be defined by one (1) of the following:

- A. One (1) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, caregivers, including, but not limited to a nurse, nanny, or physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.
- B. Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees, care givers, including, but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid.
- C. A functional family living together as a single housekeeping unit.

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

**Family, Immediate** - An immediate relative related by blood, marriage, adoption or guardianship, including a parent, child, grandparent or grandchild.

**Farm** - Real property used for agriculture, specialty farming, forestry or horticulture and which may contain other contiguous or non-contiguous acres all of which is operated by a single family, family corporation, individual or corporation.

**Farmer** - A person whose principal occupation and source of income is farming.

**Farming** - "See Agriculture"

**Farm Operation** - A condition or activity which occurs in the community in connection with the commercial production or sale of farm products, and includes, but is not limited to: noise; odors; dust; fumes; operation of machinery and irrigation pumps; grazing by animals; ground and aerial seeding and spraying; the application of fertilizers, insecticides, and herbicides; and the employment of labor.

**Farm Product** - Farm product means, but is not limited to the following: livestock, poultry, grains, grasses, fibers, fruits, wood, trees, plants, shrubs, flowers, seeds, and honey.

**Farm Supply, Wholesale/Retail** - A building, structure or area where farm equipment and farm supplies are kept for sale.

**Fitness Center/Club** - A building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and solarium.

**FAA** - Federal Aviation Administration.

**FCC** - Federal Communications Commission.

**Fence** - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

**Filling** - The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

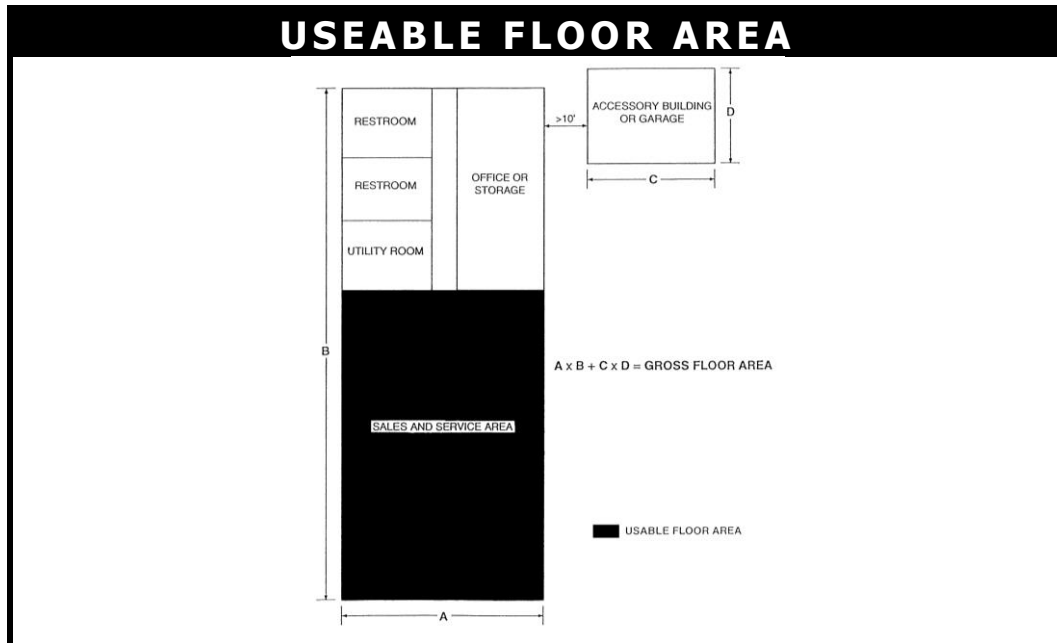
**Filling Station** - See "Automobile Service"

**Floodway** - The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

**Flood Plain** - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle, as established by the United States Corps of Engineers or other federal agency.

**Floor Area, Gross (GFA)** - The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

**Floor Area, Usable (UFA)** - The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.



**Foster Care Home** – See "State Licensed Foster Care Facility"

**Frontage, Street** - See "Road Frontage"

**Game Refuge, Conservation Area** - Land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant life and includes a forest preserve.

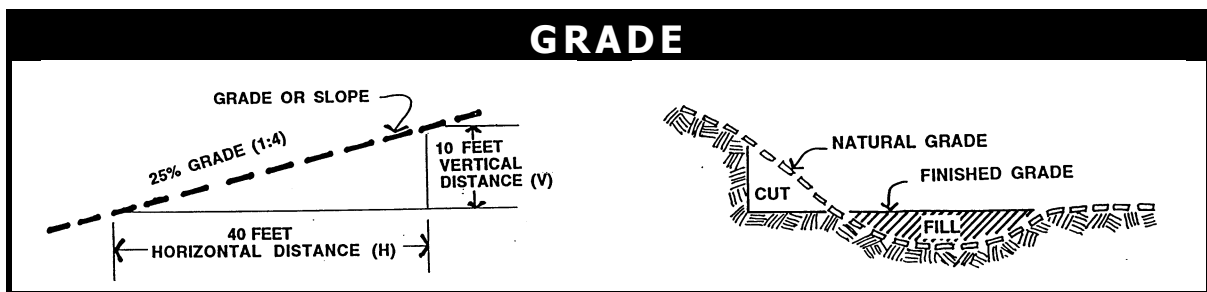
**Garage, Commercial** - Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles as well as non-motorized vehicles.

**Garage, Private** - An accessory building not to exceed the height or fifty (50) percent of the usable floor area of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

**Gas Station** - See "Automobile Service"

**Generally Accepted Agricultural and Management Practices (GAAMPS)** - Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

**Grade** - The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.



**Grade Plane** - A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the referenced plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

**Golf Course** – The term "golf course" shall mean the premises upon which the game of golf is played, including clubhouse, parking lots, pro shop, and other structures and uses customarily incidental to a golf course. The traditional length and par golf course that includes a variety of par three, par four and par five holes; a 9-hole course must be at least 2,600 yards in length and at least par 33, and an 18-hole course must be at least 5,200 yards in length and at least par 66. (Source: National Golf Foundation)

**Greenbelt** - A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

**Greenhouse, Commercial, Non-Farm Related** - A building, room, or area usually chiefly of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season for retail sale to the general public.

**Group Housing** - See "Dwelling, Group"

**Group Residential Homes** - See "Foster Care Homes"

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

**Highway** - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. See also "Road". These include:

- A. **Local Arterial Highway.** Those highways defined as such by the Township Master Plan.
- B. **Major Arterial Highway.** Those highways defined as such in the Township Master Plan.

**Historical Building, Site or Area** - Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the Township by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

**Home Occupation** - Any use customarily conducted entirely on a residential property and carried on by the inhabitants thereof, not involving more than two (2) employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like involved in or resulting from such occupation, profession or hobby. Such occupation shall not be permitted to make external alterations of construction features or have outdoor work areas, storage, or signs not customarily permitted in residential areas.

**Hospital** - An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**Hotel** - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel").

**Industrial** - A business involved in product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and operated primarily for profit. This definition includes those businesses and service activities that are a normal integral part of an industrial enterprise or area.

**Industry, Non-effluent Producing** - An industrial use which does not utilize process waters and which does not produce wastewaters.

**Industrial Park** - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

**Institutional** - An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.

**Junk** - All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

**Junk Yard** - Any lot, parcel, field, or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term "junk yard" includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.

**Kennel** - Any lot or premises on which six (6) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, boarding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets of like number are bred or sold.

**Laboratory** - A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

**Lake** - A permanent natural or man-made body of surface water of at least five (5) acres in area.

**Landscaping** - Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

**Land Use Permit** - See "Zoning Compliance Permit"

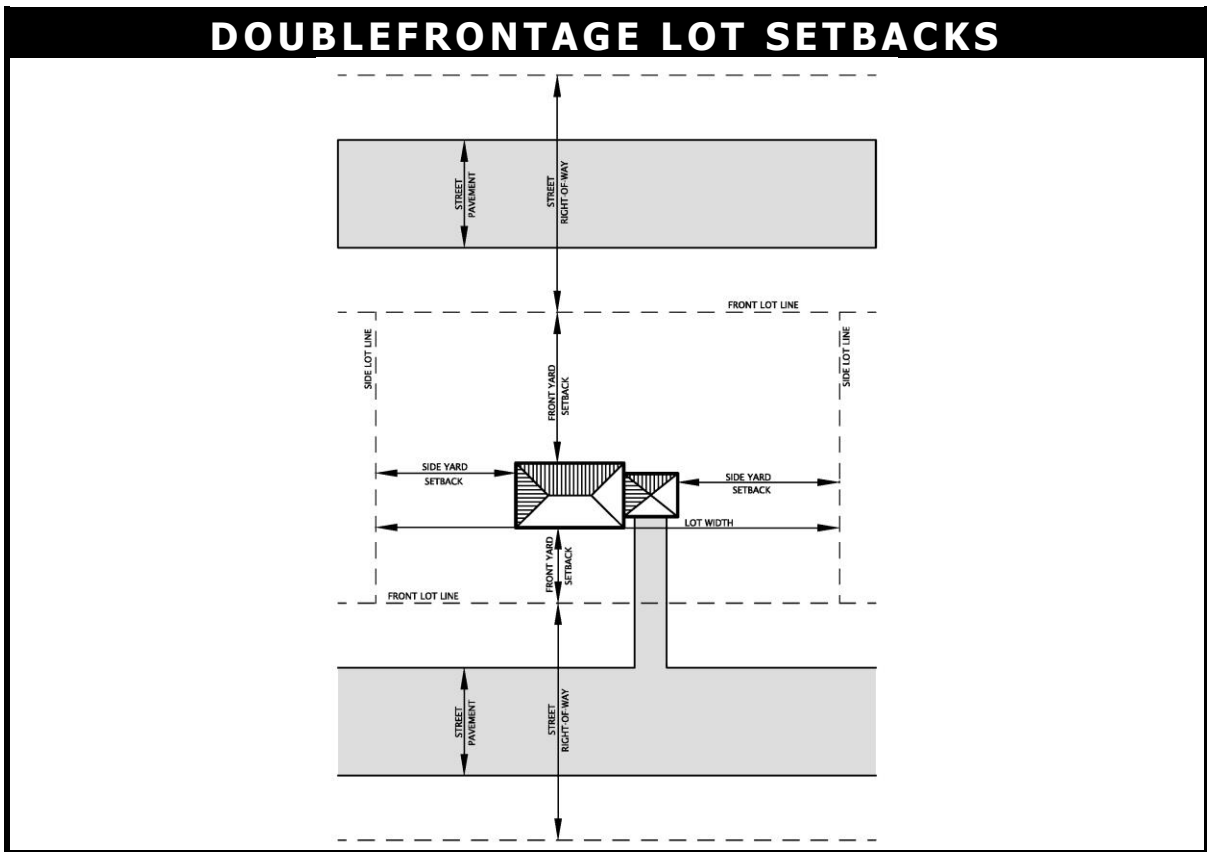
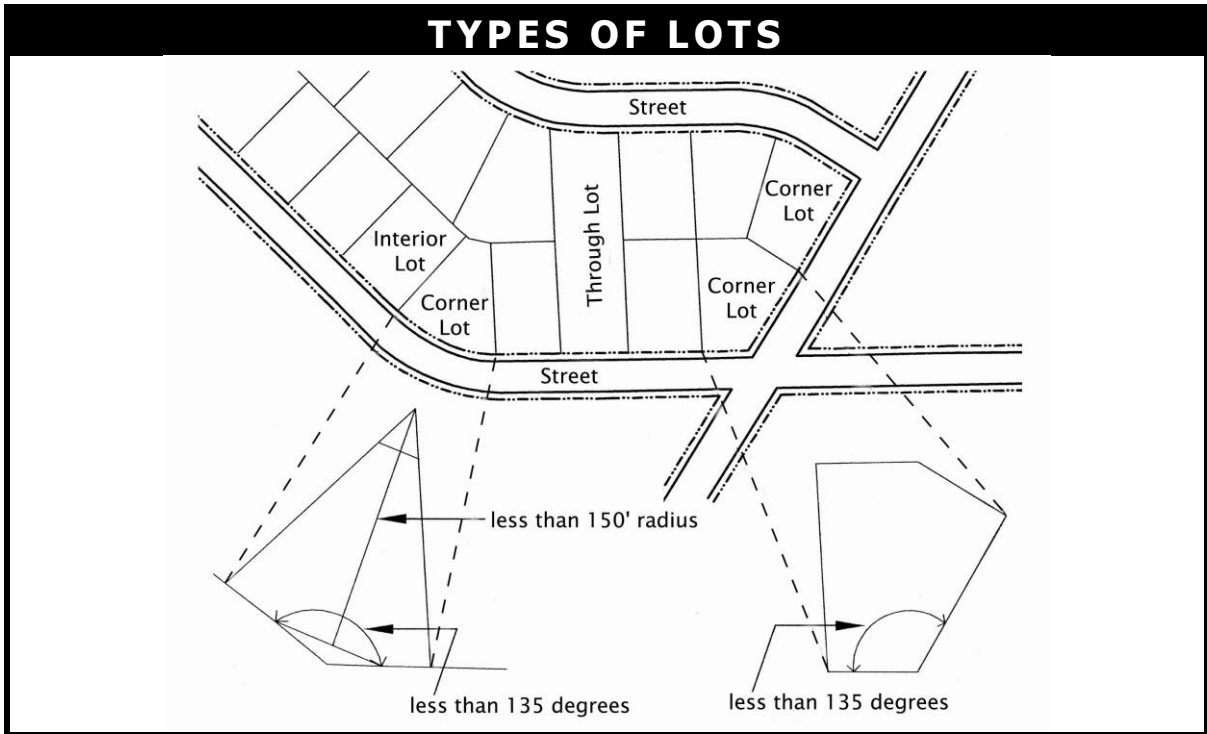
**Lighting, Source of** - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

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

**Lot** - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see "Parcel" or "Plat"). A lot shall not include road easements or road right-of-ways. Definitions of specific types of lots:

- A. **Corner Lot** - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.
- B. **Double Frontage or Through Lot** - Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.
- C. **Flag Lot** - Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.
- D. **Interior Lot** - Any lot other than a corner lot.
- E. **Waterfront Lot** - A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the side adjacent to a road or highway shall be designated the road frontage of the lot.





**Lot Dimensions** – Definitions relating to dimensioning of lots include:

- A. **Lot Area** - The total horizontal area within the lot lines of a lot or parcel.
- B. **Lot Coverage** - That percentage of the lot or parcel covered by all buildings and structures located on the lot or parcel. See "Structure"
- C. **Lot Depth** - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- D. **Lot Width** - The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.

**Lot Lines** - The exterior perimeter boundary lines of a lot or parcel. Definitions of specific lots lines:

- A. **Front Lot Line** - In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Compliance Permit.
- B. **Rear Lot Line** - That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line** - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record** - A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Washtenaw County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County. Further, a lot of record can be created by a division. Divisions of land which result in the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent.

**Lumber Yard** - A building, structure, or area used for the storage of or the sawing or planning wood into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes. May include facilities for kiln drying of lumber.

**Major Thoroughfare** - A road, street or highway designated as such in the Township Master Plan.

**Marginal Access Road** - A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the Township Master Plan.

**Marihuana Facility** – *a marihuana grower, marihuana microbusiness, marihuana processor, marihuana provisioning center, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, or any other type of marihuana-related business licensed by LARA.*

**Marihuana Grower** – *a licensed person or commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, retailer, or another grower.*

**Marihuana Microbusiness** – *a licensed person or commercial entity that cultivates not more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.*

**Marihuana Processor** – *a licensed person or commercial entity that purchases marihuana from a grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center, retailer, or another processor.*

**Marihuana Provisioning Center** – *a licensed person or commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.*

**Marihuana Retailer** – *a licensed person or commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to individuals who are 21 years of age or older.*

**Marihuana Safety Compliance Facility** – *a licensed person or commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.*

**Marihuana Secure Transporter** – *a licensed person or commercial entity that stores marihuana and transports marihuana between marihuana facilities for a fee.*

**Master Plan** - The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.

**Mobile Home** - A dwelling unit manufactured in one or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Zoning Ordinance and the Construction Code.

**Mobile Home Condominium Project** - A condominium project where mobile homes are intended to be located upon separate sites which constitute individual condominium units pursuant to M.C.L.A. 559.101 et. seq.

**Mobile Home Park** - For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use.

**Mobile Home Space or Pad** - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

**Motel** - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation. Also see "Hotel"

**Motor** - An internal combustion engine used to drive automotive or recreation vehicles.

**Motor Court** - See "Motel"

**Motor Home** - A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

**Night Club** - A place of entertainment, open at night for eating, drinking, and dancing, usually having live entertainment.

**Nonconforming Building or Structure** - A nonconforming building or structure is a complete building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or subsequent amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**Nonconforming Use** - A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

**Nursery (Plant Materials)** - A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

**Nuisance** - An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

**Nuisance Per Se** - Is a nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.

**Nursing Home** - See "Convalescent Home"

**Occupied** - A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

**Office** - An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.

**Office Park** - District or area for office and office related accessory uses.

**Off-Street Parking** - See "Parking, Off-Street"

**Off-Street Parking Lot** - See "Parking, Off-Street, Lot"

**Off-Street Parking Space** - See "Parking, Off-Street, Space"

**Open Air Business Uses** - Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- A. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- B. Outdoor display and sales or garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

**Open Space** - Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.

**Open Space Uses** - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction Code or any construction requirement of the County or Township Ordinances, Rules or Regulations, except as provided in this Ordinance.

**Open Storage** - A land area occupied and used for outdoor storage of building materials, sand gravel, stone, lumber, equipment and other supplies.

**Outdoor Advertising Signs** - See "Signs"

**Overburden** - Material covering a mineral seam or bed that must be removed before the mineral can be removed.

**Parcel** - See "Lot"

**Parking, Off-Street** - Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

**Parking, Off-Street, Lot** - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**Parking, Off-Street, Space** - An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

**Parking Space** - A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

**Pawnbroker** - Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any article of personal property as security for the payment or repayment of money.

**Pawn Shop or Collateral Loan and/or Exchange Establishments** - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

**Permitted Use** - Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

**Person** - Person shall include any individual, corporation, or partnership.

**Personal Service Establishment** - A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

**Pet** - Shall mean only such animals as may commonly be housed within domestic living quarters.

**Planned Unit Development** - A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.

**Plat** - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act and the Subdivision regulations of the Township, if and when enacted.

**Plant Nursery** - A place where young trees or other plants are raised for experimentation, transplantation, or for sale.

**Playground** - An area of landscaped open space equipped with children's play equipment such as slides, swings, wading pools or similar equipment and game areas.

**Pond** - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

**Pool, Swimming** - Any structure or container located either above or below grade designed to hold water to depths greater than 24 inches, intended for swimming or bathing, including swimming pools, hot tubs, jacuzies, whirlpools and ponds. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage. They shall be defined as follows:

- A. **Commercial Swimming Pool.** A swimming pool and/or wading pool, including structures necessary and incidental thereto, operated by a non-governmental unit for profit.
- B. **Community Swimming Pool.** A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association, incorporated or unincorporated, provided that said association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.
- C. **Private Swimming Pool.** A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

**Pool or Billiard Hall** - An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

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



**Porch, Open** - (includes patio and deck) - A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Practical Difficulties** - See "Zoning Variance"

**Pre-existing Towers and Pre-existing Antennas** - Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**Premise** - All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

**Principal Use** - The primary or most predominant use of a parcel.

**Private Wastewater System** - A system, owned and operated by a private entity having no superintending public control, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health.

**Private Road** - See "Road "

**Public Lodging House.** A commercial establishment or place in which live five (5) or more members of the public, whether travelers or not, are charged for or pay for sleeping quarters in the form of cots or beds in the same room.

**Public Utility** - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

**Recreational Vehicle** - A recreational vehicle is defined as a vehicle primarily designed and used for recreational, camping or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by a motor vehicle.

- A. **Travel Trailer.** A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

- B. **Camper Trailer (pop up).** A collapsible structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- C. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. **Pickup Camper.** A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- E. **Tent Camper.** A vehicular, portable structure, built on a non motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and whose sides and top can be folded down into a compact trailer unit for traveling.
- F. **Water Craft.** Any unit that is used for water travel.
- G. **Off-street Vehicle.** A motorized vehicle typically designed for use off of public streets. Off-street vehicles include snowmobiles, dune buggies, and two (2); three (3) and four (4) wheeled all-terrain vehicles.

**Recreation Vehicle Park (RV Park)** - See definition of "Campground".

**Restaurant** - Examples of restaurants include:

- A. **Carryout Restaurant.** An establishment in which the design of physical facilities, the serving or packaging procedures permit or encourage the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of foods in motor vehicles on the premises is neither permitted nor encouraged.
- B. **Drive-in Restaurant.** A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
- C. **Drive-through Restaurant.** A business establishment whose method of operation involves the delivery of prepared food to a customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

- D. **Standard Restaurant.** A business establishment in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

**Retail Establishment** - A building where merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

**Retaining Wall** - A wall designed and constructed to hold back a mass of earth.

**Right-of-Way,** - A legal right of passage over real property typically associated with roads, utilities and railroads.

**Right-of-Way Line** - The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

**Road** - Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic and which meets the minimum standards of the Stockbridge Road Ordinance #204 and/or the County Road Commission. Definitions for specific types of roads include:

- A. **Arterial Road** - A major road or highway as defined by the Master Plan for Roads and Highways.
- B. **Boulevard Road** - A street developed to two two-lane, one-way pavements, separated by a median.
- C. **Collector Road** - A road specified in the Master Plan which is designed to handle the traffic volume from two or more connecting minor roads.
- D. **Connecting Road** - A road specified in the "Master Plan" which is designed to handle local traffic between two or more major through roads, highways or arterials.
- E. **Frontage Access Road** - A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.
- F. **Hard Surface Road** - A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

- G. **Local Arterial Road** - A road specified in the "Master Plan" for the Township which provides for the handling of large volumes of local traffic over extended distances.
- H. **Major Road** - A major road or highway designed to handle large volumes of through traffic between and around neighborhoods, communities and other definable areas for the purpose of separating it from local traffic.
- I. **Minor Road** - A road specified in the "Master Plan" for the Township which provides for the handling of small volumes of local traffic to individual lots and parcels.
- J. **Private Road** - A non-public road which serves at least two (2) separately owned lots or parcels and which meets the Stockbridge Road Ordinance #204 and/or the County Road Commission.

**Road Frontage** - The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

**Roadside Stand** - A temporary or permanent building or structure operated for the purpose of selling only products or produce raised or produced on the same premises including the immediate surrounding area, by the proprietor of the stand or his family; its use shall not make it a commercial district or land which is basically classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed 400 square feet.

**Salvage** - Means the same as junk (see definition of Junk).

**Sanitary Landfill** - A private or public landfill that meets all of the requirements of Public Act 641 of 1978 or Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

**Sanitary Sewer** - Artificial conduits to convey water and waste matter to a central treatment facility.

**Screen** - A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

**Secondhand Store** - Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

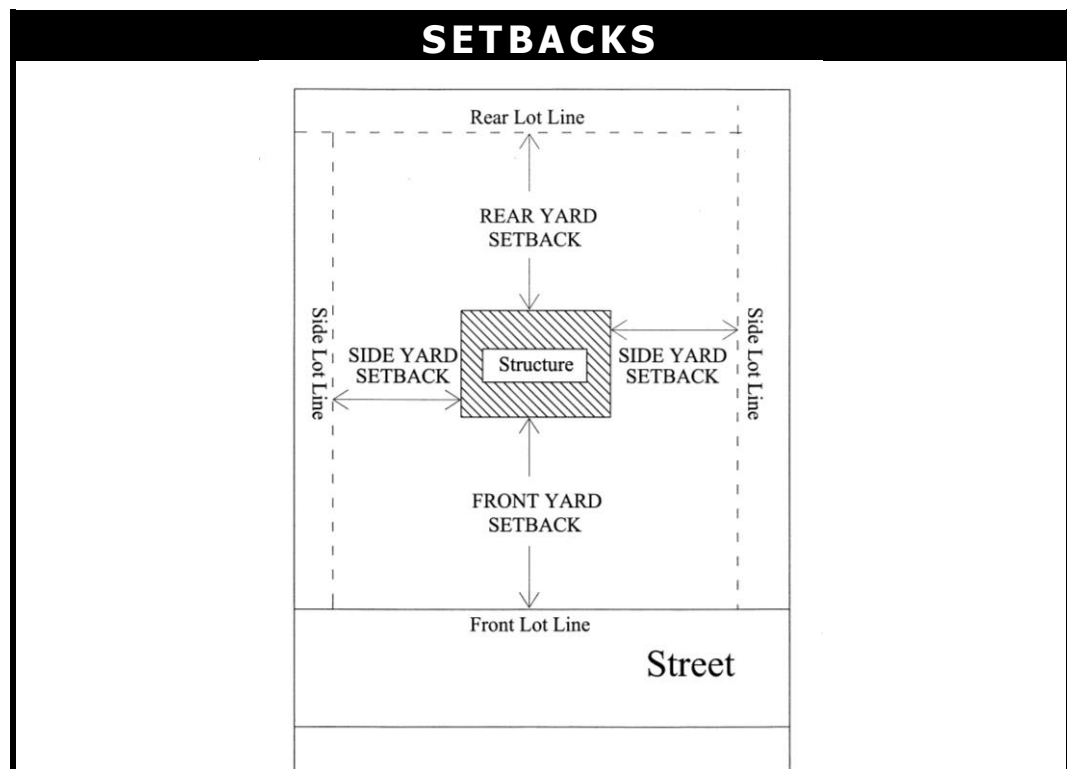
**Self-Storage Facility** - A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be

leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

**Senior Citizen Housing** - A building or group of buildings other than a hospital, hotel or nursing home which provides dwelling units for persons primarily sixty (60) years of age or older. Such housing shall conform to certain requirements as specified in this Ordinance in order to accommodate the special and different needs of the elderly.

**Setback** - The minimum required horizontal distance between the building or structure and the front, side and rear lot/property lines, with the following exception: setbacks from a public street or private road shall be measured from the right-of-way/easement line; front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Driveways and pedestrian walkways may be located within the setback, but the remainder of the area shall be deemed open space. Definitions of specific setbacks include:

- A. **Road Setback**- The distance between the right-of-way line and the nearest point of the foundation or the vertical wall extended to the ground of the principal structure.
- B. **Waterfront Setback** - The distance between the shoreline and the nearest point of the foundation or the vertical wall extended to the ground of the principal structure.



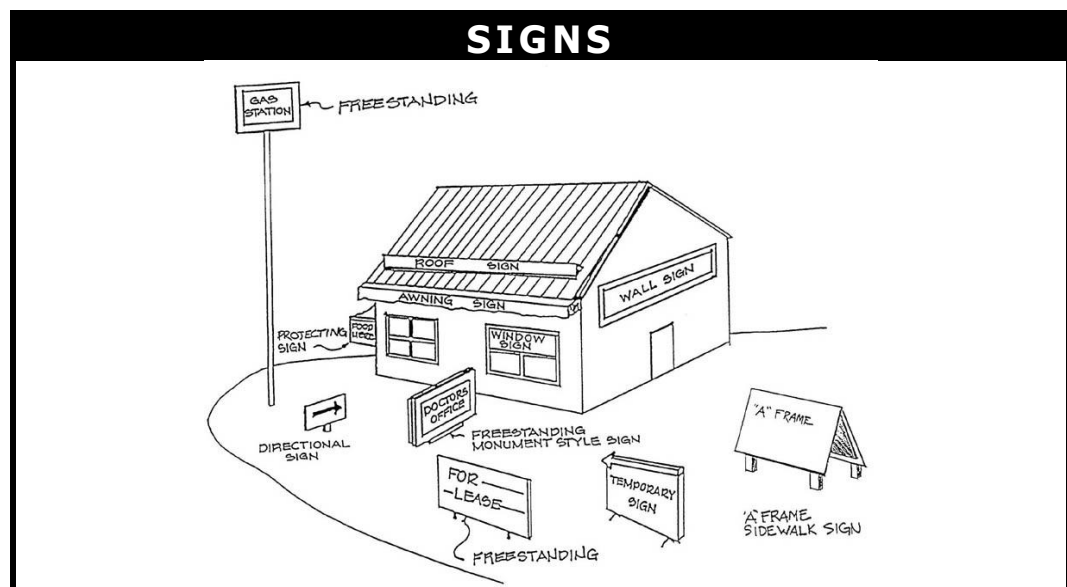
**Septic System.** A system constructed below grade consisting of a tank and perforated drain tiles designed to treat sanitary sewage.

**Shoreline** - The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

**Shopping Center** - A group of commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual uses.

**Shopping Mall, Enclosed** - A shopping center in which access by the general public to each individual store, premises or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

**Sign** - A name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. See Article 11 for specific sign definitions.



**Site Plan** - A legal plat of survey of a lot or parcel and the plan for all of the proposals to develop or change the existing character of the lot or parcel.

**Special Use** - A use which is subject to approval by the Township after site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

**Special Use Permit** - A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants and the District within which it is permitted to be located.

**Stable, Commercial** - A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable.

**Stable, Private** - A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

**State Licensed Day Care Facilities.**

A. **Adult Day Care Facility.** Includes the following definitions:

1. **Adult Family Day Care Home.** A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
2. **Adult Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned

to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

3. **Adult Day Care Center.** A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

B. **Child Day Care Facilities.** Includes the following definitions as defined and regulated by Public Act No. 116 of the Public Acts of 1973 as amended:

1. **Child Family Day Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
2. **Child Group Day Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
3. **Child Care Center.** Also known as a "day care center", a state-licensed facility, other than a private residence, receiving one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.



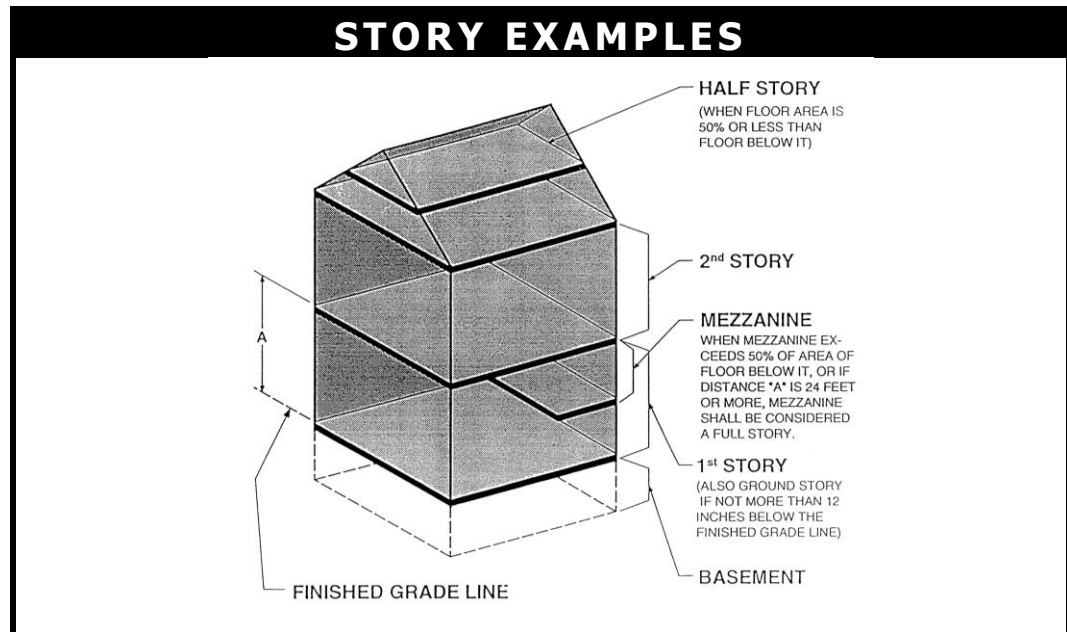
**State Licensed Foster Care Facilities.**

- A. **Adult Foster Care Facility.** A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, Public Act No. 218 of the Public Acts of 1979 as amended. The following additional definitions shall apply in the application of this Ordinance:
1. **Adult Foster Care Small Group Home.** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  2. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  3. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
  4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

- B. **Child Foster Care Facility.** A state-licensed establishment that provides foster care to minor children. The following additional definitions shall apply in the application of this Ordinance:
1. **Child Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  2. **Child Foster Family Group Home.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Story** - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. Definitions of specific story examples include:

- A. **Half-Story** - An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.
- B. **Mezzanine** - A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor are of not more that one-third (1/3) of the area of the room in which the level or levels are located.



**Story Height** - The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

**Street** - See "Road"

**Structure** - See "Building", and in addition any man-made surface feature or designed earth feature other than normal finished grading for drainage purposes including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.

**Structural Alterations** - Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

**Supermarket** - A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

**Taxi** - An automobile used for the carrying of passengers for a fee.

**Taxi Station** - A building or premises where commercial vehicles, primarily automobiles are dispatched from and stored when not in use.

**Theater** - A place, either indoor or outdoor, where plays, operas or motion pictures are presented. See "Drive-In Theater"

**Television Satellite Dish** - An outdoor structure used for the purpose of receiving television signals and programs from space satellites.

**Temporary Building** - See "Building"

**Temporary Use** - See "Use "

**Tent** - As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

**Time Limits** - Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- A. Days - consecutive periods of twenty-four (24) hours.
- B. Weeks - consecutive periods of seven (7) days.
- C. Months - consecutive periods of twenty-eight (28) to thirty-one (31) days,
- D. Years - consecutive periods of three hundred sixty-five (365) days.

**Tower** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Township** - Means Stockbridge Township, Ingham County, Michigan.

**Travel Trailer** - A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.

**Unnecessary Hardship** - See "Zoning Variance"

**Use** - The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity. Specific uses shall be defined as follows:

- A. **Accessory Use** - A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.
- B. **Agricultural Use** - Any use permitted in the "RD" and "AR" Zones in this Ordinance.
- C. **Commercial Use** - Any use permitted in the "CSC" and "HSC" Zones in this Ordinance.
- D. **Industrial Use** - Any use permitted in the "I" Industrial Zone in this Ordinance.
- E. **Institutional Use** - Any of the public or private organizational uses permitted in this Ordinance.
- F. **Land Use** - The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.
- G. **Principal Use** - The one primary or dominant permitted use or activity to which a lot or parcel is put, and continues to be put to that use until the use is legally permitted to change or become another permitted use as evidenced by a Certificate of Zoning Compliance.
- H. **Public Use** - Any of the publicly owned or leased uses of land, buildings or structures administered and operated by a public agency or official.
- I. **Residential Use** - Any of the uses permitted in the Residential Zones in this Ordinance.
- J. **Temporary Building and Temporary Use** - A building or use permitted by the Zoning Administrator to exist during periods of construction of the main building or use or for special events, said period not to exceed six (6) months. Renewable by the Zoning Administrator in increments of six (6) months, not to exceed two (2) years.

**Variance** - See "Zoning Variance"

**Water Mark, Ordinary-High** - Ordinary high-water mark means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water

returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

**Yard** - The required open spaces on the same lot with the principal and accessory building and structures, which remain permanently unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. Specific yards shall be defined as follows:

- A. **Front Yard** - The Required 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 point of the main building in which the principal use is located.
- B. **Front Yard, Road and Waterfront** - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.
- C. **Rear Yard** - The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the back lot line and the nearest point of the main building in which the principal use is located.
- D. **Side Yard** - The required open space between a main 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 to the nearest point of the main building in which the principal use is located.

**Zoning Administrator** - The Township Board appointed official designated to administer and enforce duties and responsibilities as specified in this Ordinance.

**Zoning Appeal** - Demand for a hearing and review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

**Zoning Board of Appeals** - As used in this Ordinance, means the Stockbridge Township Zoning Board of Appeals.

**Zoning District** - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

**Zoning Exception** - See "Zoning Interpretation" and "Zoning Variance."

**Zoning Interpretation** - A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required in accordance with the procedures and provisions of this Ordinance.

**Zoning Compliance Permit** - A permit for commencing construction issued by the Zoning Administrator in accordance with a site plan for construction that complies with all the provisions of this Zoning Ordinance and/or an approved site plan.

**Zoning Variance** - The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- A. ***Practical Difficulties*** - Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- B. ***Unnecessary Hardship*** - Shall mean that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

## ARTICLE 3

### ADMINISTRATION AND ENFORCEMENT

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#### **Section 3.01      Application and Interpretation of Regulations**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article 13, Zoning Board of Appeals, of this Ordinance and MCL 125.288-125.293 as amended.

This Zoning Ordinance is intended to be specific as to its uses permitted and the application of its regulations. It is intended to limit the use of discretion wherever and whenever possible, except for minor discretionary interpretations and variances by the Zoning Board of Appeals.

#### **Section 3.02      Scope of Regulations**

- A. Except as may otherwise be provided in Article 9, Non-Conforming Land, Buildings and Uses, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any 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.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or if similar to the listed special uses and if



the required conditions are met. Only one principal use and its normal accessory uses shall be permitted on a single lot or parcel, except as otherwise provided in this Ordinance.

- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than 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.
- G. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless it is in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Land Division Act, Public Act 288 of 1967, as amended.

### **Section 3.03 Conformance to Other Public Laws, Rules and Regulations**

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of this Zoning Ordinance.

### **Section 3.04 Conflicting Regulations**

Whenever there is a difference between standards, dimensions, or other provisions in this Ordinance, or in those contained in lawfully adopted county, state, federal or other governmental agency, regulations, or laws, the most restrictive standard or the one imposing the most desirable standard, shall prevail.

### **Section 3.05          Zoning: Not a Vested Right**

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not 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 in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

### **Section 3.06          Site Plan Review Procedures**

All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a Zoning Compliance Permit, shall follow the requirements of Article 12, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article 12 and submitted with the application for a Zoning Compliance Permit. *(Need Zoning even if a Building Permit is not required if it's under 200sq. ft.)*

### **Section 3.07          Zoning Compliance Permits in Relation to Building Permits**

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for and obtain a Zoning Compliance Permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

### **Section 3.08          Permitted Zoning District Uses and Other Provisions**

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article 7, "Supplementary Regulations;" Article 9, "Nonconforming Land, Buildings and Uses;" Article 10, "Off-Street Parking and Loading Requirements;" Article 11, "Signs;" and Article 12, "Site Plan Review." Applicants for Zoning Compliance Permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

**Section 3.09 Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts**

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning Districts. Permitted and special uses shall be permitted only if specifically listed as a principal permitted or special uses in the various zoning districts. Other uses of the same nature or class may be permitted as those listed as permitted or special uses in a district, which, as determined by the Planning Commission, are no more intrusive or detrimental to the surrounding area than those listed in Sections 4.06 through 4.14. All other uses are prohibited.

**Section 3.10 Continued Conformance with Regulations and Approved Site Plans**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance and developments required and approved on Site Plans shall be a continuing obligation of the owner of such building or property on which such building or use is located.

**Section 3.11 Project Planning and Plan Information from Other Agencies and Officials**

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCL 125.330, as amended.

**Section 3.12 Conformance of Lots and Parcels to the Land Division 1 Act**

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967 (Land Division Act), as amended, Public Act 87 of 1997 (Condominium Act) and the Subdivision Regulations of the Township adopted and in effect at the time.

### **Section 3.13      Zoning Administration**

The Township Board shall designate and employ a Zoning Administrator to administer and enforce the provisions of this Ordinance. Unless otherwise noted all applications and fees are to be submitted to the Township Clerk or the Clerk's designated agent.

### **Section 3.14      Duties of the Zoning Administrator and/or Zoning Enforcement**

The Zoning Administrator shall:

- A. Issue zoning compliance permits.
- B. Maintain written records of all actions taken by the Zoning Administrator and meet with the Planning Commission upon request.
- C. Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints on Zoning Ordinance violations, and file monthly reports to the Township Board and Planning Commission.
- D. Review all applications for site plan review and special use permits for which the Planning Commission is required to decide under this Ordinance and implement the decisions of the Planning Commission.
- E. Review all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications with recommendations to the Zoning Board of Appeals for determination.
- F. Review all applications for amendments to this Ordinance and report to the Planning Commission all such applications together with recommendations.
- G. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy to be maintained by the Township Clerk.
- H. Be responsible for providing forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

### **Section 3.15      Certificates of Zoning Compliance**

Certificates of Zoning Compliance are required of all structures, uses or lots, erected, used, or created after the effective date of this Ordinance.

- A. Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Article 12, and all information necessary to determine zoning compliance.
- B. All plans to be submitted to the Building Official for a Building Permit shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of the Zoning Ordinance. No Building Permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator for the same, and is in effect.
- C. In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Township Zoning Administrator and is in effect.
- D. A Certificate of Zoning Compliance shall not be issued for any use or structure, unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. A Certificate of Zoning Compliance may be issued for a legally existing non-conforming use, structure, or lot. In such case, the Certificate of Zoning Compliance shall clearly list each and every legal non-conformity. A Certificate of Zoning Compliance shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.
- E. The owner or lessee of the structure or lot, or agent of either, or the employed engineer or architect in connection with the proposed work or operation may make application for a Certificate of Zoning Compliance. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

- F. Subject to the limitations of Section 3.15.H, herein, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.
- G. The Zoning Administrator shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance as soon as practical. The signature of the Zoning Administrator shall be attached to every certificate, or a subordinate may be authorized to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."
- H. An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a Building Permit shall have been issued, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause grant not more than two (2) extensions of time, for periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.
- I. In the case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any Zoning Compliance Certificate shall be deemed null and void at the discretion of the Zoning Administrator.
- J. Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:
  - 1. No certificate shall be issued until the required fees have been paid.

2. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereof.
  3. All work or use shall conform to the approved final site plan, if required.
- K. An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required in this Section, unless a site plan is required under Article 12, "Site Plan Review", in which case the provisions of this Section shall not apply. Such site plan shall be drawn to a measurable scale, submitted in three (3) copies, and shall provide the following information:
1. Scale, date, and north arrow.
  2. Location, shape, dimensions of the lot, and rights-of-way.
  3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
  4. A clear description of existing and intended uses of all structures.

### **Section 3.16 Building Permits**

No Building Permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a Certificate of Zoning Compliance has been issued therefore, by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless the Building Official shall have issued a Building Permit.

### **Section 3.17 Certificates of Occupancy**

It shall be unlawful to use or occupy or permit the occupancy of any land, building, or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Official shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with. A Certificate of Occupancy shall constitute certification of zoning compliance, as well as compliance with all other applicable building codes. A Certificate of Occupancy shall not be required for agriculturally used lands and structures; however a Zoning Compliance permit is required for such uses and structures.

- A. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that same is in conformity with the provisions of this Ordinance, and any other applicable statutes, laws, ordinances, and/or regulations.
- B. Temporary Certificates of Occupancy may be issued for a period not to exceed one hundred twenty (120) days for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, provided that such portions of the building or structure are in conformity with the provisions of this Ordinance and other applicable ordinances. A temporary certificate of occupancy may be extended for thirty (30) days, by the Zoning Administrator beyond the initial one hundred twenty (120) day term. However, a temporary certificate shall not extend more than five (5) days after the building or structure is fully completed and ready for occupancy.
- C. Buildings or uses accessory to dwellings shall not require a separate certificate but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
- D. Applications for Certificates of Occupancy shall be made in writing to the Building Official on forms furnished by the Building Department. Certificates shall be issued within seven (7) days after receipt of application if it is found in compliance with Section 3.16 above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

### **Section 3.18 Performance Guarantee Required**

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board upon the recommendation of the Planning Commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls and landscaping.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the



amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Township.

- B. Where the Township Board requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning compliance permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the Zoning Compliance permit if all requirements are met.
- C. The permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the compliance permit.
- D. Upon the satisfactory completion, as determined by the Zoning Administrator, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited. However, the Township is not required to deposit the performance guarantee in an interest-bearing account.
- E. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township conditional approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and

prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

### **Section 3.19 Fees**

The Township Board shall, by resolution, establish a schedule of fees for administering this Article. The schedule of fees shall be posted for public display in the office of the Zoning Administrator and in the Township Hall, and may be amended from time to time by the Township Board, by resolution. No certificate or permit shall be issued unless all of the required fees have been paid in full.

### **Section 3.20 Records**

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records.

### **Section 3.21 Compliance with Plans**

Certificates of Zoning Compliance and Certificates of Occupancy shall be issued upon the basis of the plans and applications approved, respectively, by the Township Zoning Administrator and Building Official, and such certificates authorized only the use, construction, development, and configuration of structures set forth in such approved plans and applications, and no other use, construction, development, or configuration of structures shall be allowed. Any development, use, or construction at variance with that authorized herein shall be deemed a violation of this Ordinance and punishable as provided by Section 3.23, herein.

### **Section 3.22 Sanctions for Violations**

- A. ***Sanctions for Violations.*** Any person, firm, corporation, owner or entity of whatever kind who violates any provision of this Ordinance is responsible for a municipal civil infraction as outlined below and subject to payment of a civil fine of not less than \$50.00 and not more than \$5,000.00 plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et. seq., as amended. The Stockbridge Township Zoning Administrator is hereby authorized to process and issue municipal civil infraction citations in accordance with law. If a person is found

responsible for a municipal civil infraction under this Ordinance, a civil fine shall be assessed as follows:

**B. *Violations for Special Uses.***

1. ***Special Uses:*** For violation of the provisions of this Ordinance governing the operation of Special Uses in all Districts, including the failure to obtain a Special Use Permit:

1 <sup>st</sup> violation	No less than \$500.00, but no more than \$1000.00
2 <sup>nd</sup> violation within a 3 – year period	No less than \$1000.00, but no more than \$2000.00
3 <sup>rd</sup> violation within a 3 – year period	No less than \$2000.00, but no more than \$5000.00.
4 <sup>th</sup> violation within a 3 – year period	No less than \$5000.00, but no more than \$7,500.00.

2. ***Other Ordinance Violations:*** For violation of any other provision of this Ordinance:

1 <sup>st</sup> violation	No less than \$50.00, but no more than \$100.00
2 <sup>nd</sup> violation within a 3 – year period	No less than \$100.00, but no more than \$200.00
3 <sup>rd</sup> violation within a 3 – year period	No less than \$200, but no more than \$500.00.
4 <sup>th</sup> violation within a 3 – year period	No less than \$500.00, but no more than \$1,000.00.

3. For violation of all provisions of this Ordinance, the violator shall pay costs, which shall include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

- C. **Stop Work Order.** Upon notice from the Zoning Administrator that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, such work shall be immediately stopped. The stop-work order shall be in writing and state the conditions under which the work may be resumed. It shall be posted on the property or premises and delivered in person or by first class mail to the owner of the property or the person doing the work. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order or after such stop work order has been posted on the property or premises, except such work as he is directed by the Zoning Administrator to perform to remove a violation or unsafe conditions, shall be liable to a fine in the amount of \$500.00 for each day the stop work order is violated, and subject to other sanctions as outlined in Section 3.22, Sanctions for Violations. If the violation is not corrected within ten (10) days from service of the notice of the stop work order the Zoning Administrator may issue additional violations as prescribed in Section 3.22.B, or, if necessary request the Township Supervisor to proceed with an appropriate equitable action in the Ingham Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance.
- D. Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, changed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se.
- E. **Remedies Not Exclusive.** Nothing in this Section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Ingham County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- F. **Enforcement Procedures.** The following enforcement procedures may be applicable in the instances of violations of (1) provisions of this Zoning Ordinance, (2) approved special uses, (3) approved planned unit developments, (4) approved site plans or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

1. When a violation is initially determined by the Ordinance Enforcement Officer, it shall be the Ordinance Enforcement Officer's responsibility to issue a "Notice of Zoning Ordinance Violation" to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This Notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
  - a. Date and location of each violation observed by the Ordinance Enforcement Officer.
  - b. Name(s) and addresses of owner(s) and occupant(s).
  - c. Specific section(s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each section violated.
  - d. Length of time allowed before further prosecution of the violation(s).
2. Violators will be given fourteen (14) days to correct the violation. If the violation is not corrected within the fourteen (14) day time frame, or if a satisfactory plan to correct the violation has not been established with the consent of the Ordinance Enforcement Officer, an Appearance Ticket will be issued in accordance with Section 3.22.1.C.
3. *Appearance Tickets* - In accordance with Public Act 175 of 1927, as amended, MCLA 764.9C; MSA 28.868(3), the Township Ordinance Enforcement Officer is authorized to issue and serve appearance tickets if the Ordinance Enforcement Officer has reasonable cause to believe that the person has committed the offense. As used herein, "appearance ticket" means a complaint or written notice issued and subscribed by the Ordinance Enforcement Officer to issue the ticket, directing a designated person to appear in a designated court at a designated time in connection with his or her alleged commission of the violation of the Zoning Ordinance. The appearance tickets shall be numbered consecutively be in such form as determined by the Attorney General, the State Court Administrator, and the Director of the Department of State Police and shall consist of the following parts:

- a. Court Copy
- b. Local Enforcement Copy
- c. Civil Infraction Copy

### **Section 3.23 Special Use Permits**

- A. ***Authority for Issuing Special Use Permits.*** The Township Board shall have the authority to grant Special Use Permits, subject to the review and recommendation of the Planning Commission, and subject to such conditions of the site plan, design, operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance and in accordance with Section 3.23.E.
- 1. ***Time Periods:*** Special use permits may be issued for time periods as determined by the Township Planning Commission. In any case, if work has not proceeded to at least ten (10%) percent of completion within one year of issuance of the special use permit, said permit will become null and void. Special use permits may be renewed in the same manner as originally applied for.
  - 2. ***Performance Guarantee:*** In authorizing a special use permit, the Township Board may require that a surety bond, or other performance guarantee acceptable to the Township of ample sum, be furnished by the developer/applicant to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and other improvements included on the approved site plan.
- B. ***Application and Fees.*** Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Township Clerk by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Township Clerk.
- C. ***Data, Exhibits and Information Required in Applications.*** An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, (c) the address of the property involved, (d) an accurate survey and site plan of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and (e) a statement and

supporting data, exhibits, information and evidence regarding the required findings set forth in Article 12 "Site Plan Review".

- D. **Public Hearing.** The application, along with all required data, shall be transmitted to the Planning Commission for review and public hearing. Notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date that the public hearing will be held in accordance with P.A. 110 of 2006. The notice of public hearing shall:

1. Describe the nature of the request.
2. Describe the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the public hearing will be held.
4. Indicate when and where written comments will be received concerning the request.

- E. **Required Standards and Findings for Making Determinations.** The Planning Commission shall review the particular circumstances and facts of each proposed special use permitted each Zoning District and as provided for under this Article in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel:

1. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance in conformance with the Land Use Master Plan and be located on a site spacious enough to accommodate all of the requirements, (e.g. off-street parking, yards, open space, etc.) of this Ordinance.

2. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity in terms of its location to other uses permitted in the Zoning District, its height, bulk, floor area and isolation in relation to adjacent uses and its' location so as to minimize the impact of traffic it generates upon adjacent uses by directing the flow of traffic directly to major streets.
  3. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
  4. Will be adequately spaced and screened from adjacent land uses which the special use might impact negatively due to the uses and activities conducted on the site.
  5. Will not be hazardous or disturbing to existing or future neighboring uses in terms of noise, dust, smoke, vibration, glare, pollution, fumes, flammable or toxic substances, time of operation, traffic generation of either motorized vehicles or pedestrians and cause obvious reductions in values of adjacent properties.
  6. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
  7. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. **Site Plan Review.** If a site plan is disapproved by the Township Planning Commission, the applicant is required to wait one (1) year before re-submittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance, but not of land, building or structural use.



## ARTICLE 4

### ZONING DISTRICT REGULATIONS

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#### Section 4.01 Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

<b>RD</b>	Resource Development District
<b>AR</b>	Agriculture Residential District
<b>RR</b>	Rural Residential District
<b>LDR / MFD</b>	Low Density and Multiple Family Dwelling Residential Districts
<b>MHR</b>	Mobile Home Residential
<b>CSC</b>	Community Service Commercial District
<b>HSC</b>	Heavy Service Commercial District
<b>I</b>	Industrial District

#### Section 4.02 Provisions for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Stockbridge Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

#### Section 4.03 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006 a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk with the assistance of the Zoning Administrator.

#### **Section 4.04 Authority of Official Zoning Map**

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

#### **Section 4.05 Interpretation of Zoning Districts**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

**Section 4.06 RD, Resource Development District**

**Intent and Purpose**

This district is established to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area. Single family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will normally remain un-served by public sewer and water systems.

**Section 4.06.1 Permitted Principal Uses**

- A. Agriculture:
  - 1. General farming.
  - 2. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock. See Section 7.02.03.C.
  - 3. Raising and keeping of rabbits, poultry, fowl and similar small animals. See Section 7.02.03.C.
  - 4. Maple sugar production.
  - 5. Lumber and worm farming, and similar types of specialized agriculture.
  - 6. Greenhouses and nurseries for the growing of trees, shrubs and plants.
  - 7. Site production and consumption of food for animals.
- B. Non-farm single family dwellings, on at least one (1) acre of land meeting the requirements of Section 7.03.04 which can accommodate on-site septic tanks and wells which meet the requirements of the County Health Department.
- C. Those uses permitted under the provisions of (1) Public Act 203 of 1979, "The Wetland Protection Act", (2) Public Act 245 of 1929, "The Water Resources Conservation Act" (those Sections specific to Floodplains), and (3) Public Act 346 of 1972, "The Inland Lakes and Streams Act." All such

uses shall be located on a parcel of land of at least twenty (20) acres.

- D. Public and private conservation areas, including necessary structures, to assure the preservation of water, soil, forest, wildlife, minerals, and open space, which are located on an area of at least twenty (20) contiguous acres of land.
- E. Public and private areas to preserve natural open space, natural vistas, geological features, archeological sites and other significant natural and historical features and sites which are located on an area of at least twenty (20) contiguous acres of land.
- F. State Licensed Foster Care: Adult Foster Care Family Home (6 or fewer adults)–Child Foster Family Homes (4 or fewer minor children) or Child Foster Family Group Homes (5 or 6 minor children).
- G. State Licensed Day Care Facilities: Child Family Day Care Homes (6 or fewer minor children) and Adult Family Day Care Homes (6 or fewer adults).

#### **Section 4.06.2 Permitted Principal Special Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Article 7, "Supplementary Regulations":

- A. Public, private or pet cemeteries which are located on an area of at least twenty (20) contiguous acres of land.
- B. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
- C. Public and private areas for golf courses, parks, playgrounds, recreation vehicle parks and swimming and court game clubs which are located on at least twenty (20) contiguous acres of land.
- D. Electronic receiving, transmitting and relay facilities located on an area of land which has its minimum area determined by having the minimum distance in all directions from the perimeter of the base of the tower to the nearest property line at least equal to the height of the tower. The tower shall be enclosed by an open air fence of at least six (6) feet in height.

- E. Extraction of sand, gravel, rock and minerals which are located on at least twenty (20) contiguous acres of land planned, operated and maintained in accordance with Section 7.02.10.
- F. Cottage Industry, subject to Section 7.02.11.O.
- G. Bed and Breakfasts subject to Section 7.02.07.
- H. State Licensed Day Care Facilities: Adult Group Day Care Homes (7 to 12 adults), Child Group Day Care Homes (7 to 12 minor children), Child Care Centers and Adult Day Care Centers in accordance with Section 7.02.19.

### **Section 4.06.3 Permitted Accessory Uses**

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article 11, "Sign Regulations."
- C. Home occupations normal and appropriate to the skills of the occupants of the principal use located on a lot or parcel in this District as conditioned by Section 7.02.07.
- D. Private residential swimming pools as conditioned by Section 7.03.07 located on the same lot or parcel with the principal residential structure.
- E. Farm vehicle and implement repair and maintenance in conjunction with farming or other principal agricultural use located on the same parcel.
- F. Herbicide, insecticide and fertilizer sales and application in conjunction with a farming or other principal agricultural use located on the same parcel.
- G. Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- H. Sales of seed and other product sales in conjunction with farming or other principal agricultural use located on the same parcel.

- I. Roadside Stands: for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the requirements of Section 7.02.17.
  
- J. Outside Wood-Corn or Solid Fuel Source Burners
  - 1. Regarding installation of Burners:  
30 feet from existing buildings  
Follow manufacturer instructions  
Stove must be 15 feet from side set-back  
Stove must be 25 feet from rear set-back  
No Stove in the front envelope of a home
  
  - 2. Chimneys  
Prevailing winds dictate height of chimney  
The chimney must be at least 2 feet above the peak of any residence within 100 feet not served by the stove in question.
  
  - 3. Permits  
1 zoning inspection and approval  
1 electrical inspection  
1 mechanical inspection
  
  - 4. Stoves must be complaint with all State and Federal statutes

**Section 4.07 AR, Agriculture Residential District**

**Intent and Purpose**

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain un-served by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

**Section 4.07.1 Permitted Principal Uses**

- A. Agriculture:
  - 1. General farming.

2. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock. See Section 7.02.03.C.
  3. Raising and keeping of rabbits, poultry, fowl and similar small animals. See Section 7.02.03.C.
  4. Maple sugar production.
  5. Lumber and worm farming, and similar types of specialized agriculture.
  6. Greenhouses and nurseries for the growing of trees, shrubs and plants.
  7. Site production and consumption of food for animals.
- 
- B. Public and semi-public buildings for the housing of public facilities, utilities and services.
  - C. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space.
  - D. Public and private areas for golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pool and court game clubs and organizational camping.
  - E. Public areas for forest preserves, game refuges and similar uses.
  - F. Cemeteries, public, private or pet.
  - G. Non-farm single-family dwellings on at least one (1) acre of land meeting the requirements of Section 7.03.04 which can accommodate on-site septic tanks and wells which meets the requirements of the County Health Department.
  - H. State Licensed Foster Care: Adult Foster Care Family Home (6 or fewer adults)–Child Foster Family Homes (4 or fewer minor children) or Child Foster Family Group Homes (5 or 6 minor children).
  - I. State Licensed Day Care Facilities: Child Family Day Care Homes (6 or fewer minor children) and Adult Family Day Care Homes (6 or fewer adults).

**Section 4.07.2 Permitted Principal Special Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Article 7, "Supplementary Regulations":

- A. Outdoor Kennels, subject to Section 7.02.12.
- B. Electronic receiving, transmitting and relay facilities, subject to Section 7.02.08.
- C. Agri-businesses, subject to the requirements of Section 7.02.02.
  - 1. Agricultural products, production and processing operations
  - 2. Agricultural products storage facilities
  - 3. Auctions for livestock
  - 4. Bulk feed, plants, nursery stock and fertilizer outlets and distribution centers
  - 5. Farm machinery: sales, service, rental and repair
  - 6. Grain elevators for storage, drying and sales
  - 7. Grain and livestock truck and cartage facilities
  - 8. Riding stables
  - 9. Sawmills
  - 10. Seed dealership outlets and distribution centers
  - 11. Veterinary hospitals, clinics and indoor kennels.
- D. Permitted public and private institutions for human care, religion, education and other human social purposes.
- E. Bed and Breakfasts subject to Section 7.02.07.
- F. State Licensed Day Care Facilities: Adult Group Day Care Homes (7 to 12 adults), Child Group Day Care Homes (7 to 12 minor children), Child Care Centers and Adult Day Care Centers subject to Section 7.02.19.



- G. *Marihuana Grower, on at least five (5) acres and subject to Section 7.02.23.*
- H. *Marihuana Processor, on at least five (5) acres and subject to Section 7.02.23.*

**Section 4.07.3 Permitted Accessory Uses**

- A. Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted in the AR District.
- B. Buildings and structures customarily incidental to single family residential dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article 11.
- D. Home occupation agricultural commercial enterprises, including seed, plants, nursery stock and other product sales, and customary home occupations, as conditioned by Section 7.02.11.
- E. Private residential swimming pools as conditioned by Section 7.03.07.
- F. Farm implement and vehicle repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Grain and feed storage facilities.
- I. Cold storage and other storage facilities for agricultural products.
- J. Roadside Stands: For the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the requirements of Section 7.02.17.
- K. Outside Wood-Corn or Solid Fuel Source Burners
  - 1. Regarding installation of Burners:
    - 30 feet from existing buildings
    - Follow manufacturer instructions
    - Stove must be 15 feet from side set-back
    - Stove must be 25 feet from rear set-back
    - No Stove in the front envelope of a home

2. Chimneys

Prevailing winds dictate height of chimney

The chimney must be at least 2 feet above the peak of any residence within 100 feet not served by the stove in question.

3. Permits

1 zoning inspection and approval

1 electrical inspection

1 mechanical inspection

4. Stoves must be complaint with all State and Federal statutes

**Section 4.08 RR, Rural Residential District**

**Intent and Purpose**

The purpose of this district is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory and (2) compatible, supportive and convenient to the residents living within such a district. The size of lots and parcels in this district should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid wastewater disposal.

**Section 4.08.1 Permitted Principal Uses**

- A. Non-farm single family dwellings meeting the requirements of Section 7.03.04 on a minimum of one (1) acre parcel, if on-site water supply and wastewater disposal systems meet the requirements of the County Health Department.
- B. Existing types of agricultural land, building and structural uses presently located within each respective RR District area designated on the Zoning Map and provided they meet the AR District requirements, and those uses permitted in Sections 4.07.1, 4.07.2, and 4.07.3, whichever of the latter are applicable.
- C. State Licensed Foster Care: Adult Foster Care Family Home (6 or fewer adults) Child Foster Family Homes (4 or fewer minor children) or Child Foster Family Group Homes (5 or 6 minor children).
- D. State Licensed Day Care Facilities: Child Family Day Care Homes (6 or fewer minor children) and Adult Family Day Care Homes (6 or fewer adults).

**Section 4.08.2 Permitted Principal Special Uses**

The following special uses of land, building and structures are permitted, subject to the provisions of Article 7, "Supplementary Regulations":

- A. Permitted Special Uses:
  - 1. Public buildings on at least five (5) acres
  - 2. Public recreational playgrounds on at least ten (10) acres
  - 3. Non-profit recreation areas on at least ten (10) acres
  - 4. Religious institutions on at least ten (10) acres
  - 5. Health, educational and social institutions on at least ten (10) acres
  - 6. Golf courses and country clubs on at least forty (40) acres.
  - 7. Cottage Industry as conditioned by Section 7.02.11.O.
  - 8. State Licensed Day Care Facilities: Adult Group Day Care Homes (7 to 12 adults), Child Group Day Care Homes (7 to 12 minor children), Child Care Centers and Adult Day Care Centers subject to Section 7.02.19.
  - 9. Bed and Breakfasts subject to Section 7.02.07.
  - 10. Animals, subject to Section 7.02.03.C.6.
  
- B. Above permitted uses subject to the following requirements:
  - 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
  
  - 2. Front, waterfront, side and rear yards shall be set back at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in the yards, except required entrance drives and those walls, berms,

evergreen plantings at least six (6) feet in height used to obscure the use from abutting residential lots and parcels.

3. The uses shall meet all other applicable requirements of this Zoning Ordinance.

**Section 4.08.3 Permitted Accessory Uses**

- A. Normal existing accessory uses to single family housing and existing agricultural uses, and those additional normal waterfront accessory uses and activities, such as docks, decks, wharves, beaches, beach equipment and apparatus, boat houses, boat moorings, beach shelters, cabanas or small bathhouses and other existing or typical waterfront accessory uses, with the additional approval of the Michigan Department of Environmental Quality or other public agency when required.
- B. Normal accessory uses to permitted and approved "Special Uses", and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved "Special Uses", with the additional approval of the Michigan Department of Environmental Quality or other public agency when required.
- C. Customary home occupations, as conditioned by Section 7.02.11.
- D. Private residential swimming pools, as conditioned by Section 7.03.07.
- E. Outside Wood-Corn or Solid Fuel Source Burners
  1. Regarding installation of Burners:  
30 feet from existing buildings  
Follow manufacturer instructions  
Stove must be 15 feet from side set-back  
Stove must be 25 feet from rear set-back  
No Stove in the front envelope of a home
  2. Chimneys  
Prevailing winds dictate height of chimney  
The chimney must be at least 2 feet above the peak of any residence within 100 feet not served by the stove in question.
  3. Permits  
1 zoning inspection and approval  
1 electrical inspection  
1 mechanical inspection

4. Stoves must be complaint with all State and Federal statutes

**Section 4.09 LDR, Low Density and MFD, Multiple-Family Residential Districts**

**Intent and Purpose**

The purpose of this Low Density and Multiple Family Residential Zoning District is to provide for single and multiple family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

**Section 4.09.1 Permitted Principal Uses**

- A. Single family dwellings.
- B. State Licensed Foster Care: Adult Foster Care Family Home (6 or fewer adults) Child Foster Family Homes (4 or fewer minor children) or Child Foster Family Group Homes (5 or 6 minor children).
- C. State Licensed Day Care Facilities: Child Family Day Care Homes (6 or fewer minor children) and Adult Family Day Care Homes (6 or fewer adults).
- D. Duplex or two family residential dwellings. Each duplex shall meet the same dimensional requirements of Section 4.15 as are required for a single-family residence.
- E. Animals, subject to Section 7.02.03.

**Section 4.09.2 Permitted Principal Special Uses**

The following special uses of land, buildings and structures are permitted subject to the provisions of Article 7, "Supplementary Regulations":

- A. Permitted Special Uses:
  1. Public buildings on at least five (5) acres.
  2. Public recreational playgrounds on at least ten (10) acres.

3. Non-profit recreation areas on at least ten (10) acres
  4. Religious institutions on at least ten (10) acres
  5. Educational and social institutions on at least ten (10) acres
  6. Golf courses and country clubs on at least forty (40) acres
  7. Structures containing three (3) or more residential dwelling units are considered non-farm single family residential units. Each of the three or more units are considered as separate non-farm single family residential units and shall meet the lot size and dimensional requirements of Section 4.15, Note K.
  8. Cottage industry as conditioned by Section 7.02.11.O.
  9. State Licensed Day Care Facilities: Adult Group Day Care Homes (7 to 12 adults), Child Group Day Care Homes (7 to 12 minor children), Child Care Centers and Adult Day Care Centers subject to Section 7.02.19.
    - a. Bed and Breakfasts subject to Section 7.02.07.
  11. Animals, subject to Section 7.02.03.C.6.
- B. The above permitted principal special uses are subject to the following requirements:
1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting on impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
  2. Front, waterfront, side and rear yards shall be set back at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
  3. The uses shall meet all other applicable requirements of this Zoning Ordinance.

**Section 4.09.3 Permitted Accessory Uses**

- A. Customary existing accessory uses to single family housing and existing agricultural uses, and those additional waterfront accessory uses and activities, such as docks, decks, wharves, beaches, beach equipment and apparatus, boat houses, boat moorings, beach shelters, cabanas or small bathhouses and other existing or typical waterfront accessory uses, with the additional approval of the Michigan Department of Environmental Quality or other public agency when required.
- B. Customary accessory uses to permitted and approved "Special Uses", those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved "Special Uses", with the additional approval of the Michigan Department of Environmental Quality or other public agency when required.
- C. Customary home occupations, as conditioned by Section 7.02.11.
- D. Private swimming pools for use as a part of single family or multiple family dwellings in conformance with the provisions of Section 7.03.07.
- E. Outside Wood-Corn or Solid Fuel Source Burners
  - 1. Regarding installation of Burners:  
30 feet from existing buildings  
Follow manufacturer instructions  
Stove must be 15 feet from side set-back  
Stove must be 25 feet from rear set-back  
No Stove in the front envelope of a home
  - 2. Chimneys  
Prevailing winds dictate height of chimney  
The chimney must be at least 2 feet above the peak of any residence within 100 feet not served by the stove in question.
  - 3. Permits  
1 zoning inspection and approval  
1 electrical inspection  
1 mechanical inspection
  - 3. Stoves must be complaint with all State and Federal statutes.

## **Section 4.10 MHR, Mobile Home Residential District**

### **Intent and Purpose**

The intent is to provide a district of such size and location as will encourage good manufactured home residential development that is adjacent to essential community services and that otherwise protects the health, safety and welfare of manufactured housing residents in the township. In addition to the requirements of this Ordinance, all manufactured home communities shall comply with the Mobile Home Commission Act 96 of the Public Acts, 1987 and the current Mobile Home Code adopted by the Michigan Mobile Home Commission.

### **Section 4.10.1 Permitted Principal Uses**

All uses provided in Section 7.02.14.

- A. Mobile Home Community developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.
- B. Recreational facilities for the residents of the mobile home development.
- C. Accessory buildings required for normal operation of the mobile home development. Such uses as stores, mechanical dispensers, equipment storage, and coin operated laundry and dry cleaning facilities may be permitted provided that such uses are in compliance with Section 7.02.14.
- D. Administration building for conducting the operation and maintenance of Mobile Home Community developments.
- E. State Licensed Day Care Facilities: Accessory Child Family Day Care Homes (6 or fewer minor children) and Adult Family Day Care Homes (6 or fewer adults) when approved by the mobile home park management.

Development within the MH District is subject to the regulations, review procedures and standards of approval set forth in Section 7.02.14.



**Section 4.11 CSC, Community Service Commercial District**

**Intent and Purpose**

This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of the Township and the owners, employees, guests and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent municipalities.

**Section 4.11.1 Permitted Principal Uses**

- A. Antique stores
- B. Art merchandising studios
- C. Auto parts stores
- D. Automobile service stations subject to Section 7.02.04
- E. Bakeries
- F. Barber and beauty shops
- G. Bed and Breakfasts subject to Section 7.02.07
- H. Bicycle stores
- I. Book and Stationery stores
- J. Bowling alleys
- K. Car washes
- L. Clothing stores
- M. Commercial garages for trucks of one (1) ton or less rated capacity
- N. Commercial or business schools
- O. Delicatessens
- P. Drive-in businesses
- Q. Drive-in restaurants
- R. Drug stores
- S. Dry cleaning and laundry and dry cleaning stores
- T. Dry goods and notion stores
- U. Fast food restaurants
- V. Garden stores
- W. Gift shops
- X. Greenhouses and nurseries conducted indoors
- Y. Grocery stores
- Z. Hardware and paint stores
- AA. Household appliance stores
- BB. Interior decorator shops
- CC. Jewelry stores
- DD. Music stores
- EE. New and used automobiles
- FF. New and used boats
- GG. New and used campers, recreational vehicles and trailers
- HH. New and used motorcycles

- II. Novelty shops
- JJ. Office supply stores
- KK. Offices for: financial institutions, lending and credit agencies and financially related businesses and services professionals: consultants, business agencies and business services and personal services.
- LL. Pet Stores
- MM. Photographic studios
- NN. Printing and publishing establishments
- OO. Professional health care services
- PP. Public buildings
- QQ. Public service and utility installations
- RR. Restaurants
- SS. Second-hand stores with no outside storage
- TT. Self-service laundry and dry cleaning stores
- UU. Service and repair shops for household related items
- VV. Shoes repair shops
- WW. Sporting goods stores
- XX. Tailor and dressmaker shops
- YY. Theatres, indoor
- ZZ. Toy stores
- AAA. Van conversion shops for ~~under one (1) ton vehicles~~
- BBB. Variety stores
- CCC. Veterinary clinics
- DDD. Veterinary hospitals

#### **Section 4.11.2 Permitted Principal Special Uses**

- A. Planned Shopping Centers in accordance with the provisions of Article 7, "Supplementary Regulations" for a collective grouping of two (2) or more of the principal uses permitted in this District. All special uses will show here.
- B. Pool halls and mechanical amusement centers, provided activities are limited to the hours between 8:00 a.m. and 10:00 p.m. daily.
- C. Farm implement and supply stores on at least five (5) acres.
- D. Funeral homes.
- E. Indoor kennels, provided all dogs are housed inside building, and provided that no outdoor dog-runs are available.
- F. Mini-warehouses, subject to Section 7.02.13

- G. Motels and hotels on at least five (5) acres and the number of rooms shall not exceed ten (10) per acre.
- H. Cottage Industry as conditioned by Section 7.02.11.S.
- I. State Licensed Day Care Facilities: Child Day Care Centers and Adult Day Care Centers subject to Section 7.02.19.
- J. *Marihuana Provisioning Center, subject to Section 7.02.23.*
- K. *Marihuana Retailer, subject to Section 7.02.23.*

**Section 4.11.3 Permitted Accessory Uses**

- A. Normal accessory uses to all "Permitted Principal Uses".
- B. Normal accessory uses to all "Permitted Principal Special Uses".
- C. Customary home occupations in existing single family homes, as conditioned by Section 7.02.11.
- D. Temporary buildings for construction projects.
- E. Outside Wood-Corn or Solid Fuel Source Burners
  - 1. Regarding installation of Burners:  
30 feet from existing buildings  
Follow manufacturer instructions  
Stove must be 15 feet from side set-back  
Stove must be 25 feet from rear set-back  
No Stove in the front envelope of a home
  - 2. Chimneys  
Prevailing winds dictate height of chimney  
The chimney must be at least 2 feet above the peak of any residence within 100 feet not served by the stove in question.
  - 3. Permits  
1 zoning inspection and approval  
1 electrical inspection  
1 mechanical inspection
  - 4. Stoves must be complaint with all State and Federal statutes

## **Section 4.12 HSC, Heavy Service Commercial District**

### **Intent and Purpose**

The purpose of the "HSC", Heavy Service Commercial District is to provide for those commercial uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets, but rather provide goods and services on a warehouse, wholesale, bulk, mass or major scale which are offered to major and bulk purchasers and retail and service outlets that in turn provide goods and services on an individual item basis to individual consumers. It is also the intent of this District to provide for transportation and related service facility uses necessary to the transporting, distributing, transferring, handling and warehousing of bulk goods and services.

### **Section 4.12.1 Permitted Principal Uses**

- A. Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals and railroad sidings.
- B. Warehousing and related bulk handling facilities, equipment and support services and mini-warehousing.
- C. Bulk handling of commercial services and related facilities, equipment and support services.
- D. Contractor buildings, structures, equipment and materials and storage yards for building and other types of construction.
- E. Building material supply establishments.
- F. Van conversion shops.
- G. Bed and Breakfasts, subject to Section 7.02.07.

### **Section 4.12.2 Permitted Special Uses**

- A. State Licensed Day Care Facilities: Child Day Care Centers and Adult Day Care Centers subject to Section 7.02.19.

### **Section 4.12.3 Permitted Accessory Uses**

- A. Accessory buildings and uses customarily incidental to above named

principal permitted uses.

- B. Signs in accordance with the relevant requirements detailed in Article 11 "Sign Requirements", herein.
- C. Towers in accordance with the relevant requirements detailed in Article 11 "Supplemental Regulations".
- D. Outdoor storage of goods or materials when directly related to adjoining businesses and when properly screened, per Section 7.02.16, to a height of at least six (6) feet by either (1) an earth berm with vegetation on it, (2) a solid fence (3) a solid wall or (4) a planting of evergreen trees and shrubs which provides a solid screen.
- E. Outside Wood-Corn or Solid Fuel Source Burners
  - 1. Regarding installation of Burners:  
30 feet from existing buildings  
Follow manufacturer instructions  
Stove must be 15 feet from side set-back  
Stove must be 25 feet from rear set-back  
No Stove in the front envelope of a home
  - 2. Chimneys  
Prevailing winds dictate height of chimney  
The chimney must be at least 2 feet above the peak of any residence within 100 feet not served by the stove in question.
  - 3. Permits  
1 zoning inspection and approval  
1 electrical inspection  
1 mechanical inspection
  - 4. Stoves must be complaint with all State and Federal statutes

## **Section 4.13 I, Industrial District**

### **Intent and Purpose**

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

### **Section 4.13.1 Permitted Principal Uses**

- A. The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:
1. Bulk industrial services
  2. Dry bulk blending plants
  3. Electrical and electronic equipment manufacturers
  4. Fabricated metal products
  5. Grain elevators - storage and retail sales
  6. Jobbing and machine shops
  7. Metal plating and finishing
  8. Monument and cut stone manufacturers
  9. Plastic products forming and molding
  10. Printing and publishing
  11. Processing of machine parts

12. Public service and utility facilities
13. Research and development establishments
14. Trade and industrial schools

**Section 4.13.2 Permitted Principal Special Uses with Conditions**

- A. Adult Uses, subject to Section 7.02.01.
- B. Planned Industrial Parks in accordance with the provisions of Article 11, "Supplementary Regulations" for the collective grouping of two (2) or more of the principal uses permitted in this District.
- C. Handling of liquid nitrogen, fertilizer and anhydrous ammonia provided such uses are located on least five (5) acres and all bulk tanks are located at least 150 feet from all property lines.
- D. Automobile junk yards and wrecking yards, subject to Section 7.02.06.
- E. *Marihuana Grower, subject to Section 7.02.23.*
- F. *Marihuana Microbusiness, subject to Section 7.02.23.*
- G. *Marihuana Processor, subject to Section 7.02.23.*
- H. *Marihuana Safety Compliance Facility, subject to Section 7.02.23.*
- I. *Marihuana Secure Transporter, subject to Section 7.02.23.*

**Section 4.13.3 Permitted Accessory Uses**

- A. The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:
  1. Banking
  2. Caretakers quarters
  3. Education, library and training facilities

4. Medical and health care facilities
5. Normal accessory uses to all Permitted Principal Uses
6. Office facilities
7. Recreation and physical fitness facilities
8. Research and experimentation facilities
9. Restaurants
10. Sales display facilities and areas
11. Truck and equipment service, maintenance, repair and storage facilities
12. Warehouse and storage facilities subject to Section 7.02.13
13. Work clothing sales and service facilities

**Section 4.14 PUD, Planned Unit Development District**

**Intent and Purpose**

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

See Article 5, Planned Unit Development, for specific use regulations.



**Section 4.15      Schedule of Area, Height and Placement Regulations**

The following regulations regarding lot sizes, yards, setbacks, lot coverage, structure size and densities apply within the zoning districts as indicated, including those “additional regulations” referred to in the following table.

No structure shall be erected, nor shall an existing structure be altered, enlarged or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such structure is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area, occupancy, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

## Section 4.15 Schedule of Area, Height and Placement Regulations

Zoning District	Min. Acreage / Lot Size		Max. Height - Principal Building	Min. Yard Setback Required			Max. Lot Coverage Area as Percent of Lot	Min. Floor Area Per Unit
	Area	Width at Right-of-way		Front Yard	Side Yard	Rear Yard		
RD, Resource Development District <i>J, L</i>	1 acre <sup>B</sup>	165 ft	35 ft <sup>C</sup>	75 ft <sup>D</sup>	15 ft <sup>D</sup>	25 ft <sup>D</sup>	20%	960 sq ft total <sup>E</sup>
AR, Agriculture Residential District <i>J, L</i>	1 acre <sup>B</sup>	165 ft	35 ft <sup>C</sup>	75 ft <sup>D</sup>	15 ft <sup>D</sup>	25 ft <sup>D</sup>	25%	960 sq ft total <sup>E</sup>
RR, Rural Residential District <i>J, L</i>	1 acre	165 ft	35 ft <sup>C</sup>	75 ft <sup>D</sup>	15 ft <sup>D</sup>	25 ft <sup>D</sup>	25%	960 sq ft total <sup>E</sup>
LDR, Low Density and MFD, Multiple Family Residential Districts <i>H, J, K, L</i>	½ acre with sewer and water (S&W); 1 acre without <sup>F, G, K</sup>	100 ft with S&W; 150 ft without <sup>F</sup>	35 ft <sup>C</sup>	75 ft <sup>D, I</sup>	15 ft <sup>D, I</sup>	25 ft <sup>D, J</sup>	25%	960 sq ft total <sup>E</sup>
MHR, Mobile Home Residential	See Section 7.02.14							
CSC, Community Service Commercial District <i>A, J</i>	15,000 sq ft with S&W; 1 acre without <sup>F</sup>	100 ft with S&W; 150 ft without <sup>F</sup>	35 ft <sup>C</sup>	75 ft <sup>D</sup>	10 ft <sup>D</sup>	25 ft with S&W; 50 ft without <sup>D, F</sup>	75% with S&W; 50% without <sup>F</sup>	-
HSC, Heavy Service Commercial District <i>A, J</i>	80,000 sq ft with S&W; 40,000 sq ft without <sup>F</sup>	120 ft with S&W; 200 ft without <sup>F</sup>	35 ft <sup>C</sup>	75 ft <sup>D</sup>	25 ft <sup>D</sup>	50 ft <sup>D</sup> 100 ft when abutting a residential district	50%	-
I, Industrial District <i>A, J</i>	40,000 sq ft with S&W; 2 acre without <sup>F</sup>	120 ft with S&W; 200 ft without <sup>F</sup>	40 ft <sup>C</sup>	75 ft <sup>D</sup>	10 ft <sup>D</sup>	50 ft <sup>D</sup>	50%	-
PUD, Planned Unit Development District <i>J</i>	Refer to Article 5 for PUD standards.							

## Notes

A= One property line must abut and have direct access to a major road or highway, as defined in the Master Plan for Roads and Highway. All vehicular ingress and egress shall be from an acceleration and deceleration lane.

B= 1 acre min. for non-farm single family dwellings

C= 25 ft max. for buildings accessory to dwellings; 45 ft for all agricultural buildings (except 12-ft for grain elevators, silos and windmills); 20 ft max. for buildings accessory to commercial or industrial buildings. See Section 7.04.06

D= 75 ft min. from established shorelines for surface water bodies

E= Min. first floor of 960 sq ft for each 1 story dwelling unit and 600 sq ft for a 2 story dwelling (with 960 sq ft total)

F= Public or Private (community waste treatment) sewer and water utility systems

G=Two-family dwellings shall have a minimum lot size of one-half more than the minimum lot area required in the district.

H=Where 2 or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any 2 structures shall be equal to the height of the highest structure. Maximum building length shall not exceed 200 ft

I=No multiple unit dwelling shall be located closer than 100 ft to a perimeter property line that abuts a single-family residential district

J= All setbacks from the M-52 right-of-way shall be at least 80 ft

K=Minimum lot size for multiple family units containing three or more units is calculated in the following manner: With sewer and water: 1/2 acre per unit. Without sewer and water: 1 acre per unit.

L= See Section 7.02.03, Animal Regulations.

M= Easement / Right of Way for utilities, septic, drain, power lines shall be at least 10 ft.

## ARTICLE 5

### PLANNED UNIT DEVELOPMENT

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#### **Section 5.01      Application and Interpretation of Regulations**

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. Development under the Planned Unit Development (PUD) district regulations shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township; and bring about a greater compatibility of design and use.

The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

#### **Section 5.02      Permitted Uses**

Any land use authorized in this Ordinance may be included in a Planned Unit Development. Land uses included in the PUD are subject to adequate public health, safety, and welfare protection mechanisms. These mechanisms shall be designed into the development to ensure the compatibility of varied land uses both within and outside the development.

#### **Section 5.03      Project Design Standards**

The following requirements expand upon and/or are in addition to the requirements detailed in Article 12 "Site Plan Review". They shall, in all cases, be adhered to by developments in a "PUD" District.

##### **A.      *Density and Use Criteria***

1. All density requirements shall be completed on a total gross area basis, less water area,

2. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to reclassification under this Article.

Additional density for residential uses may be allowed at the discretion of the Planning Commission and based upon a demonstration by the applicant of consistency with the Master Plan and of planning and design excellence resulting in a material benefit to the Township, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
4. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units and adjacent land uses in a manner consistent with good land use and community planning principles. (Subject to Section 8.02 Landscaping, Greenbelts, Buffering, and Screening).

**B. *External and Internal Circulation and Access***

1. All development in this District shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission. Projects adjacent to roadways not hard surfaced may pave all connecting roadways to County standards as a condition of PUD approval.
2. Access points to a PUD development shall be located no less than five hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two hundred seventy (270) feet from either side lot line of the parcel.

3. Each lot or principal building shall have internal vehicular access from a public road or private road approved by the Township Board.
4. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
5. As property is developed as a PUD, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
6. Standards of design and construction for public and private roads may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public roads shall first be approved by the County Road Commission Engineer.
7. Public roads shall be designed and constructed according to established standards for public roads as established by the Ingham County Road Commission. Private roads shall be constructed according to the established standards in the Stockbridge Township Private Road Ordinance # 204. Notwithstanding the previous sentences, standards of design and construction for public and private roads may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public roads shall first be approved by the County Road Commission Engineer.

If private roads are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of following the necessary procedures and making the roads suitable for public acceptance.

**C. Site Design and Layout**

1. All principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any exterior public roadway right-of-way line, private road and/or area to be platted.
2. All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
3. Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.
4. There shall be a perimeter setback and berming, as found to be necessary by the Township Planning Commission and/or the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet at the discretion of the Township Planning Commission and/or the Township Board, taking into consideration the use or uses in and adjacent to the development. At the discretion of the Planning Commission or Township Board, the setback distance need not be uniform at all points on the perimeter of the development.
5. A strong landscaping component shall be required for the perimeter and interior of the site. The design and location of such screening shall provide an attractive and affective appearance and meet the standards of Section 8.02, Landscaping, Greenbelts, Buffering and Screening.
6. The outdoor storage of goods and materials shall be prohibited in the PUD.

**D. *Natural Features***

1. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. The benefit that would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources or features and the following criteria:
  - a. The availability of feasible and prudent alternative methods of accomplishing any development.
  - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
  - c. The size, quality and rarity of the natural resources or natural features that would be impaired or destroyed.
2. A minimum distance of twenty-five (25) feet shall be provided between a wetland boundary and any area of disturbance, including any grading or site construction.

**E. *Open Space Regulations***

1. A land, water or land/water area constituting not less than twenty-five (25%) percent of the total land area shall be designed as permanent open space. Water or detention/retention facilities may only be considered for ten (10%) percent of the required minimum open space calculation. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the District and such open space shall be considered as an integral component of the overall PUD. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the PUD.
2. All open space areas shall have sufficient size to be usable for the functions intended and which will be maintainable.



3. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space, but shall not be included in the required minimum open space calculation. Other building and improvements shall be prohibited therein.
4. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as steep slopes, ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and wetlands be preserved as part of the open space system.

**F. *Legal Mechanisms to Ensure Facility and Open Space Maintenance***

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
  - a. The HOA, ACE, or AIE shall be established before any building or structure in the PUD are sold or occupied.
  - b. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
  - c. Restrictions shall be permanent.
  - d. The HOA, ACE, or AIE shall be made responsible for liability.

- e. Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

**G. *Utilities***

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities.
2. All development will be required to provide adequate fire protection system as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission before action can or will be taken on any PUD request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the planned unit development served by such a system.

3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted. However, all storm water facilities shall be designed to have a natural appearance. Native vegetation will be recommended to strengthen the natural appearance of the facilities and to improve storm water quality.
4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of street lights may be required of developments in the PUD district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

## **Section 5.04 Project Phasing and Commencement of Construction**

- A. **Phasing.** If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.
  
- B. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the construction schedule set forth by the applicant. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown, if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

## **Section 5.05 Standards for Review**

The Planning Commission shall determine and shall provide evidence in its review and recommendation to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. Granting of the planned unit development will result in one (1) of the following:
  - 1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - 2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

3. A non-conforming use will, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- B. The proposed type and density of use will not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
- C. The proposed development will not result in an unreasonable negative economic impact upon surrounding properties.
- D. The proposed development will be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
- E. The proposed development will conform to the Township Master Plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Township Land Use Plan.
- F. The proposed development will conform to the intent and all regulations and standards of a PUD District.
- G. The proposed development will be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- H. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- I. The applicant will have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions will have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is en
- J. The mix of housing unit types and densities, and the mix of residential and non-residential uses will be acceptable in terms of convenience, privacy, compatibility, and similar measures.

- K. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- L. The proposed development will create a minimum disturbance to natural features and land forms.
- M. Roads will follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
- N. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
- O. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD where applicable.

### **Section 5.06 Procedure for Review**

- A. ***Concurrent Rezoning.*** If the development proposed for the PUD designation is not compatible with the current underlying zoning, a concurrent re-zoning to the desired zoning district can proceed along with the PUD request on one (1) application at the discretion of the Planning Commission. The requested re-zoning for the underlying zoning must be consistent with the Stockbridge\_Township Master Plan.
- B. ***Pre-application Conference.*** Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Township Supervisor, Township Planning Commission Chair or her/his designee(s) together with any staff and consultants the Planning Commission Chair deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:

1. Total number of acres in the project.
  2. The number of residential units.
  3. The number and type of nonresidential uses.
  4. The number of acres to be occupied by each type of use.
  5. The known deviations from ordinance regulations to be sought.
  6. The number of acres to be preserved as open or recreational space.
  7. All known natural resources and natural features to be preserved.
- C. **Preliminary Site Plan.** Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 5.05 have been met.
1. **Information Required.** The preliminary site plan for a PUD shall be in conformance with and contain all information in Section 5.05, herein at a minimum, plus the following information set forth below.
    - a. Evidence of ownership, location and description of site dimensions and areas.
    - b. General topography; soil information.
    - c. Scale, north arrow, date of plan.
    - d. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives and streets on the site and within five hundred (500) feet of the site.
    - e. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
    - f. Location, size, and uses of open space.

- g. General description of the organization that will maintain common areas and facilities.
  - h. General landscape concept showing tree masses to be preserved or added, trees to be removed, buffer areas, and similar features.
  - i. General descriptions of proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins.
  - j. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
  - k. General location, function, surface width, surface material, and right-of-way of proposed public and private streets.
  - l. General location of proposed parking areas, type of surface material, and approximate number of spaces to be provided in each area.
  - m. Location and area of each development phase.
  - n. Include all information in Section 12.07, Information Required for a Preliminary Site Plan.
2. ***Planning Commission Public Hearing and Action-Preliminary Site Plan.*** The preliminary site plan shall be noticed for public hearing before the Planning Commission in the following manner:
- a. A notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. The notice shall be given not less fifteen (15) days before the date that the public hearing will be held.

- c. The notice of public hearing shall:
  - i. Describe the nature of the request.
  - ii. Describe the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - iii. State when and where the public hearing will be held.
  - iv. Indicate when and where written comments will be received concerning the request.
- 3. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one (1) of the following actions:
  - a. **Approval.** Upon finding that the preliminary site plan meets the criteria set forth in Section 5.06.C, the Planning Commission shall grant preliminary approval.
  - b. **Effect of Approval.** Approval shall constitute approval of the uses and design concept as shown on the preliminary site plan and shall confer upon the applicant the right to proceed to preparation of the final site plan.

Approval of the preliminary site plan by the Planning Commission shall not bind the Township Board to approval of the final plan.
  - c. **Tabling.** Upon finding that the preliminary site plan does not meet the criteria set forth in Section 5.06.C, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted. Upon the tabling of the site plan the applicant has one hundred eighty (180) days to submit a revised site plan to the Planning Commission. If a revised site is not submitted on or before one hundred eighty (180) days the site plan expires. The applicant must then re-apply for preliminary



site plan review and approval in accordance with Section 5.06, Procedure for Review.

- d. **Denial.** Upon finding that the Preliminary Plan does not meet the criteria set forth in Section 5.06.C the Planning Commission may deny preliminary approval.
  - e. **Effect of Denial.** Only the final site plan constitutes an application to amend the ordinance. Therefore, if the Planning Commission denies the preliminary site plan the process is terminated.
- D. **Final Plan.** Once the preliminary site plan has been approved the applicant has one hundred eighty days (180) days to submit a final site plan and supporting materials conforming to this Section. If a final site plan is not submitted by the applicant for final approval within one hundred eighty (180) days of the approval of the preliminary plan approval becomes null and void. At the sole discretion of the Planning Commission an extension of ninety (90) days may be granted, however such extensions shall not exceed two (2) ninety (90) day periods.
- 1. **Information Required.** A final site plan and application for a PUD shall contain the following information:
    - a. The final site plan shall meet all requirements of Article 12.08. Final Site Plan.
    - b. A separately delineated specification of all deviations from this ordinance, which would otherwise be applicable to the uses and development, proposed in the absence of this planned unit development article.
    - c. A specific schedule of the intended development and construction details, including phasing or timing.
    - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
    - e. A specification of the exterior building materials with respect to the structures proposed in the project and pertinent construction details.

f. Signatures of all parties having an interest in the property.

2. ***Planning Commission Review and Township Board Hearing, Review and Recommendation.***

a. **Planning Commission Review.** The applicant shall submit the final site plan for the PUD to the Planning Commission for review and recommendation to the Township Board. Upon making its recommendation, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion. Since the Planning Commission is not the approving body for a rezoning, it does not hold the public hearing on the final site plan for a PUD (MCL 125.3503).

b. **Township Board – Public Hearing and Final Determination.** The final site plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Township Board. The public hearing shall be noticed in the manner as described in Section 5.06.C.2. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the Township Board shall take the following action:

Upon finding that the Planning Commission has issued a recommendation on the final PUD plan, the Township Board may approve, approve with conditions, or deny said final PUD plan. The notice of adoption described in Section 14.07, Publication shall also apply.

c. **Effect of Approval – Final PUD Plan and Rezoning.** The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Ingham County Register of Deeds, which shall contain the following:

- i. Date of approval of the final PUD plan by the Township Board.
- ii. Legal description of the property.
- iii. Legal description of the required green space along with a plan stating how this green space is to be maintained.
- iv. A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

**Section 5.07      Conditions**

- A. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law. This is to ensure that public or private 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, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
- B. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

## **Section 5.08 Amendments to Site Plans**

Preliminary and final site plan may be amended in accordance with the process detailed in Section 12.13 of Article 12 "Site Plan Review".

## **Section 5.09 Extension of Time Limits**

Time limits set forth herein may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

## **Section 5.10 General Provisions**

- A. ***Continuing Applicability of Information on Approved Site Plans.*** The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD district shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.
- B. ***Construction.*** No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for, a PUD district classification, until the requirements of this Article have been met.
- C. ***Performance Bonds.*** Will be required in the full amount of an agreed upon cost estimate for all public and common site improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting bond amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer. Performance bonds shall have been provided and approved prior to issuance of any permit.

**Section 5.12 Development Agreement.** The Township Board may require, as a condition of approval of the final site plan, that the applicant enter into a development agreement incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of

**Section 5.13 Violations**

Violations shall be dealt with in the manner detailed in Section 12.20 of Article 12 "Site Plan Review".

## ARTICLE 6

### SITE CONDOMINIUMS

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#### Section 6.01 Purpose

The purpose of this section is to set forth the standards for review of site condominiums or condominium subdivisions in all Zoning Districts, to provide for adequate standards for the master deed, deed restrictions, utility systems, public and private roads, site layout and design, and to achieve compliance with all regulations of the condominium act and this ordinance.

#### Section 6.02 Definitions

- A. **Condominium Documents** - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- B. **Condominium Lot** - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- C. **Condominium Subdivision Plan** - The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- D. **Condominium Unit** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **Consolidating Master Deed** - The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- F. **Contractible Condominium** - A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.

- G. **Expandable Condominium** - A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- H. **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, and all other information required by Section 8 of the Condominium Act.
- I. **Notice of Proposed Action** - The notice required by Section 71 of the Condominium Act, to be filed with Stockbridge Township and other agencies.
- J. **Site Condominium** - A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

### **Section 6.03 Approval Required**

Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums or condominium subdivisions shall be reviewed by the Planning Commission and approved by the Township Board.

- A. In determining whether to recommend approval of a site plan for a site condominium, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner and others as deemed appropriate by the Planning Commission regarding the adequacy of the master deed, deed restrictions, utility systems and roads, site layout and design, and compliance with all requirements of the Condominium Act and this ordinance.
- B. No construction, grading, work, or other development shall be done on a site until a final site plan has been approved. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan thereof has been approved. This requirement shall include contractible, conversion, and expandable site condominiums.

- C. If a building, structure, or use to be placed on a condominium lot which requires site plan approval under Article 12, Site Plan Review herein, a site plan for that building, structure, or use shall be approved before a certificate of zoning compliance may be issued.
- D. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with Article 12, Site Plan Review, provided however that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Ingham County Register of Deeds.

#### **Section 6.04      General Requirements**

- A. The provisions of Article 12, Site Plan Review, shall also apply to all Site Condominiums processed under this Article except where the provisions are in conflict with Public Act 59 of 1978, as amended, "The Condominium Act," in which case(s) the provisions of this Article and The Condominium Act shall prevail.
- B. Each condominium unit shall be located within a zoning district that permits the proposed use.
- C. Each condominium lot shall front on and have direct access to a public street approved by the Township.
- D. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. Required yards shall be measured from boundaries of a condominium lot.
- E. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district.
- F. Each condominium lot shall be connected to public water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drain field approved by the County Health Department, where public water and sanitary sewer services are not available. The well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed, except in a PUD district, in which this requirement may be waived by the Township Board as a part of its



approval of the PUD rezoning petition/application.

- G. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- H. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- I. All information required by this ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued.

### **Section 6.05 Preliminary Site Plan Requirements**

A preliminary site plan shall be filed for review at the time of a Notice of Proposed Action is filed with Stockbridge Township.

- A. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
- B. The preliminary site plan shall include all information required in Section 12.07 of Article 12, Site Plan Review, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.
- C. All items required in this Article are to be completed and presented at the time of the preliminary site plan submission.
- D. If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be recommended by the Planning Commission to the Township Board.

- E. If the site plan fails to conform, the Planning Commission shall recommend denial of the application, or grant preliminary approval with conditions, to the Township Board, provided such conditions are met before final approval.

## **Section 6.06 Final Site Plan Requirements**

A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.

- A. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Township Board, and is in effect.
- B. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 12.09 of Article 12, Site Plan Review, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots rather than individual buildings, and required yards shall be shown on the final site plan.
- C. In addition to the final site plan, the Condominium Documents shall be submitted to the Township for its review. The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the Township including: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common areas; and maintenance of stormwater, sanitary, and water facilities and utilities.
- D. The applicant shall also submit engineering plans in accordance with applicable design standards for construction of the project.
- E. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Environmental Quality. The Planning Commission shall not recommend approval of a final site plan until all County and State agencies required to review the condominium subdivision plan have approved the condominium subdivision plan.

- F. If the site plan, Condominium Documents, and engineering plans conform in all respects to applicable laws, ordinances and design standards, the Planning Commission shall recommend approval of the final site plan to the Township Board.
- G. If the site plan, Condominium Documents or engineering plans fail to conform, or if all applicable approvals are not provided, final approval shall be recommended for denial by the Planning Commission.
- H. In the interest of ensuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the Township, the Planning Commission and/or the Township Board, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in Section 3.18 of the Zoning Ordinance for the completion of improvements associated with the proposed use.

### **Section 6.07 Public Roads**

All roads within a site condominium shall be dedicated as public roads to the Ingham County Road Commission and shall be developed to the design, construction, inspection, approval and maintenance requirements of the Ingham County Road Commission. Each condominium lot shall have frontage abutting a public road as required by the regulations of the particular zoning district in which the condominium lot is located. In the event that the Ingham County Road Commission refuses to accept dedication of a proposed road in an exclusively residential condominium, the applicant may apply to the Stockbridge Township Board for a permit to substitute a private road for the public road or any portion thereof, in accordance with the Stockbridge Township Public and Private Road Ordinance No. 204, and the amendments thereto.

### **Section 6.08 Relation of Subdivision Ordinance**

All site condominiums shall conform to the plan preparation requirements, design, layout, improvement standards, and the financial guarantee requirements of the Stockbridge Township Subdivision Regulation Ordinance, as amended, all of which are incorporated herewith by reference. The standards and requirements of the Subdivision Regulation Ordinance including the financial guarantees, which apply to lots in a subdivision shall also apply to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.

### **Section 6.09      Development Agreement**

The Township Board, may require, as a condition of approval, that the applicant enter into a development agreement with the Township of Stockbridge, incorporating the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Ingham County.

### **Section 6.10      Association Authorization**

Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

### **Section 6.11      Monuments**

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. No building permits shall be issued until monuments are set.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Stockbridge Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to Stockbridge Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Stockbridge Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

### **Section 6.12      Easements and Rights-of-Way**

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

**Section 6.13      Design Specifications**

All improvements in a site condominium shall comply with the design specifications as adopted by the Stockbridge Township Board and any amendments thereto.

**Section 6.14      Revision of Condominium Subdivision Plan**

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Township Board, before any building permit may be issued, where such permit is required.

**Section 6.15      Amendment to Master Deed or Bylaws**

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan or any conditions of approval of a preliminary or final site plan shall be reviewed and approved by the Township Board before any building permit may be issued, where such permit is required. The Township Board may require its review of an amended site plan if, in their opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

**Section 6.16      Information Required Prior to Occupancy**

Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Township Clerk:

- A.    A copy of the recorded Condominium Documents (including exhibits).
- B.    A copy of any recorded restrictive covenants.
- C.    A copy of the site plan.
- D.    Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey."

# ARTICLE 7

## SUPPLEMENTARY REGULATIONS

### Section 7.01 Purpose

The intent 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 in which they are permitted to be located. This article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance. It is divided by topic as indicated below. **An \*asterisk indicates a special use.**

<b>LIST OF REGULATIONS BY SUBJECT</b>			
<b>Section 7.02 Regulations Related to Uses of Land</b>			
<b>Section</b>	<b>Topic</b>	<b>Section</b>	<b>Topic</b>
7.02.01	*Adult Uses	7.02.12	*Kennels
7.02.02	*Agribusinesses	7.02.13	*Mini Storage / Self Storage Facilities
7.02.03	Animal Regulations	7.02.14	Mobile Home Parks
7.02.04	Automobile Service and Repair	7.02.15	Open Space Preservation Option
7.02.05	Automobile Washes	7.02.16	Outdoor Display and Sales
7.02.06	*Automobile Wrecking Yards / Junk Yards	7.02.17	*Roadside Stands
7.02.07	*Bed and Breakfast Operations	7.02.18	*Sanitary Landfills
7.02.08	*Electronic Receiving, Transmit and Relay Facilities	7.02.19	*State Licensed Day Care Facilities
7.02.09	Essential Services	7.02.20	State Licensed Foster Care Facilities
7.02.10	*Extraction of Natural Resources	7.02.21	Temporary Transient Uses
7.02.11	*Home Occupations	7.02.22	Commercial Shooting Gun Ranges open to the Public
		7.02.23	*Marihuana Facilities
<b>Section 7.03 Regulations Related to Buildings and Structures</b>			
<b>Section</b>	<b>Topic</b>	<b>Section</b>	<b>Topic</b>
7.03.01	Accessory Building Provisions	7.03.07	Swimming Pools, Hot Tubs, Whirlpools and Non-Farm Ponds
7.03.02	Basement as a Dwelling	7.03.08	Television Satellite Receiving Dishes
7.03.03	Buildings to be Moved	7.03.09	Temporary Buildings and Structures
7.03.04	Single Family Dwellings, Mobile Homes and Prefabricated Housing	7.03.10	Windmills
7.03.05	Single Family Earth Homes	7.03.11	*Wireless Communication Towers and Antennas
7.03.06	Solar Buildings		

Section 7.04 Regulations Related to Site Design, Layouts and Requirements			
Section	Topic	Section	Topic
7.04.01	Building Grades	7.04.06	Height Regulations
7.04.02	Buildings on Lots or Sites	7.04.07	Private Driveways over 100 Feet in Length from the Road Right-of-Way Serving Single Family Residences
7.04.03	Driveway Entrances and Gates	7.04.08	Road Closures
7.04.04	Frontage Access Roads	7.04.09	Use of Yard Space
7.04.05	Frontage on Public or Private Road or Highway		

**Section 7.02 Regulations Related to Uses of Land**

**Section 7.02.01 Adult Uses**

- A. **Purpose.** The purpose of this section is to identify and describe certain uses that are recognized as an impediment to stable growth and development because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.
- B. **Location.** Adult uses shall be permitted in the I, Industrial District and are subject to the following conditions:
  - 1. No adult business as listed in Section 7.02.01.C herein shall be permitted within a one thousand (1,000) foot radius of an existing adult business. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposal adult use will be situated.
  - 2. No adult business as listed in Section 7.02.01.C herein shall be permitted within a five hundred (500) foot radius of a residentially zoned or used parcel, or a zoning district that permits residences either single-family or multiple family, school, library, park, playground, licensed group day-care home or center, church, convent, monastery, synagogue or similar place of worship. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
- C. **Adult Uses.**
  - 1. Adult motion picture Theater.

2. Adult supply store.
  3. Adult drive-in motion picture theater.
  4. Adult physical culture establishment.
  5. Arcades or amusement establishments.
  6. Bars or establishments principally used for the sale of beer, wine or intoxicating liquor for consumption on the premises.
  7. Cabaret.
  8. Escort Services and Escort Agencies.
  9. Massage Parlors and Massage Establishments.
  10. Pawnshops or collateral loan and exchange establishments.
  11. Pool or billiard halls.
  12. Public lodging houses.
  13. Secondhand stores.
  14. Specially designated distributor's establishment (SDD).
  15. Specially designated merchant's establishment (SDM).
  16. Tattoo, Body-Piercing and Branding Studios.
- D. **Application.** Application to establish any of the above adult uses shall be made to the Zoning Administrator, who shall not approve any such application or request if there is already an existing adult use as listed in Section 7.02.01.C within one thousand (1,000) feet as described in Section 7.02.01.B. or if such adult use will be located within five (500) feet of a use as described in Section 7.02.01.B herein.
- E. **Waivers.** Upon denial of any application for an adult use listed under Section 7.02.01.C above, the applicant may appeal for a waiver of the locational provisions above to the planning commission consistent with the standards set forth below. The planning commission may waive the locational provisions set forth in Section 7.02.01.B after all the following findings are made:



1. The proposed use will not be contrary to any other provision of this ordinance or injurious to nearby properties.
  2. The proposed use will not enlarge or encourage the development of a "skid row" or "strip."
  3. That the establishment of an additional adult use will not be contrary to, or interfere with, any development program or improvement plan.
  4. That all applicable township, state, or federal laws and regulations will be observed.
  5. Meet the requirement of Section 7.02.01.G, Establishment Prohibited Near Schools and Residential Zones if applicable.
- F. ***Procedure for Waiver.*** Prior to granting waiver of the locational restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this section, the Township Clerk shall publish, in a newspaper of general circulation in Stockbridge Township, one (1) notice indicating that a request for waivers to establish an adult use has been received, and shall send by mail or personal delivery, a copy of said notice to the owners of the property for which waivers are being considered, and to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of the premises in question and to the occupants of all structures within three hundred (300) feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure except that if a structure contains more than one (1) dwelling or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice of application shall inform the recipient of the applicant's name, describe the nature and type of use proposed, indicate the local address, the lot number, location, and subdivision name of the property in question and provide the section of the zoning ordinance under which the proposal is being processed. Said notice shall also invite written comments, statements or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

Said notice of application shall further indicate that a public hearing on the proposed adult use may be requested by a property owner or occupant, no less than eighteen (18) years of age, of a structure located within three hundred (300) feet of the boundary of the property being considered for the adult use. If the applicant or the Planning Commission requests a public hearing under this section any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau.

- G. ***Establishment Prohibited Near Schools and Residential Zones.*** It shall be unlawful to hereafter establish any adult uses listed in Section 7.02.01.B, if the proposed controlled use will be within a five hundred (500) foot radius of a planned unit development district (PUD) or agricultural district (RD, AR) primarily devoted to residential use, a residentially zoned district or within a five hundred (500) foot radius of any nursery, primary or secondary school or day care facility or any uses listed in Section 7.02.01.C. This prohibition relative to the establishment of an adult use near a planned unit development district or agricultural district primarily devoted to residential use, residentially zoned districts or land in residential use shall be waived upon the presenting to the Zoning Administrator a validated petition requesting such waiver, signed by at least fifty-one (51%) percent of all those persons owning, residing, or doing business within five hundred (500) feet of the proposed location. No waivers shall be given to permit an adult use to locate within a five hundred (500) foot radius of any nursery, primary or secondary school or day care facility.

The Zoning Administrator shall adopt rules and regulations governing the procedure for securing any petition of waiver, which may be provided for in this section of the ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall be over eighteen (18) years of age and subscribe to an affidavit attesting to file fact that the petition was circulated in accordance with said rules and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

The Planning Commission shall not consider the waiver of locational requirements until the above described petition, if required, shall have been filed and verified by the Zoning Administrator.

Prior to the granting of approval for the establishment of any adult use, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance and guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

**Section 7.02.02 Agri-businesses**

An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. Permitted agribusinesses are listed above with the following conditions:

- A. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 300 feet, except as otherwise required for specific uses listed.
- B. All agribusiness uses shall be located at least 300 feet from all RD, AR, RR LDR/MFD and MHR zoning district boundary lines and existing residential structures located on adjacent properties.
- C. All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

**Section 7.02.03 Animal Regulations**

- A. **Intent.** It is the intent of this section to provide definitions and standards for the keeping and maintenance of animals in the various zoning districts within the Township.
- B. **Definitions.** The word "animals" means a nonhuman zoological species, classified for purposes of this Article as follows:
  - 1. **Class I Animal.** Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets (i.e. dogs, cats or birds).

2. **Class II Animal.** An animal which is normally part of the livestock maintained on a farm, but is not located, for the purposes of this section, including:
  - a. bovine and like animals, such as the cow, buffalo, elk, lama, and alpaca;
  - b. equine and like animals, such as the horse;
  - c. swine and like animals, such as the hog which are in excess of six (6) months in age;
  - d. bovine and like animals, such as the sheep and goat;
  - e. other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II such as the ostrich and the emu.
3. **Class III Animal.** Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
4. **Class IV Animal.** Wild or exotic animals. Such animals include any wild or undomesticated animal that is not of a species customarily used as an ordinary household pet, but one that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
5. **Class V Animal.** Dangerous animals. Such animals include any wild or undomesticated animal that is not of a species customarily used as an ordinary household pet, but one that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

C. **By-District - Animals Allowed by Zoning Districts:**

1. **Class I Animals** may be maintained in all zoning classification districts, provided that dogs are licensed in accordance with the provisions of Act No. 339 of the Public Acts of Michigan of 1919 (MCL 287.261, et seq., MSA 12.511 et seq.), as amended and providing they do not create a public nuisance.
2. **Class II** Animals may be maintained in the RD and AR District.
3. **RD AND AR Districts 10 Acres and Less – Class II Animals.** The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils, or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be *suggestions for good neighbor practices.*

**SUGGESTED STOCKING DENSITIES FOR  
CLASS II ANIMALS ON PARCELS OF  
10 ACRES OR LESS IN THE RD AND AR DISTRICTS**

Animal	Number of Animals	Area
Beef Cattle	1	1.5 acres
*Beef Cattle with Calf	1	1.5 acres
Dairy Cow	1	1.5 acres
Pigs	1	1.5 acres
Sheep, Goats, Alpaca	1	1.5 acres
Llama	1	1.5 acres
Horses/Equine Type Animals	1	1.5 acres
*One (1) beef cattle with calf is considered one (1) animal until the calf is fully grown.		

- a. There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- b. Structures housing Class II animals should be located at least, no nearer than twenty five (25) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.

- c. The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
  - d. All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
  - e. It is highly recommended that property owner’s in the RD and AR Districts who plan to raise Class II livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.
4. **Class III Animals** may be maintained in the RD and AR Districts.
5. **RD AND AR Districts 10 Acres and Less – Class III Animals.** The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be suggestions for good neighbor practices.

**SUGGESTED STOCKING DENSITIES FOR  
CLASS III ANIMALS ON PARCELS OF  
10 ACRES OR LESS IN THE RD AND AR DISTRICTS**

Animal	Number of Animals	Area
Geese, Ducks, Turkeys	125	1 acre
Chickens (Broiler Hens, Layers)	250	1 acre
Rabbits	250	1 acre

- a. There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
  - b. Structures housing Class III animals should be located, at least, no nearer than twenty five (25) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
  - c. The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
  - d. All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
  - e. It is highly recommended that property owner's in the RD and AR Districts who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.
6. **Regulation of Animals in Residential Districts.** Class II and Class III animals are permitted to be maintained in residential districts and LDR/MFD\_Districts. ~~The following stocking densities are permitted as a special use in the RR and LDR/MFD Districts.~~

**STOCKING DENSITIES FOR CLASS II AND III ANIMALS  
IN THE RR AND LDR/MFD DISTRICTS**

<b>Class II Animals</b>	<b>Number of Animals Permitted</b>	<b><sup>1</sup>Area Required for First Animal</b>	<b><sup>1</sup>Additional Animals</b>
Beef Cattle	1	1.5 acres for first animal	1 acre per additional animal up to a maximum of 10 animals.
Dairy Cow	1	1.5 acres for first animal	
Pigs	1	1.5 acres for first animal	
Sheep, Goats, Alpaca	1	1.5 acres for first animal	
Llama	1	1.5 acres for first animal	
Horses/Equine Type Animals	1	1.5 acres for first animal	
<b>Class III Animals</b>			4,356 sq. ft. (1/10 acre) for each additional animal to a maximum of 50 animals.
Geese, Ducks, Turkeys	10	1.5 acres for first 10 animals	
Chickens (Broiler Hens, Layers)	10	1.5 acres for first 10 animals	
Rabbits	10	1.5 acres for first 10 animals	
Notes: 1. Permitted by right. 2. Requires special land use permit, site plan and public hearing, may require manure/urine management program.			

The Planning Commission may choose to impose any reasonable conditions, including conditions on the following items:

- a. Adequate fencing.
  - b. Set backs for structures housing animals from property lines.
  - c. The refuse and wastes resulting from the maintenance of animals.
  - d. The storage of feed and other substances on the premises for the maintenance of animals.
7. **Conformance to Law.** In reference to Section 7.02.03 above, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of the Michigan Right to Farm Act are investigated by and can be reported to the Michigan Department of Agriculture.



**Section 7.02.04 Automobile Service and Repair**

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. **Location, Frontage and Area:** Every automobile service and repair stations shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet. Service and repair stations shall not be located within five hundred (500) feet of any school.
  
- B. **Setbacks:** Every structure, including fuel pumps, canopies and other equipment, erected or installed for use as an automobile service and repair station shall have a minimum setback of twenty-five (25) feet from the road right-of-way and all property lines as required by the regulations in the zone in which they are to be located.
  
- C. **Design Standards:** All vehicle service areas shall be constructed to conform to the following standards:
  - 1. The property shall be so arranged that ample space is available for motor vehicles which are required to wait for services.
  - 2. The exterior of the main building shall be harmonious with its surroundings and shall include some brick, stone, wood, or other masonry finished building materials other than glass and metal. The canopies shall be designed within a minimum height of twelve (12) feet, and a maximum height of fifteen (15) feet, and the building design, including finished construction shall be related to or directly match the finish building materials and architectural style of the main building.
  - 3. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
  - 4. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
  - 5. The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution prevention for automobile filling / service operations, in

order to protect surface water and groundwater quality.

6. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty four (24) feet.
7. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
8. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
9. The minimum distance between roadway curb cuts shall be no less than fifty (50) feet.
10. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto.
11. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential property line.
12. All driveways providing ingress to or egress from a filling or service station shall be not more than thirty (30) feet wide at the property line. No more than one curb opening shall be permitted for each seventy-five (75) feet of frontage or major fraction thereof along any street.
13. The dispensing of gasoline shall only be done with vehicle motors turned off.
14. Retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall not be displayed or sold outside unless approved by the Planning Commission.
15. The outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, un-pierced enclosure.
16. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.

17. Storage of two (2) private vehicles per indoor stall or service area rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of storage of not more than thirty (30) days, and then only for the purpose of temporary storage pending transfer to an auto wrecking yard or junkyard. No outside storage of tires and other parts and accessories and partly dissembled or junked vehicles shall be allowed. Such storage shall not be sold or advertised for sale on the premises.
18. All outdoor areas used for the storage of motor vehicles waiting for service shall be effectively screened from view from abutting properties and public streets. Such screening shall consist of a solid masonry screening device except for gates, and such screening device shall not be less than six (6) feet in height. Parking areas for employees and customers shall be separate and apart from the storage area.
19. Any work including repairs, servicing, greasing and/or washing motor vehicles shall be conducted within an enclosed building located not less than forty (40) feet from any street lot line, and not less than twenty five (25) feet from any side lot line.
20. Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked in non-required parking spaces and should not be parked in such a manner to be used as an advertisement.
21. Sales of used cars and other motorized vehicles shall be prohibited.
22. The outdoor use of any electronic or enhanced sound or public announcement system shall be limited to the hours of 8:00 a.m. and 6:00 p.m. Such a system shall not be directed toward adjacent residentially zoned or used property, and shall generally not present an unreasonable disturbance to the neighborhood in which it is located.

**Section 7.02.05 Automobile Washes**

- A. All buildings shall have a front yard setback of not less than forty (40) feet.
- B. All washing facilities shall be within a completely enclosed building.

- C. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than one hundred (100) feet from any residential district. Noise from vacuuming or blow drying equipment shall be controlled by appropriate enclosures or sound barrier walls.
- D. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- E. All off-street parking and waiting areas shall be paved and dust free.
- F. A four (4) foot high completely obscuring wall shall be provided where abutting to a Residential District.

### **Section 7.02.06 Automobile Wrecking Yards / Junk Yards**

In addition to other regulations set forth in this ordinance; all automobile wrecking/junk yards shall conform to the following requirements:

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and shall be located only on sites which are completely screened from adjacent properties and public view.
- B. A site plan shall be provided at the time of the special use permit application and shall meet all requirements of Article 12, "Site Plan Review", herein. The site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for such operations.
- C. Direct ingress and egress from a paved public road shall be provided.
- D. There shall be not more than one (1) entranceway from each public street that adjoins the yard.
- E. Travel routes for trucks entering and leaving the yard shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
- F. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by dust on neighboring properties and public roads.

- G. Yard materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- H. Yard materials shall not be stored in piles higher than the top of the fence surrounding the yard. Automobiles, trucks, and other vehicles shall not be stacked in a manner that prohibits fire protection or does not protect the safety of visitors.
- I. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- J. The yard, when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays. Operations shall not be permitted on Sunday and major holidays, except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United States Code, Title 5, Section 6103.
- K. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the local Fire Chief or other designated fire official, the Township Zoning Administrator, and the County Health Division.
- L. All hazardous liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily stored in containers approved by the local Fire Chief or other designated fire official until properly disposed of according to law.
- M. Fencing shall be required as follows:
  - 1. A solid, screen-type fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) foot intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on or behind the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.

2. Where the yard is adjacent to an agricultural, residential, or commercial district, a solid, screen type fence or wall, seven (7) feet high, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
  3. Where the yard is adjacent to any lot within a I, Industrial district, a chain-link fence six (6) feet high as measured from grade level at each fence post shall be provided on any side or rear property line or portion thereof, adjoining such lots.
  4. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a yard.
- N. Wrecking and processing operations are permitted in a yard but shall be described in the application for the special use permit.
- O. Noise Control, subject to Section 8.06, Noise and Vibration.

#### **Section 7.02.07 Bed and Breakfast Operations**

- A. A bed and breakfast operation shall be permitted in any district but only in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator, and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.
- B. A dwelling unit containing a bed and breakfast operation shall comply with State of Michigan regulations for bed and breakfast operations, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for a special use permit shall provide written evidence of inspection and compliance with applicable codes and regulations with an application for a special use permit.
- C. All Ingham County Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Health Department that on-site disposal facilities are adequate.
- D. A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 150 square feet and shall not have more than two (2) occupants. Not more than six (6) rooms shall be provided for bed and breakfast operations in

one single-family detached dwelling.

- E. Off street parking shall be in accordance with Article 10 of this Ordinance.
- F. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. One (1) bathroom, containing a lavatory, toilet, and a bathtub or shower shall be provided for each two (2) sleeping rooms. Each such bathroom shall be physically separated from the living quarters of the resident family. Bathrooms required under this subsection for guests shall be in addition to the facilities utilized by the resident family. Sharing of bathrooms between guests and the resident family shall not be permitted.
- G. A single-family detached dwelling unit that contains a bed and breakfast operation shall not have, or be converted to, more rental rooms than the number of bedrooms that existed on the date of adoption of this amendment. Any addition to a dwelling for the purpose of increasing the number of bed and breakfast rooms shall be prohibited. For purpose of application of this subsection, bedrooms shall include rooms used on a regular basis for sleeping by the inhabitants, prior to the conversion of the single-family detached dwelling to bed and breakfast operations, such rooms which have dual purposes as bedrooms are sometimes known or used as dens/bedrooms, studies/bedrooms, libraries/bedrooms.
- H. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.
- I. A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted in Article 11.
- J. Bed and breakfast facilities shall not be used for receptions, weddings and similar celebrations and parties.
- K. The maximum length of stay for any occupant of a bed and breakfast operation shall be 23 days in any period of 90 consecutive days.
- L. A final site plan shall be approved in accordance with Article 12, "Site Plan Review" herein, before a special use permit may be issued. A floor plan showing the layout of each floor in the dwelling unit and the rooms and bathrooms to be included in the bed and breakfast operation, and exterior elevations of the dwelling, shall be included in the site plan.

- M. An approved special land use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be opened for business, until all licenses required have been issued in accordance with State law.
- N. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast. The list shall be available for inspection by the Zoning Administrator.

**Section 7.02.08 — ~~Electronic Receiving, Transmitting and Relay Facilities~~**

- ~~A. The minimum lot size shall be three (3) acres.~~
- ~~B. The lot shall be so located that at least one (1) property line abuts a public thoroughfare and the ingress and egress shall be directly upon said thoroughfare.~~
- ~~C. The height of these facilities shall be regulated by the Federal Communication Commission (FCC)~~
- ~~D. The front yard setbacks and side and rear yards for each tower from adjacent right-of-ways and/or property lines shall be not less than the height of each tower above the ground.~~
- ~~E. Unless specifically waived by the Planning Commission, an open air fence six (6) feet or more in height shall be constructed on the boundary property lines.~~
- ~~F. Construction plans shall be approved by an engineer licensed by the State of Michigan.~~

**(See Section 7.03.10 Wireless Communication Towers and Antennas)**

**Section 7.02.09 Essential Services**

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and



accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service, shall be used for human occupancy.

- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential service in all districts shall meet the requirements of the LDR/MFD Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

#### **Section 7.02.10 Extraction of Natural Resources**

- A. ***Permitted Uses.*** The following special uses will be permitted only in the RD and AR Districts and in conformance with P.A. 303 of 1982, "Michigan Surface and Underground Mine Reclamation Act":
  - 1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements specified in the AR District.
  - 2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
  - 3. The mining of clay.
  - 4. The extraction of peat or marl.
  - 5. The quarrying of stone.
  - 6. The mining of coal.
  - 7. The operation of transit-mix concrete plant.
  - 8. The operation of a concrete products plant.

- B. **Permitted Accessory Uses.** Any use customarily incidental to the permitted Principal Special Use.
  
- C. **Extractive Mining Area, Bulk and Equipment Location Requirements**
  - 1. **Limits of Excavation:** Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.
  - 2. **Placement of Processing Plants:** The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.
  - 3. **Elevation of Plant Site:** Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
  - 4. **Management of Storage Piles and Overburden:** Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
  - 5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.
  
- D. **General Requirements.** Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:
  - 1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.
  - 2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net

operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.

3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
  - a. The mining area shall be enclosed within a six (6) foot high continuous wall or fence or by an evergreen screen planting or hedge fence of similar capability.
  - b. The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart around the perimeter of the parcel.
4. Sight barriers shall be provided along all boundaries adjacent to roads which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
  - a. Earth berms, which shall be constructed to a height of six (6) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six (6) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
  - b. Screen plantings of coniferous or other suitable species at least six (6) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
  - c. Masonry walls or solid fences which shall be constructed to a height of six (6) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a

manner as to eliminate noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, to minimize dust conditions.
7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality or Department of Natural Resources.

**E. *Reclamation of Mined Areas***

1. All natural resource extraction areas shall be reclaimed and rehabilitated after each mining phase has been completed in accordance with the plan approved by the Planning Commission at the time of the Site Plan Review. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan as a part of the site Plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a Final Grading Plan, a plat of any proposed roads or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any Zoning Compliance Permit is issued by the Zoning Administrator.

3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
  - a. All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure: That the excavated area shall not collect and retain stagnant water, or that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Top soil shall be applied to a depth of at least six (6) inches.
  - d. Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
  - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000 per each additional operational acre which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, or (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage, and reduction of net

operational area, the bond or security shall be released in accordance with the amount of security required per acre.

**F. Administration of Mining Districts**

1. The following procedures shall be followed before establishing a mining operation:
  - a. The operating company shall file an operational plan, in accordance with the requirements of Section 7.02.10E4 of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
  - b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 7.02.10E. and shall provide a financial guarantee in accordance with the requirements of Section 7.02.10E4. of this Ordinance.
  - c. The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
  - d. The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with Section 7.02.10E4. of this Ordinance.
2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.

**G. Inspections and Conformance**

1. Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special

Use Permits.

- 2. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
- 3. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

**G. *Special Requirements***

- 1. ***Waiver of Excavation Limits.*** The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 7.02.10C1. under the following conditions:
  - a. The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
  - b. Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
  - c. All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

**Section 7.02.11 Home Occupations**

The Township shall be notified of a home occupation. All home occupations, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements.

- A. A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit used for dwelling purposes.
- B. A home occupation shall not change the character or appearance of the structure of the premises, or other visible evidence of conduct of such

home occupation. There shall be no external or internal alterations not customarily in residential areas of structures.

- C. A home occupation use shall not create a nuisance or endanger the health, safety, welfare or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupations. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited. In addition, the home occupation shall not create or produce explosive, flammable, or other wise hazardous waste.
- D. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single family dwelling in a residential area.
- E. The home occupation shall permit two (2) on-site employees on the premises, other than members of the immediate family residing on the premises.
- F. There shall be no vehicular traffic permitted for the home occupation, other than as is normally generated for a single family dwelling unit in a residential area, both as to volume and type of vehicles.
- G. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 10. Parking spaces shall not be located in the required front, side or rear yards.
- H. The total floor area utilized by the home occupation shall not exceed an area defined as not more than twenty-five (25) percent or 1,200 square feet (whichever is less) of the total floor area of the dwelling of the residential premises so used.
- I. All activities shall be carried on indoors. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation. No outdoor activities or storage shall be permitted, except in conjunction with agricultural or farming operations. Signs see page 11-19.
- J. All visits by customers shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- K. In the event any home occupation shall be complained of as creating or



causing a nuisance or conducting a manner of business not customarily carried on as a home occupation, then the Zoning Administrator may order the operator of such home business to appear before the Planning Commission for a review of the use.

- L. If the Planning Commission finds, following a hearing on the home occupation any violations with the provisions of this Zoning Ordinance, the home occupation shall have ninety (90) days after the effective hearing date thereof to cease and desist, comply with this section or be in violation of the Stockbridge Township Zoning Ordinance.
- M. Only normal domestic or household equipment and equipment characteristic of professional offices shall be used to accommodate the home occupation.
- N. A home occupation which includes small workshops and businesses shall be considered a cottage industry. Cottage industries shall be subject to all of the above standards except where noted in the following:
  - 1. A request for a cottage industry shall be required to follow all regulations for a special use and this ordinance, except that a site plan may be replaced with a plot plan consisting of the following information. The site or plot plan shall be provided as a quality drawing of scale not less than 1"=100'. At least eight (8) copies of the plot plan shall be submitted. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for a cottage industry.
    - a. Name, address and telephone number of the residence/owner.
    - b. The location, shape, area and dimension of the lot.
    - c. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
    - d. A description of proposed use of the building(s), land or structures.
    - e. The proposed number of employees, customers and other users.
    - f. The yard, open space, and parking lot and space dimensions, and number of spaces.

- g. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public thoroughfare.
  - h. Location of any septic system or drain field and well.
  - i. Configuration of the driveway and parking, county drains and site drainage patterns.
  - j. Existing public right-of-ways or easements.
  - k. Any other information deemed necessary by the approving body to determine and provide for the enforcement of this Ordinance.
2. Limited retail sales may be permitted on the premises provided such sales do not result in violating traffic patterns. Retail sales and all visits by customers shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
  3. The minimum lot size for a cottage industry is three (3) acres. The three (3) acre minimum lot size may be waived by the Planning Commission if it is determined, at the special use meeting that conditions warrant a smaller lot size.
  4. A cottage industry shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises and neighborhood.
  5. The cottage industry shall occupy no more than one accessory building in addition to the residential dwelling unit on the same lot.
  6. The cottage industry shall occupy no more than twenty five percent (25%) or 1,200 square feet (whichever is less) of the floor area of the dwelling and a maximum of 1,600 square feet of the accessory structure in which the cottage industry is located.
  7. The cottage industry shall permit no more than two (2) on-site employees on the premises, other than members of the immediate family residing on the premises.
  8. The outdoor storage of goods and/or materials of any kind are prohibited, unless located in the rear yard and screened (by a tight-

board wood fence, landscaped buffer, landscaped berm, etc.) of view from the neighboring property and road right-of-ways. The type of screening can be determined at the discretion of the Planning Commission.

9. No traffic shall be generated by such cottage industry in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such cottage industry shall be met off the street and other than in a required front, rear or side yard, although motor vehicles may be parked in an existing driveway, if it is sufficient size. No additional off-street parking demand shall be created and emergency access will be available.
10. The cottage industry shall not create or produce explosive, flammable, or other wise hazardous waste.

**Section 7.02.12 Kennels**

- A. All kennels shall be operated in conformance with all applicable county, state and federal regulations; permits being valid no longer than one (1) year.
- B. For kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
- C. Buildings shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.
- D. Such facilities shall be under the jurisdiction of the Township Board, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing and sanitary requirements.

**Section 7.02.13 Mini-Storage/Self-Storage Facilities**

- A. No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.

- B. The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.
- C. All storage including vehicles of any kind shall be contained within a completely enclosed building.
- D. All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum of twenty-four (24) foot drives shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- E. Adequate means of security and management shall be provided and including lighting, fencing, or other methods of site security.

**Section 7.02.14 Mobile Home Parks**

All mobile home parks shall be located in the MHR - Mobile Home Residential District. All uses permitted within the MHR – Mobile Home Residential District shall comply with the Mobile Home Commission Act 96 of the Public Acts of 1987, as amended, the current Mobile Home Code adopted by the Michigan Mobile Home Commission, and the following additional standards.

- A. Site Design Requirements. The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of 1987 PA 96, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.
- B. In addition to the rules and standards of the State of Michigan, Stockbridge Township imposes the following conditions:
  - 1. Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, 1987 P.A. 96, as amended, and subsequently adopted rules and regulations governing mobile home parks.
  - 2. Mobile home parks shall not be permitted on parcels of less than fifteen (15) acres in size.

3. Individual mobile home sites within a mobile home park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty (20%) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that require under R125.1946, Rule 946 of the Michigan Administrative Code.
4. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
5. The minimum setback for mobile home parks shall be fifty (50) feet from a public right-of-way and fifteen (15) from any adjoining property line not involving a public right-of-way. Mobile home parks shall be landscaped as follows:
  - a. If the mobile home park abuts an existing residential development, the park shall be required to provide landscape screening along the park boundary abutting the residential development.
  - b. If the park abuts a non-residential development, the park need not provide screening.
  - c. In all cases, however, a park shall provide landscape screening along the park boundary abutting a public right-of-way. The landscape screening shall consist of evergreen trees or shrubs with a minimum of three (3) feet in height, which is spaced so they provide a continuous screen at maturity. A landscape berm may be incorporated within the landscape screen. The Planning Commission shall approve walls and fences used in conjunction with a landscape screen.
6. Mobile home parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.

- 7. A permit shall not be required for the construction or erection of canopies or awnings, which are open on three (3) sides. A building permit shall be required, however, before the construction or erection or any screened, glassed-in, or otherwise enclosed awning or canopy.

**Section 7.02.15 Open Space Preservation Option**

At the option of the developer, land zoned RD, AR, RR, and LDR/MFD may be developed for detached single-family residential subdivisions and condominiums consistent with this section and as authorized by MCL 125.3506 of Public Act 110 of 2006, as may be amended from time to time. Land developed under this option must adhere to the following requirements:

- A. The applicant must prepare and submit a parallel design for the project showing a feasible development under the requirements of all State, County and Township ordinances, rules and laws. The Planning Commission must review the parallel design and determine the number of lots or units that could be feasibly constructed on the subject property. This number as determined by the Planning Commission is the maximum number of dwelling units allowed.
- B. **Minimum Open Space Required.** In all developments proposed under the standards of this option, at least fifty (50) percent of the gross buildable area of the subject property must be perpetually preserved as open space. Gross buildable area is defined as that portion of the gross site area not containing open bodies of water, streams, floodplains and wetlands (as defined by the Michigan Department of Environmental Quality).
- C. The following land areas shall not be applied toward satisfaction of the minimum open space requirement stated under Section 7.02.15.B:
  - 1. Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
  - 2. The area of any public road right-of-way or private road easement.
  - 3. Areas within lots or units.
  - 4. Public or private golf courses.

- D. The following land areas may be applied toward satisfaction of the minimum open space requirement stated under Section 7.02.15.B:
1. Uncleared areas of the site left in their natural condition.
  2. Landscaped greenbelts.
  3. Public and private parks developed with recreation amenities including but not limited to: landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.
  4. Stormwater management facilities, including detention, retention and sedimentation basins, up to 25% of the total amount of open space required under Section 7.02.15.B.
- E. ***Open Space Standards.*** Open space intended to satisfy the minimum requirements stated under Section 7.02.15.B must adhere to the following standards:
1. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
  2. Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This shall not apply to stormwater management basins.
  3. Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty-(40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage-landscaping requirement.
  4. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.

5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.
6. Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over 100 residential units or golf course communities), the Planning Commission may require viewsheds of lakes or other areas as a condition of approval. A viewshed shall be composed of at least 100 lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.
7. Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.
8. **Preservation of Open Space.** Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board, such as:
  - a. Recorded deed restrictions;
  - b. Covenants that run perpetually with the land;
  - c. Dedication to a land conservancy approved by the Planning Commission; or,
  - d. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 324.2140).
9. Preservation of open space as described above under 14.48(E)(8) shall assure that open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The recorded document utilized shall:
  - a. Indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit the following:



- i. Dumping or storing of any material or refuse;
    - ii. Activity that may cause risk of soil erosion or threaten any living plant material;
    - iii. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
    - iv. Use of motorized off-road vehicles;
    - v. Cutting, filling or removal of vegetation from wetland areas;
    - vi. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  - b. Require that the preserved 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 Stockbridge Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
10. **Continuing Obligation.** The preserved open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
11. **Allowable Structures.** Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:
- a. Maintenance buildings;
  - b. Clubhouse;

- c. Recreation structures (gazebos, boardwalks, docks, etc.);
- d. Other structures as approved by the Planning Commission.

These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1) percent of the required open space area.

12. ***Lot Size Reduction.***

- a. The minimum lot width and lot area for lots or units in single-family detached residential developments, as stated in the Schedule of Regulations for each zoning district, may be reduced by up to fifty (50) percent when development using the option provided under this sub-section.
- b. Notwithstanding 7.48.E.12.a, no lot area shall be reduced below one-half (1/2) acre, nor shall the lot width be reduced below 100 feet. Larger lot area may be required to meet Ingham County Health Department requirements related to the use of on-site septic and wells, and/or for conformance with the requirements of P.A. 288 of 1967, the Land Division Act.
- c. Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the minimum required open space described above under Section 7.02.15.B.
- d. Required yard setbacks shall not be reduced.

13. Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township's established utility district(s).

14. The Landowner and/or developer utilizing this option must comply with the Special Use requirements of Section 3.23 of the Stockbridge Township Ordinance in effect.

### **Section 7.02.16 Outdoor Display and Sales**

Outdoor display and sales of manufactured products, garden supplies and similar uses, including new and used automobiles, boats, lawn care, construction machinery and other vehicles, shall be subject to the following requirements:

- A. The storage or display areas shall not be permitted in the front yard setback and shall meet all other yard setback requirements applicable to any building in the District.
- B. All outdoor sales and display areas shall be paved and include an approved stormwater drainage system.
- C. All loading activities and parking areas shall be provided on the same premises off-street.
- D. The site shall have a minimum frontage of no less than one hundred and fifty (150) feet and area of thirty-five thousand (35,000) square feet.
- E. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- F. The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- G. No outside storage of discarded or salvaged materials shall be permitted on the premises.
- H. All equipment or materials stored outdoors shall be enclosed by a fence or wall with a height at least equal to the tallest item stored.
- I. All repair work, collision repair, bumping, painting or similar automobile body work must be maintained as an accessory use and conducted within a completely enclosed building and all outside vehicles waiting for repair shall be screened with no less than a six (6) foot high masonry wall.
- J. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- K. There shall be no strings of flags, pennants or bare light bulbs permitted.
- L. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the approved use.

**Section 7.02.17 Roadside Stands**

- A. The structure shall not be more than one (1) story in height.
- B. The floor area shall not be more than 400 square feet.
- C. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way. In no case, shall the stand occupy any part of the right-of-way.
- D. All off-street parking and standing areas shall be completely off the road right-of-way.

**Section 7.02.18 Sanitary Landfills**

Sanitary landfills shall: (1) only be located in the RD and AR Districts, (2) only if planned to be located in accordance with the County Plan prepared in conformance with Public Act 641 of 1978 "The Solid Waste Management Act" or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979 "The Hazardous Waste Act" and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission.

**Section 7.02.19 State Licensed Day-Care Facilities.**

All day care facilities indicated as special uses in Article 2 (under "State Licensed Day Care Facilities") shall meet the following standards:

- A. ***Child Care and Adult Day-Care Centers.*** Child care centers and adult day care facilities shall be subject to the following minimum standards:
  - 1. A site plan, prepared in accordance with Article 12 shall be required to be submitted.
  - 2. Outdoor play areas shall be required as follows:
    - a. For each person cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor recreation area.
    - b. The required outdoor play area shall have a total minimum area of not less than three thousand (3,000) square feet.

- c. The outdoor play area shall be located in the side or rear yard, shall be fenced and shall be made and kept safe by the care-givers.
  3. The facilities shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. Unless good cause is otherwise provided to the Planning Commission, a day care facility's hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.
  4. Operator must be licensed by the Michigan Department of Social Services.
  5. A compliance permit must be obtained from the Zoning Administrator before operation commences, compliance must be continuous.
  6. A child care and adult day-care center shall comply with all fire and traffic safety standards set by the Michigan Department of Social Services.
  7. Care-givers shall maintain control of noise to protect the surrounding neighborhood.
- B. ***Adult and Child Group Day Care Homes.*** Adult and child group day care homes are subject to the following minimum standards:
1. A site plan, prepared in accordance with Article 12 shall be required to be submitted.
  2. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
    - a. Another licensed group day care home.
    - b. An adult foster care small group home or large group home licensed by the State of Michigan.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.

- d. A community correction center, resident home, halfway home or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
3. Outdoor play areas of at least three thousand (3,000) shall be securely fenced and screened, located in the side or rear-yard, and shall be made and kept safe by the care-givers. This requirement may be waived by the Planning Commission if a public open space is within five hundred (500) feet of the subject parcel.
4. Maintenance of the property must be consistent with the visible characteristics of the neighborhood.
5. Signage shall be allowed in accordance with the home occupation standards of Article 11.
6. Drop-offs and loading shall be arranged to allow maneuvers without affecting traffic flow on the public street.
7. Care-givers shall maintain control of noise to protect the surrounding neighborhood.
8. The facilities shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. Unless good cause is otherwise provided to the Planning Commission, a group day care's hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.

**Section 7.02.20 State Licensed Foster Care Facilities.**

- A. ***Adult Foster Care Group Homes.*** Adult foster family small and large group homes are subject to the following minimum standards:
  1. A site plan, prepared in accordance with Article 12 shall be required to be submitted.
  2. A minimum outdoor area of five hundred (500) square feet shall be provided on the same premises as the facility shall be provided. This open space shall be securely fenced and screened, located in the side- or rear-yard, and shall be made and kept safe by the care-givers.

- 3. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
- 4. One (1) parking space per employee and/or caregiver at the peak shift shall be provided.
- 5. Appropriate licenses with the State of Michigan shall be maintained.
- 6. The property and facilities shall be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
- 7. A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
- 8. Signage shall be allowed in accordance with home occupation standards of Article 11.

C. **Adult Foster Care Congregate Facilities.** Adult foster care congregate facilities are subject to the following minimum standards:

- 1. A site plan, prepared in accordance with Article 12 shall be required to be submitted.
- 2. Parking requirements as required for convalescent homes and similar facilities, set forth in Article 10 shall be met.
- 3. All landscape requirements set forth in Section 8.02 shall be met.
- 4. Appropriate licenses with the State of Michigan shall be maintained.

**Section 7.02.21 Temporary Transient Uses**

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located.

- A. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission.

- B. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Article 12, "Site Plan Review". Upon authorization, the Zoning Administrator shall issue a permit which will cause compliance with this Ordinance and any specified conditions required by the Planning Commission.
- C. The Planning Commission may also require police protection or the posting of a certificate of insurance in such amounts and limitations as the Township Board may determine for the purpose of indemnifying an adjoining land owner or a person using the premises, for any damage or injury resulting from the operation of such activity.
- D. In addition to the above standards, "Temporary Transient Amusement Enterprises", and other temporary transient uses the Planning Commission deems applicable, must adhere to the following standards:
  - 1. All "Temporary Transient Amusement" uses shall be located on site large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
  - 2. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
  - 3. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
  - 4. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
  - 5. Temporary Transient Amusement uses are not permitted in any RR, or LDR/MFD Residential District.

**Section 7.02.22 Commercial Shooting Gun Ranges Open to Public**

- 1. Special Use Permit – Submit to Planning Commission
- 2. Ingress & Egress – Road Built to Stockbridge Township Zoning Laws
- 3. Built to NRA Specs: Refer to Most Current NRA Plan
- 4. Inspected by DNR



**Section 7.02.23 Marihuana Facilities**

- A. *A Marihuana Grower, Marihuana Microbusiness, Marihuana Processor, Marihuana Provisioning Center, Marihuana Retailer, Marihuana Safety Compliance Facility, and Marihuana Secure Transporter, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 3, Section 3.23 Special Use Permits, in the specified zone(s), provided that:*
1. *The facility must be licensed by the state of Michigan and must be in compliance at all times with the applicable laws of the state of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by LARA, MDEQ, and the state of Michigan. Every applicant must submit a photocopy of the applicant's valid and current property and liability insurance, and Marihuana Facility license issued by the state of Michigan.*
  2. *The Marihuana Facility must be in compliance at all times with all other applicable laws and ordinances of Stockbridge Township.*
  3. *Marihuana Grower shall be limited to four (4), Marihuana Microbusiness shall be limited to one (1), Marihuana Processor shall be limited to one (1), Marihuana Provisioning Center shall be limited to one (1), Marihuana Retailer shall be limited to one (1), Marihuana Safety Compliance Facility shall be limited to one (1), and Marihuana Secure Transporter shall be limited to one (1) within Stockbridge Township.*
  4. *A Marihuana Facility, or activities associated with a licensed Marihuana Facility, may not be permitted in a home as a home occupation or accessory use, nor may they include accessory uses except as otherwise provided in this ordinance.*
  5. *A nonrefundable annual inspection and permit fee shall be paid by each Marihuana Facility that has been approved under this ordinance in an annual amount of not more than five thousand dollars (\$5,000.00). Said fee shall be to defray the costs incurred by the Township for inspection, administration, and enforcement of the local regulations regarding a Marihuana Facility. A Marihuana Facility shall be available for inspection upon request by the Zoning Administrator, Building Official, Enforcement Officer, Emergency*

*Services Official, or State and Local Law Enforcement Officials for compliance with all applicable laws and rules. An annual inspection and an updated photocopy of the applicant's valid and current property and liability insurance, and Marihuana Facility license shall be required for the renewal of a special use permit.*

6. *A bond shall be paid by each Marihuana Facility that has been approved under this ordinance in an amount of \$10,000.00. Said bond shall be required as proof that the conditions stipulated within the ordinance and special use permit will be fulfilled. Said bond may be used to defray any costs incurred by the Township for repair or demolition of a Marihuana Facility should the facility become abandoned, damaged by fire, or damaged by an act of nature.*
7. *Stockbridge Township reserves the right to approve or deny a special use permit application. Stockbridge Township further reserves the right to suspend or revoke a special use permit based on a finding that there was a misrepresentation of information contained in the application, the provisions of the special use standards in this section are not met, the terms of the special use permit and approved site plan are not met, there is a violation of this zoning ordinance which upon notice is not corrected, at the loss of property and liability insurance or a state of Michigan Marihuana Facility License, if operations cease for a period of six (6) months or more, or upon failure or refusal to pay the annual fee or bond.*

*B. Marihuana Facilities shall be subject to the following standards:*

1. *Residency/Security: A Marihuana Facility must be operated by the property owner of record. In the AR, Agriculture Residential District, an owner of the subject facility may reside in a dwelling unit on the subject property. All Marihuana Facilities shall have a 24-hour, 7-days-a-week staffed security presence on the property with a direct phone number supplied to S.A.E.S.A. (Stockbridge Area Emergency Services Authority) and local law enforcement.*
2. *Buffer Zones: A Marihuana Facility may not be located within five hundred (500) feet of a property line of a public or private elementary, junior, senior, vocational, or secondary school; a licensed child care center or preschool; a public playground, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; a public library; a church; or a religious institution.*

3. *Lot size and Setbacks: Lot sizes shall comply with Section 4.15 Schedule of Area, Height and Placement Regulations for their respective district, unless otherwise provided for elsewhere within this ordinance. A minimum road frontage of three hundred (300) feet shall be required. Setbacks shall be one hundred (100) feet from road right-of-way, one hundred (100) feet from side and rear property lines, and twenty-five (25) feet between structures.*
4. *Structure: Marihuana cultivation may be conducted either indoors or outdoors, all other marihuana activities shall be located entirely within one (1) or more fully enclosed, secure, indoor facilities with solid/rigid walls, a roof, and doors. A minimum of two thousand five hundred (2,500) square feet of building floor space may be used for all activities associated with a Marihuana Facility. If only a portion of a building is authorized for use in marihuana activities, a wall shall separate the Marihuana activity space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the Marihuana activity space and the remainder of the building. Windows shall not be permitted on the portion of a structure where Marihuana is processed. Outdoor cultivation shall be contiguous with the building and completely enclosed within a ten (10) foot-high fence or barrier that blocks outside visibility of the marihuana plants from the public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye and have a secure gate that will remain locked at all times, except for the minimum length of time needed to allow for ingress or egress. All Marihuana Facilities shall be built or renovated to meet current State of Michigan building codes and all requirements set forth by LARA, MDEQ, and the state of Michigan.*
5. *Signage: There shall be no exterior signage using the word "marijuana", "marihuana", "cannabis", or any other word, phrase, picture, or depiction commonly understood to refer to marihuana. Neon signs and nonfunctional decorative lighting shall be prohibited.*
6. *Lighting: Light cast by light fixtures inside any building used for Marihuana activities shall not be visible outside the building from 8:00 p.m. to 7:00 a.m. the following day and shall shield such operation from direct view from any point along the lot lines.*
7. *Odor: The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the*

*building through an exhaust vent first passes through an activated carbon filter. The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height divided by three (3)). The filters shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of the manufacturers recommended specifications or as deemed necessary by the Township. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.*

- 8. Waste: All Marihuana Facilities must comply with LARA, MDEQ, EPA, and any other applicable government agencies environmental waste disposal guidelines.*
- 9. Security Cameras: Security cameras shall be sufficient to cover all access areas and shall be installed and directed to record only the subject property and may not be directed to public rights-of-way, as applicable, except as required to comply with licensing requirements of the state of Michigan. The security cameras shall be in operation 24-hours a day, 7-days-a-week, and shall be set to maintain the record of the prior sixty (60) days of continuous operation. All recordings shall be available to any law enforcement officials upon request for inspection.*
- 10. Activities: All activities, including all transfers of marihuana, shall be conducted within the structure and out of public view. No marihuana or tobacco products shall be smoked, ingested, or otherwise consumed at the facility.*
- 11. Hours: Hours of operation for a Marihuana Provisioning Center or Marihuana Retailer shall be Monday – Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 5:00 p.m., Sunday 12:00 noon – to 5:00 p.m.*
- 12. Appearance: The exterior appearance of the structure shall be maintained so as to prevent blight, deterioration, or diminishment or impairment of property values within the immediate area.*
- 13. Vehicles: No vehicle owned or operated by a Marihuana Facility located within Stockbridge Township used for transportation or delivery of marihuana or marihuana-related products shall have*

*markings using the word "marijuana", "marihuana", "cannabis", or any other word, phrase, picture, or depiction commonly understood to refer to marihuana. Nor shall a vehicle advertise for the sale, transfer, cultivation, delivery, transportation, or manufacture of marihuana, or in any way indicate that it is transporting marihuana.*

- 14. *Access: Security access codes will be given to S.A.E.S.A. (Stockbridge Area Emergency Services Authority) and local law enforcement.*
- 15. *Environmental: All Marihuana Facilities must comply with Section 8.02 Landscaping, Greenbelts, Buffering, and Screening as recommended by the Stockbridge Township Board.*
- 16. *Plan Review: All Marihuana Facilities must comply with Article 12 Site Plan Review, and all Ingham County and State of Michigan requirements.*

**Section 7.03 Regulations Related to Buildings and Structures**

**Section 7.03.01 Accessory Building Provisions.**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. A detached accessory building shall not be located in the front yard \*setback of a single-family dwelling and shall be restricted to a location in a side or rear yard. \*Front yard setback is 75 feet in residential districts.
- C. No detached accessory building shall be located closer than fifteen (15) feet to any main building nor shall it be located closer than the requirements of a principal structure to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way. \*Easement Right of Way for Utilities, Septic, Drain or Powerlines must = 10ft.
- D. No detached accessory building in the RR, LDR/MFD or CSC Districts shall exceed one (1) story or twenty (20) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum

height of structures in said districts, except as otherwise provided in each District.

- E. The total of all attached and detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements of the particular zoning district in which they are located in.
- F. Nothing contained herein shall be construed to affect the size of accessory buildings in conjunction with farming operations as defined in this Ordinance, provided that all yard requirements are complied with.
- G. No accessory building shall be used ~~proper~~ prior to occupancy of the principal building or use, except as a construction facility for construction of the principal building *or if granted a special use permit by the Township Board with the following conditions / guidelines:*
- *Building meets height and setback standards for zone.*
  - *Building must be no less than 960 sq. ft and no larger than 1500 sq. ft.*
  - *Building must have ingress and egress. One garage / barn door and one man door. Doors with windows are not permitted.*
  - *Electrical service is permitted*
  - *Multiple stories are not permitted*
  - *Occupying building is not permitted*
  - *Windows are not permitted*
  - *Improvements that require plumbing or mechanical permits are not permitted*
  - *Plumbing or stack vents are not permitted*
  - *Outside storage is not permitted*
  - *Commercial use is not permitted*
  - *Must have an address*
  - *Must have Ingham County Roads and Transportation driveway permit*
  - *Must have Stockbridge Township Building Department Residential Driveway Permit approval*
  - *Township Board reserves the right to accept or deny the special use permit*
- H. No accessory building shall be used as a dwelling at any time.

### **Section 7.03.02 Basement as a Dwelling**

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling. Underground homes designed and built in accordance with the Construction Code in effect in the Township are also excepted.

### **Section 7.03.03 Buildings to be Moved**

- A. Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.
- B. No permit shall be granted for the moving of buildings or structures from outside or within the limits of the Township to be placed on property within said limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, and will fully comply with all applicable building codes. A performance bond as established by the Township Board of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before a permit is issued.
- C. Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved.

### **Section 7.03.04 Single-Family Dwellings, Mobile Homes, Prefabricated Housing.**

No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- A. **Square Footage.** Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. **Dimensions.** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty-four (24) feet and shall comply

in all respects with applicable building codes, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.

- C. **Foundation.** Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the applicable building codes and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- D. **Undercarriage.** Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- E. **Sewage Disposal or Water Supply.** Each such dwelling unit shall be connected to a public or private sewer and water supply or to such private facilities approved by the Ingham County Environmental Health Department.
- F. **Storage Area.** Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling. The storage area shall be a minimum of one hundred (100) square feet.
- G. **Architecture and Compatibility.** The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two (2) exterior doors with the second one (1) being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is



not so developed, by the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- H. **Additions.** Each such dwelling unit shall contain no addition or room or other area that is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. **Code Compliance.** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the current "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. **Building Permit.** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.
- K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes that do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a manufactured home park or a manufactured home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

### **Section 7.03.05 Solar Buildings**

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

**Section 7.03.06 Swimming Pools, Hot Tubs, Jacuzzis or Whirlpools and Non-Farm Ponds**

- A. **Exempted Pools.** All inflatable pools, kiddie pools or those otherwise temporary in nature and which are seasonally erected and dismantled and not exceeding twenty four (24) inches in depth are exempt from the provisions of this Section. All hot tubs, whirlpools and similar shall meet all setback and other requirements of accessory uses.
  
- B. **Swimming Pool Erection; Building Permit Required.** All pools more than twenty (20) inches in depth shall be permitted as an accessory use. An application for a building permit shall be required to erect a swimming pool. Such application shall include the name of the owner and plans and specifications for the swimming pool, fence and other accessories.
  
- C. **Location of Swimming Pools.**
  - 1. Swimming pools shall be permitted in the rear and side yards and shall maintain a minimum setback of twenty (20) feet and the adjoining property line.
  
  - 2. No pool shall be located in an easement.
  
  - 3. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.
  
  - 4. No outside pool shall be located less than fifty (50) feet from any front lot line.
  
- D. **Fencing.** For the protection of the public, all yards containing pools or the pools themselves shall be completely enclosed by a fence not less than four (4) feet in height nor more than seven (7) feet. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.  
  
However, if the entire premise of the residence is enclosed by a fence or other vertical barrier at least four (4) feet in height, then this provision may be waived by the Zoning Administrator upon inspection and approval.
  
- E. **Code Compliance.** All swimming pools shall comply with all building, electrical, plumbing and hearing codes and regulations in effect and all applicable permits are required.

- F. **Electrical Conductors – Wires.** If electrical service drop conductors or other utility wires cross under or over a proposed pool are, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a outside pool.

### **Section 7.03.07 Television / Internet Satellite Receiving Dishes**

All television / Internet satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. ~~Satellite dishes shall not be located in the front yard of the principal structure but may be located in a side or rear yard or on top of a structure which does not exceed the maximum height permitted in a Zoning District.~~

### **Section 7.03.08 Temporary Buildings and Structures**

- A. No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations (See Also, Non-Policing Non-Zoning Ordinance for trailer coaches) :
1. A mobile home, travel trailer or motor home may be used as a temporary dwelling by a family constructing a new single-family residence on the same lot in the all residential zoning districts.
  2. If a permanent dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Zoning Administrator may renew the permit for the use of a temporary dwelling for such purposes for a second six (6) month period, however, in any case, the use of a temporary dwelling for such purposes shall not exceed one (1) year.
- B. **Requirements and Procedures.** A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until requirements 1) through 4) listed below are met.

1. A certificate of zoning compliance and a permit indicating approval of the temporary dwelling as acceptable for human habitation shall be obtained from the Zoning Administrator. The Zoning Administrator shall refuse to issue the permit if the design or proposed construction of the structure shall be such as to indicate that it is intended to stand as a permanent dwelling, or will be adverse to the public health, safety, and welfare of the occupants or surrounding residents.
2. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
3. A temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the Ingham County Health Department, or to a public water supply or sanitary sewer system.
4. The Zoning Administrator shall establish a reasonable date for the vacation or removal of the temporary dwelling; whichever is applicable, said date not to exceed two (2) years from the date of the use permit. The temporary dwelling shall be vacated or removed from the lot, whichever is applicable, within two (2) weeks of the date of occupancy of the constructed, replaced, or repaired dwelling, with the date of occupancy to be as listed on the Certificate of Occupancy of the permanent dwelling. A performance bond, in an amount to be determined by resolution of the Township Board shall be provided to the Zoning Administrator to insure the vacation or removal of the temporary dwelling, whichever is applicable.
5. The Zoning Administrator shall provide a written statement setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the Zoning Administrator. Upon receiving the permit the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the permit and penalty pertaining thereto.
6. Any permit issued under this section shall not be transferable to any other owner or occupant.
7. The Zoning Administrator shall promptly notify the Township Board and Planning Commission in writing of each approval granted and all conditions attached thereto under this section.

**Section 7.03.9 Windmills**

Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.

**~~Section 8.21~~ Use Standards for Small Wind Electric Conversion System Ordinance:**

**Definitions:**

**Small Tower-Mounted Wind Energy Turbine (STMWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.

**Small Structure-Mounted Wind Energy Turbine (SSMWET)** converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed (15) feet as measured ~~from~~ from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

1. **Setback:** The base of the tower shall be set back from all property lines, public right-of-ways, public utility lines a distance equal to the total extended height. The installation poses no interference with public utility lines or public road and rail right-of-ways. Stockbridge Township requires drive way permits.
2. **Tower Height:** So long as the total extended height meets sound and set-back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations as stated in paragraph 7.
3. **Sound:** Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.

4. **Wind Turbine Equipment:** Small wind turbines must have been approved under the state public benefits program or any other small wind certification program recognized by the American Wind Energy Association.
5. **Requirement for Engineered Drawing:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings and/or foundation as provided by the manufacturer. Wet stamps shall not be required.
6. **Soil Studies:** For standard soil condition (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer wet stamp.
7. **Compliance with FAA Regulations:** No WEC shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR part 77 of the FAA guidance on airspace protection.
8. **Compliance with National Electric Code:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Stockbridge Township requires electrical permits.
9. **Utility Notification:** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
10. **Insurance:** Additional insurance beyond homeowners' coverage shall not be required.
11. **Abandonment:** If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for

safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code.

12. **Signage:** All signs, other than the manufacture's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building or other structure associated with a small wind energy system visible from any public road shall be prohibited.
13. **Lighting:** No illumination of the turbine or tower shall be allowed unless required by the FAA.
14. **Access:** Any climbing foot pegs or rungs below 12 feet or a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
15. **Fencing:** Towers requiring guy wires shall be enclosed by 6 foot fence.

**Section 7.03.10 *Electronic Receiving, Transmitting and Relay Facilities, Wireless Communication Towers and Antennas***

**A. *Purpose***

The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in non-residential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Consider the public health and safety of communication towers; and
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Township of Stockbridge shall give due consideration to its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**B. *Applicability***

1. ***New Towers and Antennas:*** All new towers or antennas in the Township shall be subject to these regulations, except as provided in Paragraphs B.2. through B.4., inclusive.
2. ***Amateur Radio Station Operators/Receive Only Antennas:*** This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
3. ***Preexisting Towers or Antennas:*** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Paragraphs C.6. and C.7.
4. ***AM Array:*** For purposes of implementing this ordinance, an AM array consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

**C. *General Requirements***



1. ***Principal or Accessory Use:*** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. ***Lot Size:*** *The minimum lot size shall be three (3) acres.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. *The lot shall be so located that at least one (1) property line abuts a public thoroughfare and the ingress and egress shall be directly upon said thoroughfare.*
4. ***Inventory of Existing Sites:*** Each applicant for an antenna and/or tower shall provide to the Zoning Inspector an inventory of all existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Inspector may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Township, provided, however that the Zoning Inspector is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
5. ***Aesthetics:*** Towers and antennas shall meet the following requirements:
  - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical

equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

6. **Lighting:** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
7. **State or Federal Requirements:** *Construction plans shall be approved by an engineer licensed by the State of Michigan.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
8. **Building Codes; Safety Standards:** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
9. **Measurement:** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.

10. **Not Essential Services:** Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
11. **Franchises:** Owners and /or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Inspector.
12. **Public Notice:** For purposes of this ordinance, any special use request, variance request, or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Paragraph D.2.e., in addition to any notice otherwise required by the Zoning Ordinance.
13. **Signs:** No signs shall be allowed on an antenna or tower, with the exception of a two (2) square foot emergency contact sign, indicating the owner/operator of the tower and the phone number, in a visible location.
14. **Buildings and Support Equipment:** Buildings and support equipment associated with antennas or towers shall comply with the requirements of Paragraph E.
15. **Multiple Antenna/Tower Plan:** The Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

D. **Special Use Permits**

1. **General:** The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:
  - a. A special use permit shall be required for the alteration of an existing tower or for the construction of a new tower or the placement of an antenna in all zoning districts.
  - b. Applications for special use permits shall be subject to the procedures and requirements of Section 3.23 of the Zoning Ordinance, except as modified in this Section.

- c. In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- e. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.

2. **Towers:**

- a. **Information Required:** In addition to any information required for applications for special use permits pursuant to Section 3.23 of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:
  - i. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Paragraph D.2.e. adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Inspector to be necessary to assess compliance with this ordinance.
  - ii. Legal description of the parent tract and leased parcel (if applicable).
  - iii. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

- iv. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Paragraph C.3. shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - v. A landscape plan showing specific landscape materials.
  - vi. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
  - vii. A description of compliance with Paragraphs C.3. through C.7., C.10, C.12, C.13; D.2.d, D.2.e. and all applicable federal, state or local laws.
  - viii. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - ix. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - x. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - xi. A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- b. ***Factors Considered in Granting Special Use Permits for Towers:*** In addition to any standards for consideration of special use permit applications pursuant to Section 3.23, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the

burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

- i. Height of the proposed tower;
  - ii. Proximity of the tower to residential structures and residential district boundaries;
  - iii. Nature of uses on adjacent and nearby properties;
  - iv. Surrounding topography;
  - v. Surrounding tree coverage and foliage;
  - vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - vii. Proposed ingress and egress; and
  - viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph D.2.c. of this ordinance.
- c. ***Availability of Suitable Existing Towers, Other Structures, or Alternative Technology:*** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- i. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

- ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- d. **Setbacks:** The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- i. Towers must be set back a distance equal to at least ~~three~~ *one* hundred percent (~~300%~~ *100%*) of the height of the tower from any *right-of-way and* adjoining lot line. See Table 1.

- ii. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
  
- e. **Separation:** The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby:
  - i. Separation from off-site uses/designated areas.
    - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in the table below, except as otherwise provided in below.
    - (b) Separation requirements for towers shall comply with the minimum standards established below.

<b>Off-site Use/Designated Area</b>	<b>Separation Distance</b>
Single-family or duplex residential units	500 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet or 300% height of tower <sup>i</sup> whichever is greater
Vacant unplatted residentially zoned lands	500 feet or 300% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	500 feet or 300% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	300% of height of tower

- ii. Separation distances between towers.
  - (a) Separation distances between towers shall be applicable for and measured between the



proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be no closer than 5 miles from any existing commercial communication tower.

- f. **Security fencing:** Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
  
- g. **Landscaping:** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby:
  - i. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (12) feet wide outside the perimeter of the compound. The landscaping to consist of evergreen trees or shrubs which shall be a minimum of three (3) feet in height at the time of planting and which are spaced and / or staggered so they provide a continuous screen at maturity.
  
  - ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
  
  - iii. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

- iv. The landscape buffer shall provide a minimum opacity of eighty (80%) in summer and sixty (60%) percent in winter after two years growth.
- h. Towers and structures shall not exceed one hundred eighty (180) feet in height unless superseded by FCC regulations. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**E. *Buildings or Other Equipment Storage***

- 1. ***Antennas Mounted on Structures or Rooftops:*** The equipment cabinet or structure used in association with antennas shall comply with the following:
  - a. The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than eight (8) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 240 square feet of gross floor area or 8 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  - b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10%) percent of the roof area.
  - c. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- 2. ***Antennas Mounted on Utility Poles or Light Poles:*** The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
  - a. In residential districts, the equipment cabinet or structure may be located:
    - i. In a front or side yard provided the cabinet or structure is no greater than eight (8) feet in height or 200 square feet of gross floor area and the cabinet/structure is located a minimum of 50 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate

height of at least 42-48 inches and a planted height of at least 36 inches.

- ii. In a rear yard, provided the cabinet or structure is no greater than 8 feet in height or 200 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
  - b. In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten (10) feet in height or 360 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
3. **Antennas Located on Towers:** The related unmanned equipment structure shall not contain more than 360 square feet of gross floor area or be more than ten (10) feet in height, and shall be located a minimum of 50 feet from all lot lines.
4. **Modification of Building Size Requirements:** The requirements of Paragraphs E.1. through E.3. may be modified by the Planning Commission in the case of uses permitted by special use to encourage collocation.

**G. *Removal of Abandoned Antennas and Towers.***

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township of Stockbridge notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. For this reason, the Planning Commission may require a financial guarantee to cover the cost of removal of the

tower/antenna and restoration of property to its original condition in the event the tower is abandoned for any reason.

**H. Nonconforming Uses**

- 1. **Not Expansion of Nonconforming Use.** Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 2. **Pre-existing Towers:** Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
- 3. **Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas:** Notwithstanding Paragraph F, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Paragraphs D.2.d. and D.2.e. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Paragraph F.

**Section 7.04 Regulations Related to Site Design, Layouts and Requirements**

**Section 7.04.01 Building Grades**

- A. The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.
- B. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and

the yard around the new building shall be graded in such a manner as to meet existing grades.

**Section 7.04.02 Buildings on Lots or Sites**

Every dwelling, cottage, cabin or occupied trailer coach or mobile home erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

**Section 7.04.03 Driveway Entrances and Gates**

Driveway entrances or gateway structures may include walls, columns and gates marking driveway entrances to private or public uses and may be located in a required yard, when meeting the Clear Vision Area of Section 8.19 provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

**Section 7.04.04 Frontage Access Roads**

Ingress and egress from frontage access or service roads for all uses permitted in CSC, HSC or I Districts fronting on major intercommunity and local arterials as defined and designated in the Township Master Plan for Roads and Highways shall be required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions. The following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels. If isolated parcels are to be developed in undeveloped Commercial Districts and there are limited prospects for immediate development of adjacent lots or parcels, the Township Board may upon request from an applicant require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the frontage access road. However, upon the application for development and use of an adjacent lot or parcel having the same or connecting frontage, the applicant will be required to build the frontage access road.

- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be

recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.

- C. No less than two (2) driveways at least twenty (20) feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways and service roads shall at least be surfaced with a hard surface of either asphalt or Portland cement concrete.
- F. Parking area layout shall follow standards prescribed in this Ordinance in Article 10.
- G. Service roads and driveways shall have a width of at least twenty (20) feet.
- H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need of a Frontage Access Road because it is the only lot or parcel developed or under development in a Zoning District which requires such access roads or the development of the lot or parcel can function in relation to adjoining lots or parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve, in a sufficient setback from all roads, an area capable of constructing such an access road at a later date, if a performance guarantee, approved by the Township Board, is placed on file with the Township equal to the estimated cost of the construction to be done at a further date.

**Section 7.04.05 Frontage on Public or Private Road or Highway**

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the Stockbridge Road Ordinance #204.

**Section 7.04.06 Height Regulations**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county and township agencies.

**Section 7.04.07 Private Driveways Over 100 Feet in Length from the Road Right-of-Way Serving Single Family Residences**

It is difficult to establish a positive set of specifications for driveways over 100 feet in length because of existing soil conditions; however the following guidelines shall be used:

- A. Minimum width to be twelve (12) feet.
- B. Minimum overhead clearance to be twelve (12) feet.
- C. Alignment that provides direct and convenient access to all vehicles.
- D. Provides adequate drainage.
- E. "Remove all topsoil until a suitable hard base is reached. Backfill with sand or approved bank run gravel and a minimum of five (5) inches of processed road gravel to a height above grade to allow for compaction and drainage."
- F. Property owners constructing driveways of over 100 feet in length are to provide the Zoning Administrator with a signed bid for construction and a

certified check made out to the contractor for that amount. The check will be held by the Zoning Administrator until the driveway is completed satisfactorily, or the property owner may have the driveway constructed, per Zoning Ordinance, prior to the issuance of a Zoning Compliance Permit.

**Section 7.04.08 Road Closures**

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

**Section 7.04.09 Use of Yard Space**

No yards surrounding a dwelling shall be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures. However, a side or rear yard may be used for the parking of not more than five (5) passenger automobiles, that are licensed and in active service.



## ARTICLE 8

### ENVIRONMENTAL REGULATIONS

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#### Section 8.01 Purpose

Environmental standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

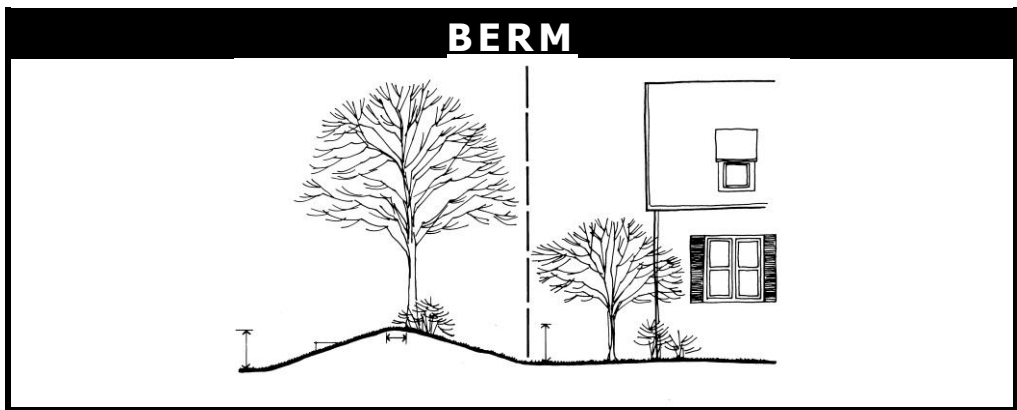
#### Section 8.02 Landscaping, Greenbelts, Buffering, and Screening.

- A. ***Intent.*** The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan, site condominium and subdivision plat review is required. It is further the intent of this section to achieve the following throughout all zoning districts:
1. Minimize noise, air, and visual pollution.
  2. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
  3. Require buffering of residential areas from more intense land uses and public and private road rights-of-ways and easements for ingress and egress.
  4. Prevent soil erosion and soil depletion and promote sub-surface water retention.

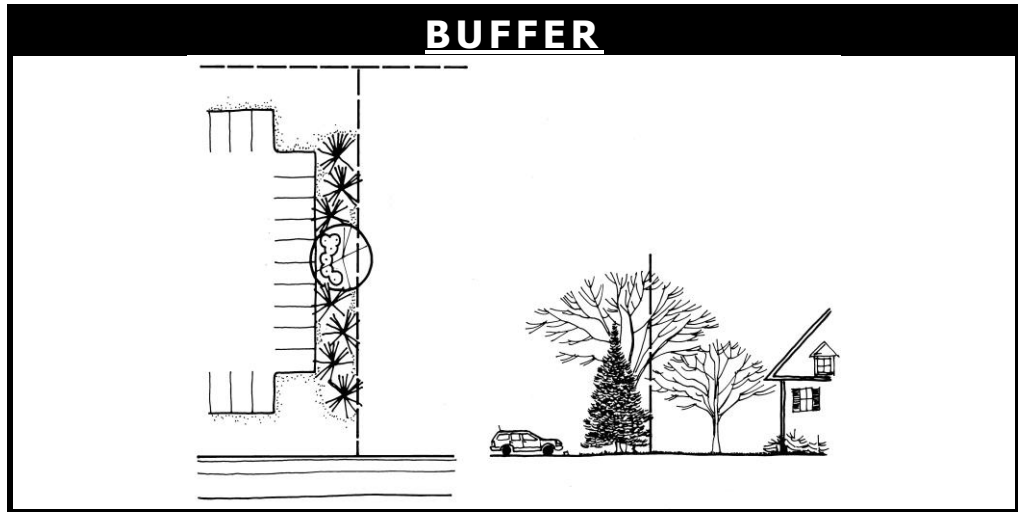
5. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
6. Encourage the integration of existing woodlands in landscape plans.
7. Protect and preserve the appearance, character, and value of the community.

B. **Definitions.** The following definitions shall apply in the application of this Ordinance:

1. *Berm:* A landscaped mound of earth that blends with the surrounding terrain.



2. *Buffer:* A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.



3. *Conflicting non-residential land use:* Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
  4. *Conflicting residential use:* Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.
  5. *Greenbelt:* An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area. For zoning purposes a greenbelt is a landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
  6. *Opacity:* The degree of being impervious or obscure to light and sight.
  7. *Plant material:* A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.
- C. ***Application of Requirements.*** These requirements shall apply to all uses for which site plan review is required under Article 12, "Site Plan Review", of this Ordinance, including site condominium and subdivision plats reviewed as required under the Subdivision Control Ordinance.

No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

D. ***Landscape Plan Requirements.*** A separate detailed landscape plan shall be required to be submitted to the Planning Commission as part of the site plan review, site condominium review and subdivision plat review process. The landscape plan shall demonstrate that all requirements of this Section are met and shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, and root type bare root (BR) or balled and burlapped (BB) and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: 1" = 50' for property less than three acres or 1" = 100' for property three acres or larger.
3. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of walls, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

E. **Landscape Standards.**

1. **Installation.** All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscape development plan. This shall include quantity, size, type and location of plantings proposed. In general, major deviations as to quality, type, size and location of plant materials from the original approved landscape development plan shall require submission and approval in the same manner as provided in this article for the original submission.
  
2. **Material.**
  - a. All plant material shall:
    - i. Conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurseryman, Inc., and approved by the American National Standards Institute, Inc.
    - ii. be typical of their species or variety, have normal habit of growth, well branched and densely foliated when in leaf.
    - iii. Be of sound health and vigorous in appearance, free from disease, insect pests, eggs or larvae and shall have healthy, well developed root systems.
    - iv. Be freshly dug and nursery grown.
    - v. Be chosen according to soil, climatic conditions and environmental factors for the proposed development.
  - b. Trees shall have straight trunks with leaders intact, undamaged and uncut.
  - c. The following trees, because of various problems, shall not be considered as being of a desirable quality, and therefore shall, in most cases, not be permitted. This does not preclude the use of existing trees if it can be shown that the removal of the tree would result in a substantial loss of screening and/or buffering of adjacent lands or public rights-of-way.

<b>TREES NOT PERMITTED</b>	
Acer negundo	Box Elder
American Elm	American Elm
Aesculus varieties-	Horse Chestnut
Populus varieties-	Poplar Varieties
Salix varieties	Willow Varieties
Catalpa varieties	Catalpa Varieties
Ailanthus altissima	Tree of Heaven
Fraxinus	Ash

- d. Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- e. Ground covers used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance and reasonably complete after one complete growing season.
- f. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined by the plant proposed.
- g. **Minimum sizes of plant material:**
  - i. *Deciduous shade trees.* Deciduous trees shall have a minimum caliper of two and one-half (2-1/2) inches diameter at breast height, at the time of planting.
  - ii. *Deciduous small ornamental trees.* Small ornamental trees shall be a minimum of seven (7) feet in height at time of planting.
  - iii. *Evergreen trees.* Evergreen trees shall be a minimum of seven (7) feet in height at time of planting.
  - iv. *Shrubs.* Shrubs shall be a minimum of two (2) feet in height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.

- v. *Vines.* Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet buffer requirements.
  - h. Artificial plant material shall be prohibited.
3. ***Maintenance.*** The owner of the property shall be responsible for all maintenance thereon. Landscaping shall be kept in neat and orderly manner, free from debris and refuse. All dead plant material shall be removed and replaced within one (1) year after it dies.

The approved landscape development plan shall be considered a permanent record and integral part of the Site Plan Approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of, plant materials will place the parcel in non-conformity with the originally approved landscape development plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the Final Site Plan Approval.

The developer, at the time of submission of the Final Site Plan Approval, shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.

The Township may require a contract for the maintenance of all landscape areas.

F. ***Screening Between Land Uses.***

- 1. For those use districts and uses listed in the chart below there shall be provided and maintained on those sides abutting or adjacent to a parcel that is in residential use, or a zoning district that permits residential uses, an obscuring wall, screening fence or landscape barrier, at the discretion of the Planning Commission, having a minimum height of six (6) feet, unless a greater or lesser height is specified elsewhere in this Ordinance.

<b>USE</b>	<b>MINIMUM VERTICAL HEIGHT REQUIREMENTS</b>
All commercial and industrial uses and the CSC, HSC and I Districts when adjacent to residential uses and the RD, AR, RR, LDR/MFD Districts.	6 feet
Other institutional, non-residential uses permitted either as permitted or special in a zoning district that permits residential uses, parks, schools, libraries, municipal facilities, or utility buildings, sub-stations and the like adjacent to the RD, AR, RR, and LDR/MFD Districts, or any parcel in residential use.	6 feet

2. Required walls or fences shall be located at the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Landscape screen barriers shall be located ten (10) feet from the lot line (Subject to Section 8.03, Fences, Walls and Screens), except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.
  
3. Such walls, fence or landscape barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. Landscape barriers shall maintain a minimum opacity of at least eighty (80%) percent year round. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above established grade of the area to be concealed and the top or the highest point of the required screen. Opacity shall be achieved within three (3) years of the time of planting. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.
  
4. All walls and screen barriers herein required shall be constructed in one (1) of the following manners, however the Planning Commission will determine when, in its opinion, a wall, screening



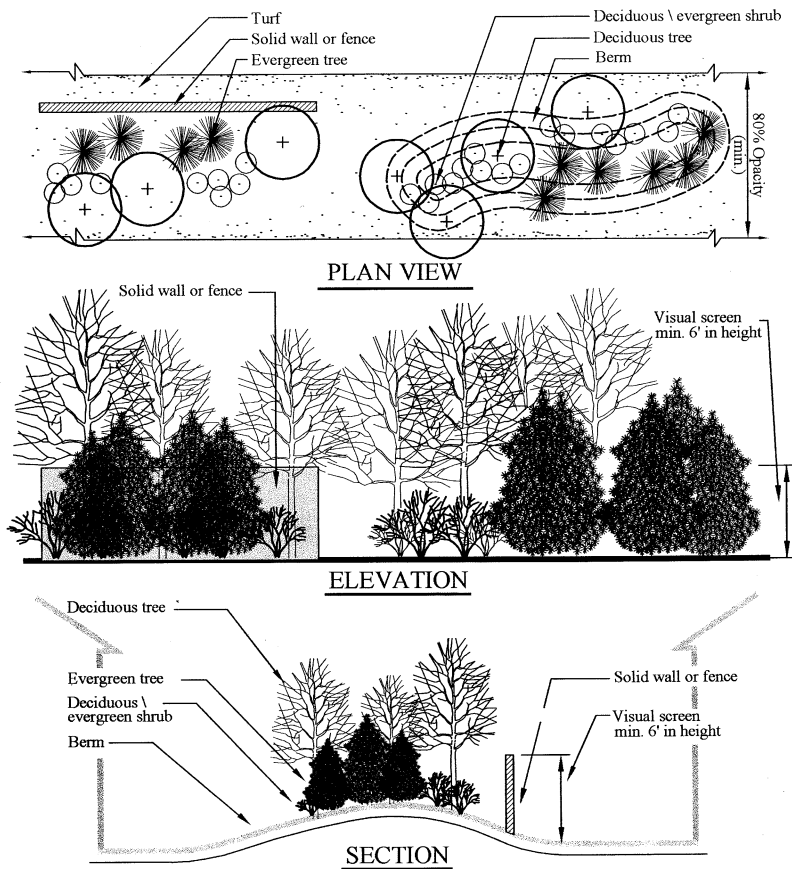
fence, planting strip, and/or landscape berm as distinct from a wall will be required.

- a. A solid wall shall be constructed of brick or poured concrete panels using a brick pattern form. The solid wall shall be located at the property line with a planting strip six (6) to eight (8) feet wide abutting the base and on the interior side of the wall. The planting strip shall have a minimum of two and a half (2-1/2) inches caliper deciduous shade trees planted thirty (30) feet on center.
- b. A screening mound or berm shall consist of the minimum specified height with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least three (3) feet in width.

The mound or berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded, and mulched, or planted. Included, as part of the mound or berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

- c. Evergreen screens shall consist of seven (7) foot spruce, fir or pine trees planted ten (10) to fifteen (15) feet on center in two (2) staggered rows ten (10) feet apart. Arborvitae shall be planted no more than five (5) feet apart in staggered rows. Other evergreen plant material may be considered providing that it will provide, in the opinion of the Planning Commission, the same screening effect.

**SCREENING BETWEEN LAND USES**



5. The Planning Commission may waive or modify the foregoing requirements, where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood nor contrary to the spirit and purpose of this section.

**G. *Parking Lot Landscaping Requirements.***

1. ***Required Landscaping Within Parking Lots.*** Separate landscape areas shall be provided within parking lots in accordance with the following requirement. There shall be a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the back side of curb or edge of pavement or curb blocks.

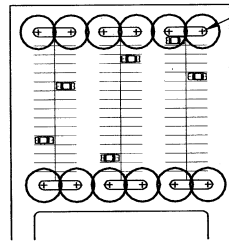
Separate landscape islands shall be required within parking lots of twenty four (24) spaces or greater. No more than a row of twenty-four (24) spaces is permitted without an island. Where size configuration of parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission may approve alternative landscaping along the parking lots perimeter.

2. ***Required Landscaping at the Perimeter of Parking Lots.***

Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:

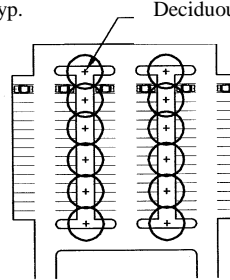
- a. Parking lots that are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in Section 8.2.F.
- b. Parking lots, which are visible from a public road, shall be screened from view with a landscaped berm varied in height from between two (2) and three (3) feet along the perimeter of those sides, which are visible. The berm shall be planted with one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs for every thirty (30) feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscaping plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.
- c. Minimum of three (3) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.

## PARKING LOT LANDSCAPING: INTERIOR



Deciduous trees, typ.

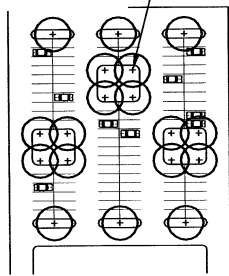
TREES IN END ISLANDS



Deciduous trees, typ.

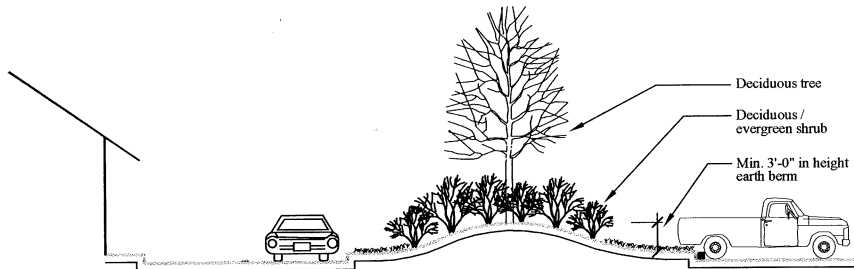
LANDSCAPE MEDIAN

Deciduous trees, typ.



LANDSCAPE ISLANDS

## PARKING LOT LANDSCAPING: PERIMETER

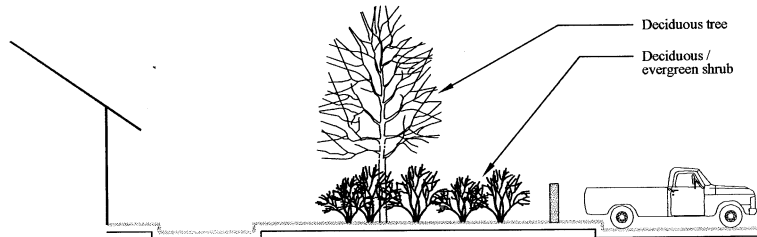


Deciduous tree

Deciduous /  
evergreen shrub

Min. 3'-0" in height  
earth berm

BERM OPTION



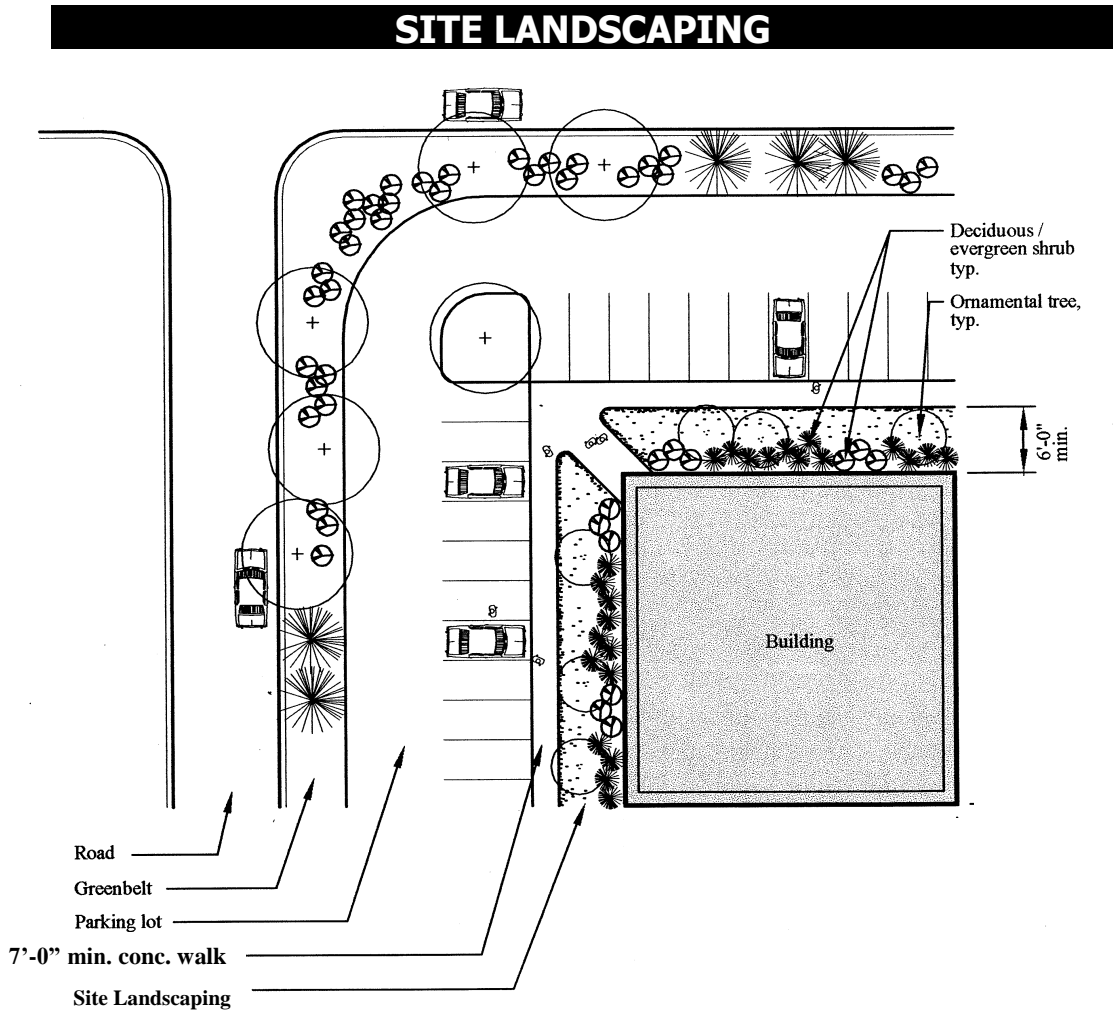
Deciduous tree

Deciduous /  
evergreen shrub

LANDSCAPE PLANTINGS / WALL OPTION

- H. **Greenbelts.** A greenbelt shall be provided, and is an area established at a depth of the required front yard setback, within a zoning district and landscaped in accordance with the following requirements:
1. The greenbelt shall be landscaped with a minimum of one (1) deciduous or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Non-ornamental deciduous shade trees within a greenbelt shall be a minimum caliper of two and one-half (2-1/2) inches or greater. Evergreen trees (spruce, fir, and pine) within a greenbelt shall be a minimum height of seven (7) feet. Shrubs shall be a minimum of two (2) feet in height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
  2. If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half (2-1/2) inches or greater.
  3. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
  4. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- I. **Foundation Landscaping.** Foundation plantings shall be provided along the front or sides of any building, which faces a public road or is adjacent to a parking lot or other areas, which provides access to the building(s) by the general public. Foundation planting areas shall be integrated into the sidewalk system (between the front and sides of the building, and the parking area and associated driveways adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas shall be a minimum of six (6) feet in width.

- J. **General Site Landscaping.** In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, grass areas and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.



- K. **Subdivision and Site Condominium Landscaping.** Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

1. **Street Trees.** The frontage of all internal public or private streets shall be landscaped with a minimum of two (2) trees for every subdivision lot or condominium unit (lot) or at a maximum distance of sixty (60) feet apart. Such street trees shall meet the minimum size and spacing requirements set forth in Section 8.02.E.g. Landscape Standards.
2. **Other Site Improvements.** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement, which would be enhanced through the addition of landscaping.

L. **Screening of Trash Containers.**

1. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development.
2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
3. Containers and enclosures shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one and a half (1-1/2) cubic yards or more.
6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
7. Screening and gates shall be of a durable construction.

### **Section 8.03      Fences, Walls and Screens**

The erection, construction or alteration of any fence or other type of protective barrier shall conform to the requirements of the zoning districts wherein they are required because of land use development. Except as otherwise required by this Ordinance, the following regulations shall apply:

- A. ~~**All Districts.** Fences, walls and screens shall not be located in any public right of way or any easement granted for the purposes of ingress or egress. Standards for the MHR Mobile Home Residential District shall be according to Section 7.02.14.~~
- B. ~~**Agricultural Districts (RD, AR).** Fences in a RD and AR District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.~~
- C. ~~**Residential Districts (RR, LDR, MFD).** Within the limits of the front yard space of a lot, no fence, wall or other screening structure shall exceed three (3) feet in height unless at least fifty (50) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator. No fence, wall or other screening structure in a side or rear yard space shall exceed six (6) feet in height.~~
- D. **Nonresidential Districts (CSC, HSC, I).** Within the limits of the front yard space of a lot within a nonresidential district, no fence, wall or other screening structure shall exceed three (3) feet in height. No fence, wall or other screening structure in a side or rear yard space shall exceed eight (8) feet in height.
- E. ~~The use of barbed wire, spikes, nails or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.~~
- F. ~~Retaining walls shall be designed and constructed in accordance with applicable building code requirements.~~
- G. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.



## **Section 8.04 Exterior Lighting and Glare**

It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Stockbridge Township.

- A. **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section.
1. *Canopy Structure.* Any overhead protective structure, which is either extended from a building or free-standing, including an awning.
  2. *Foot-candle.* A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.
  3. *Glare.* Light that is misdirected into the eye of potential observers or passer-by, potentially impairing their ability to see clearly and compromising public safety and welfare.
  4. *Lamp.* The component of the luminaire that produces the actual light including luminous tube lighting.
  5. *Light Fixture.* The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
  6. *Light Pollution.* Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment,
  7. *Light Trespass.* The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
  8. *Luminaire.* The complete lighting system including the lamp and light fixture.

9. *Luminous Tube Lighting.* Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
  10. *Shielded Fixture.* An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.
  11. *Spill Light.* Light that is misdirected and illuminates an object or area that is not intended to be illuminated.
  12. *Useful Light.* Light that is directed to illuminate an object or area for a useful purpose.
- B. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
  - C. The design and/or screening of any development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
  - D. Exterior lighting shall be of the type designed with a shielded/downwardly directed light source, and located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.
  - E. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
  - F. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

- G. On-site lighting, i.e. parking, building lights, etc. shall conform to the following regulations:
1. Lighting of parking areas is required when the number of parking spaces is more than five (5).
  2. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site and off-site effects.
  3. Only non-glare, color-corrected (white) lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground.
  4. Lighting for uses adjacent to residentially zoned or property used for residential purposes, shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
  5. Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Township Board, after receiving a recommendation from the Planning Commission may allow for an increased level of lighting above maximum permissible levels when the Board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes. For the purposes of this ordinance, all lighting measurements shall be taken at ground level.
  6. For parking lots of less than one hundred (100) parking spaces lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light

source.

7. Signs shall be illuminated only in accordance with the regulations set forth in Article 11 of this Ordinance. In addition, signs within or abutting residential districts shall not be illuminated between the hours of 10:00 P.M. and 6:00 A.M.
8. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

### **Section 8.05 Airborne Emissions**

- A. **Smoke and Air Contaminants.** It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Environmental Quality according to Act 348 of 1965, either of which act may be amended or superseded from time to time. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.
- B. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Certain agricultural operations may be regulated under the State of Michigan, Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMPS).
- C. **Gases.** The escape or emission of any gas that is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

**Section 8.06 Noise and Vibration**

- A. Noise that is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted:

<b>Octave Band In Cycles Per Second</b>	<b>Along Residential Districts Boundaries - Maximum Permitted Sound Level In Decibels</b>	<b>Along All Non-Residential District Boundaries - Maximum Permitted Sound Level In Decibels</b>
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1200	46	53
1200 to 2400	40	47
Above 2400	34	41

- B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
- C. No use shall generate any ground transmitted vibration in excess of the limits set forth in Section 8.06.E. below. Vibration shall be measured at the nearest adjacent lot line.
- D. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
- E. The vibration maximums set forth in Section 8.06.E below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency.

F. When computed, the formula **PV = 6.28 F x D** shall be used:

Where:	
PV =	Particle velocity, inches-per-second
F =	Vibration frequency, cycles-per-second
D =	Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

<b>Maximum Ground-Transmitted Vibration: Particle Velocity, Inches-Per Second</b>	
Along Non-Residential District Boundaries	Along Residential District Boundaries
<b>0.10</b>	<b>0.02</b>

- G. The values stated in Section 8.06.E may be multiplied by two (2) for impact vibrations, i.e. non-cyclic vibration pulsation's not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
- H. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

**Section 8.07 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference**

No use shall:

- A. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
- B. Cause, creates, or contributes to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**Section 8.08 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

**Section 8.09 Safety**

Existing hazards or potential hazards and nuisances, such as construction sites, auto wrecking yards, junk yards, land fills, sanitary land fills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Administrator, so as not to endanger public health, safety and welfare. Abandoned wells and cistern are to be capped or filled in to the satisfaction of the Zoning Administrator.

**Section 8.10 Use, Storage and Handling Of Hazardous Substance, Storage and Disposal of Solid, Liquid, and Sanitary Wastes**

- A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Michigan Department of Environmental Quality, Michigan Fire Marshal Division, Ingham County, or other designated enforcing agencies.
- C. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the Township in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).
  - 1. Upon submission of a site plan.
  - 2. Upon any changes of use or occupancy of a structure or premise.

3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- D. All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds) shall comply with the following standards:
1. ***Above-Ground Storage and Use Areas for Hazardous Substances.***
    - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
    - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism.
    - c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains.
    - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.
  2. ***Underground Storage Tanks.***
    - a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency, the State Police and State Fire Marshal Division, and/or any other Federal, State or local authority having jurisdiction.
    - b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police, State Fire Marshal Division



and Stockbridge Township. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.

- c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police and State Fire Marshal Division, the Michigan Department of Environmental Quality, and/or any other Federal, State or local authority having jurisdiction.

- 3. ***Loading and Unloading Areas.*** Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

- E. All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the local Fire Chief, Township Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

## **Section 8.11 Stormwater Management**

- A. ***Stormwater Management.*** All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Storm water management shall comply with the following standards:

- 1. The design of storm sewers, detention/retention facilities, and other storm water management facilities shall comply with the standards of the Ingham County Drain Commissioner's Office.
- 2. Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.

3. The use of swales and vegetated buffer strips are encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
  4. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent upstream or downstream property owners.
  5. Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Township, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the Township Engineer, with consultation of appropriate experts.
  6. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.
- B. ***On-Site Stormwater Detention/Retention.*** For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention/retention storage of storm water in accordance with the current Ingham County Drain Commissioner's standards.

## **Section 8.12 Sewage Treatment and Disposal**

In addition to the requirements established by the Michigan Department of Health, or the Michigan Department of Environmental Quality, the following site development and use requirements shall apply to all public and private sewage treatment and disposal plants for multiple or single-family residences.

- A. All treatment buildings, lagoons or ground application areas shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet wide within which grass, trees and

shrubs, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Planning Commission shall have the authority to review and approve the design and treatment of all buffer strips.

- C. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the Ingham County Environmental Health Department, and the Stockbridge Township Planning Commission, or when development occurs within a sewer service area, the appropriate utility department.
- D. All surface water discharge sewage treatment plants must achieve the minimum MDEQ phosphorous removal requirements.

### **Section 8.13 Environmental Impact Statement**

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget. All oil and gas and other natural resource extraction operations shall require an Environmental Impact Statement.

### **Section 8.14 Soil Utilization**

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important non-renewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

**Section 8.15 Lakes, Ponds, Rivers, Streams, Watercourses and Drainageways**

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Stream Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".
- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules" adopted by the Michigan Department of Natural Resources are hereby made a part of this Ordinance.

**Section 8.16 Floodplains**

- A. **Development Prohibited.** Any development requiring site plan review under any section of this Ordinance shall be prohibited within the one hundred (100) year floodplain of any existing watercourse and/or wetland. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.
- B. **Delineation of Floodplain.** The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.

**Section 8.17 Wetlands**

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this Ordinance and the provisions of Public Act 203 of 1979, as amended, "The Wetland Protection Act", and any rules promulgated by the MDEQ.

**Section 8.18 Environmentally Sensitive Areas**

A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:

1. Rare or valuable ecosystems.
2. Significant undeveloped agricultural, grazing or watershed areas.
3. Forests, woodlots and related land which require long stability for continuing renewal.
4. Scenic or historical roads/areas, including burial grounds.
5. Wetlands of less than five (5) acres.
6. Such additional areas as may be determined by the Township, Federal Government, the State of Michigan or the County.

B. ***General Requirements for Environmentally Sensitive Areas***

All Zoning Compliance Permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Officer or Wastewater Division of the Michigan Department of Environmental Quality and is in conformance with any additional

provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.

3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
  - a. Clear-cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
  - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
  - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
  - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
  
- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, and description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
  1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such

reasonable requirements as it deems necessary to minimize such adverse effects.

- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article 12 "Site Plan Review".

### **Section 8.19 Building Grades.**

- A. Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.
- C. Final grades shall be approved by the Building Official who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

### **Section 8.20 Clear Vision Areas**

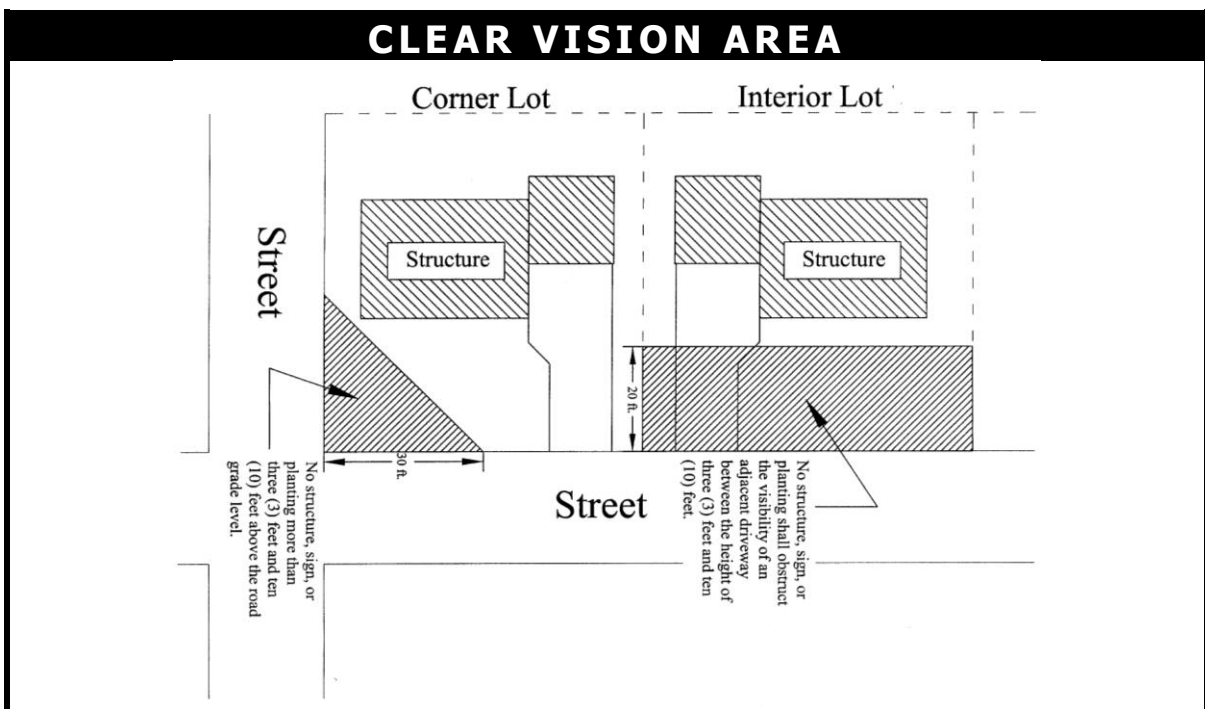
There shall be a clear vision area, free of buildings, fences, walls, signs, structures, and landscaping, at access points along public streets as follows.

- A. ***Intersection of Two Public Streets.*** All corners shall maintain a clear vision zone between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets within a triangular area thirty (30) feet in length, measured along abutting public street right-of-way lines, with the third side being a line connecting these two sides. A non-obscuring fence may have a maximum height of thirty-six (36) inches in a clear vision zone.

B. **Non-Single Family Driveways.** The sides of any driveway, except a driveway accessing a single family dwelling, shall maintain a clear vision zone formed at the corner intersection of a public right of way and a driveway, the two sides of the triangular area being ten (10) feet in length measured along the public street right-of-way line and the edge of the driveway, and the third side being a line connecting these two sides.

C. **Trees, Landscaping, Signage, and Fences.** Trees may be permitted in the triangular area specified above, provided that limbs and foliage are trimmed so that they do not extend into the clear vision zone. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road pavement within the triangular area.

Signs shall not be permitted where they obstruct motorists' vision of regulatory signs, traffic control devices, or street signs. No fence, wall, hedge, screen, sign, or other structure or planting shall be higher than three (3) feet, measured above the centerline of either street or pavement, within the clear vision zone.





**Section 8.21 — Use Standards for Small Wind Electric Conversion System Ordinance:**

**Definitions:**

~~**Small Tower Mounted Wind Energy Turbine (STMWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.~~

~~**Small Structure Mounted Wind Energy Turbine (SSMWET)** converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.~~

~~16. **Setback:** The base of the tower shall be set back from all property lines, public right of ways, public utility lines a distance equal to the total extended height. The installation poses no interference with public utility lines or public road and rail right of ways. Stockbridge Township requires drive way permits.~~

~~17. **Tower Height:** So long as the total extended height meets sound and set back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations as stated in paragraph 7.~~

~~18. **Sound:** Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short term events out of anyone's control such as utility outages and/or severe wind storms.~~

~~19. **Wind Turbine Equipment:** Small wind turbines must have been approved under the state public benefits program or any other small wind certification program recognized by the American Wind Energy Association.~~

~~20. **Requirement for Engineered Drawing:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings~~

and/or foundation as provided by the manufacturer. Wet stamps shall not be required.

21. **Soil Studies:** ~~For standard soil condition (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project specific soils studies or an engineer wet stamp.~~

22. **Compliance with FAA Regulations:** ~~No WEC shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR part 77 of the FAA guidance on airspace protection.~~

23. **Compliance with National Electric Code:** ~~Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Stockbridge Township requires electrical permits.~~

24. **Utility Notification:** ~~No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.~~

25. **Insurance:** ~~Additional insurance beyond homeowners' coverage shall not be required.~~

26. **Abandonment:** ~~If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code.~~

27. **Signage:** ~~All signs, other than the manufacture's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building or other structure associated with a small wind energy system visible from any public road shall be prohibited.~~

28. **Lighting:** No illumination of the turbine or tower shall be allowed unless required by the FAA.

29. **Access:** Any climbing foot pegs or rungs below 12 feet or a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

30. **Fencing:** Towers requiring guy wires shall be enclosed by 6 foot fence.

## ARTICLE 9

### NONCONFORMING LAND, BUILDINGS AND USES

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#### Section 9.01 Purpose

It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed. It is also the goal of this Zoning Ordinance to further the removal of illegal nonconforming uses, structures and lots. Furthermore:

- A. It is recognized that there exists within the districts established by this Zoning Ordinance existing lots, structures and uses of lots and structures which were previously lawful which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance and its amendments. It is the intent of this Zoning Ordinance to permit such nonconformities to remain until they are discontinued or removed, or where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided for herein.
- B. Any lot, use, building, structure or combination thereof that was not lawful at the date of adoption of this Zoning Ordinance or any amendments thereof shall be classified as an illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this chapter. Such an illegal nonconformity shall be in violation of this Zoning Ordinance and shall be terminated and removed.

#### Section 9.02 Buildings under Construction

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby designed to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### **Section 9.03 Nonconforming Lots of Record.**

- A. **General.** A permitted principal building and uses, and permitted accessory structures and uses, may be erected or placed on a lot of record which existed at the date of adoption or amendment of Zoning Ordinance, provided that such lot shall have been, in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are applicable in the district, provided that minimum setback dimensions of the lot shall conform to the regulations for the district. A reduction of minimum setback requirements shall only be permitted upon granting of a variance by the Zoning Board of Appeals.
- B. **Contiguous Lots under the Same Ownership.** If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said lots or parcels shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

### **Section 9.04 Non-Conforming Structures**

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

- A. **Structural Changes.** Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of 80 percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure. In addition, no such structure may be enlarged or altered in a way, which increases its nonconformity.

- B. **Repairs.** \*Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance. (*\*Excluding act of nature or public enemy.*)
- C. **Movement of Structure.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **Section 9.05 Non-Conforming Uses of Structures and Land**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. 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 pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Section 12.4 of this section shall apply to any nonconformity relating to the structure(s).
- D. If such nonconforming use of land and structures ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this provision only so long as seasonal uses shall continue.

- E. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.
- F. If no structural alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

## **Section 9.06 Nonconforming Uses of Land**

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

- A. ***Enlargement of Use.*** No such nonconforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. ***Movement of Use.*** 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 at the effective date of adoption or amendment of this Ordinance.
- C. ***Cease of Operation.*** If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.
- D. ***Change in Use.*** If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use. However, the Township Zoning Board of Appeals

may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced.

### **Section 9.07      Illegal Nonconforming Uses**

Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal.

### **Section 9.08      Changes in Zoning District**

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 foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

### **Section 9.09      Elimination of Nonconforming Uses**

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

### **Section 9.10      Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.



## ARTICLE 10

### OFF-STREET PARKING AND LOADING

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#### Section 10.01 Purpose

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving automotive vehicles. The off-street parking facilities shall be of sufficient number, adequate size and proper design to meet the range of parking needs and demands of land uses allowed by this Ordinance.

#### Section 10.02 Off-Street Parking Requirements

In all Districts, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Compliance Permit.

A. ***Determination of Number of Spaces Required.***

1. The number of parking spaces provided shall be in accordance with the schedule set forth in Article 10.
2. For those uses not specifically listed, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type or shall be based on a number supported by national parking generation studies.
3. ***Floor Area.*** For the purpose of computing the number of parking spaces required, all references to floor area, unless otherwise indicated, shall mean gross floor area (GFA). All instances where useable floor area (UFA) is the standard are indicated as such.
4. ***Employees.*** References to employees shall be based on the number of employees on the largest shift.

5. **Places of Assembly.** In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
6. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.
7. Permitted capacity shall mean the maximum number of people for a building or use as defined by local, county or state fire, building or health codes.

**B. *Deviations from Numerical Requirements.***

1. The Planning Commission may reduce the numerical requirements for off-street parking, based on: evidence that another standard would be more reasonable, the level of current or future employment, the expected level of customer traffic or observed parking use rates.
2. Two (2) or more buildings or uses may and are encouraged to collectively provide the required off-street parking. In such case, the required number of parking spaces for individual uses may be reduced by up to twenty-five (25) percent, if a signed agreement is provided by the property owners and if the Planning Commission determines that the peak usage will occur at different periods of the day or that a user will visit two (2) or more uses on one trip.
3. An applicant is encouraged to use banked parking whenever appropriate. Banked parking may be permitted according to the following standards:
  - a. Calculations must be provided at the time of site plan approval indicating that current or short-term parking needs will be met by the parking proposed for construction following site plan approval.
  - b. Banked parking must be shown on the approved site plan,

and must meet all standards of the Zoning Ordinance.

- c. Consideration for meeting landscaping requirements shall be made at the time of site plan approval. No landscaping, screening walls or other permanent structures shall be constructed within the area planned for banked parking unless approved by the Planning Commission.
- d. Banked parking shall be constructed upon a determination by the Zoning Administrator that the parking is needed or according to a schedule set in place at the time of site plan approval.

**C. *Location of Parking.***

- 1. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport or a combination thereof and shall be located on the premises they are intended to serve.
- 2. Parking on lawns or other landscaped areas shall be prohibited.
- 3. Off-street parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
- 4. Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with Section 8.02.H and the Schedule of Regulations. Single-family and two-family residential dwellings shall be exempt from this restriction.
- 5. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.

**D. *Other Standards.***

- 1. Off-street parking existing at the effective date of this Zoning Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than that required

under the terms of this Zoning Ordinance.

2. The amount of required off-street parking spaces shall be illustrated on the site plan and shall be irrevocably reserved for such use.
3. If a use changes or a building is expanded, an expansion of the parking lot to meet additional parking needs may be required.
4. Required areas for loading zones shall not be calculated toward meeting required off-street parking.
5. Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.
6. Outdoor parking of motor vehicles, in all Residential Districts shall be limited to passenger vehicles, and not more than one (1) commercial/work type vehicle per dwelling unit, such as a truck cab, bus, and/or other large vehicles. See Section 10.06, Truck and Equipment Parking, for further information. Parking of recreation vehicles shall be regulated as provided in Section 10.07, herein.
7. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

**Section 10.03 Off-Street Parking Space Requirements**

The minimum required off-street parking spaces are set forth as follows:

<b>OFF-STREET PARKING REQUIREMENTS</b>			
	<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
<b>A. Residential</b>			
1.	Boarding houses	One (1)	per guest room
2.	Mobile home parks	Two (2); and One (1)	for each manufactured home for each three (3) manufactured homes for visitor parking
3.	Multiple-family residential	Two (2); and Three (3); and Five (5); and One (1)	for each dwelling unit containing one (1) or two (2) bedrooms for each dwelling unit containing three (3) bedrooms for each office building (minimum) for each ten (10) dwelling units
4.	One-family and two-family residential	Two (2)	for each dwelling unit
5.	Senior independent units and retirement villages	One (1); and One (1)	per unit per each ten (10) dwelling units
6.	Senior "intermediate care" units (some congregate facilities and services)	One (1); and One (1)	per each two (2) rooms or two (2) beds, whichever is less per each employee expected during peak shift
<b>B. Institutional Uses</b>			
1.	Adult Family Day Care Home and Child Family Day Care Home	One (1); and Two (2)	per each two (2) adults being cared for for the single-family dwelling unit
2.	Child Group Day-Care Home and Adult Group Day-Care Home	Two (2); and Two (2); and	per home for the single-family dwelling unit

	<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
3.	Nursery schools, day nurseries, Child Care Centers or Adult Day Care Centers	One (1); and	per 400 square feet of UFA
		One (1)	per employee of the peak shift
4.	Convalescent homes, nursing home units, sanitariums, senior housing, etc.	One (1); and	per each four (4) beds or two (2) rooms, whichever is less
		One (1)	per each two (2) employees
5.	Auditoriums, stadiums, assembly halls and outdoor arenas for institutional uses	One (1)	per each three (3) seats
6.	Churches or temples	One (1); and	for each three (3) seats
		One (1)	for any additional spaces needed for day care, school, recreational facilities and other such uses. However, these requirements may be waived if it is determined that: 1) the spaces for such accessory uses can be provided by the spaces for the church/temple, and 2) that such accessory uses will occur at different times than services of the church/temple
7.	Government uses or buildings	One (1)	per 500 square feet of GFA
8.	Hospitals	One (1); and	per each two (2) licensed beds
		One (1); and	per each employee
		One (1)	for each five (5) outpatients on a typical peak outpatient weekday
9.	Libraries or museums	One (1)	per 500 square feet of UFA
10.	Municipal recreation center	One (1); and	per 200 square feet of UFA
		One (1); Or	per each space required for outdoor courts, fields and facilities
		One (1)	per each three (3) people of the permitted capacity, whichever is greater
11.	Public Utility	One (1)	per employee

	<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
12.	Schools (elementary and junior high)	One (1); and	per each instructor and other employee
		One (1); and	per each space required for the assembly hall, auditorium and/or outdoor arena
		Ten (10)	spaces for school buses
13.	Schools (high school, commercial schools and colleges)	One (1); and	per each instructor and other employee
		One (1); and	per each space required for the assembly hall, auditorium and/or outdoor arena
		One (1); and	per eight (8) students of driving age
		Ten (10)	spaces for automobiles waiting or loading areas for school buses
14.	Swimming pool clubs, golf clubs, tennis clubs or similar uses	One (1); and or	for each two (2) member families
		One (1)	for every space required for any accessory uses
15.	Union halls, fraternal orders, civic clubs, banquet hall and similar uses	One (1)	per each two (2) persons of permitted capacity
<b>C. Commercial Uses</b>			
1.	Appliance stores	One (1)	per 800 square feet of GFA
2.	Auto service stations and auto care centers	Two (2); and	per each service bay
		One (1); and	per each tow truck
		One (1); and	for each 500 square feet of GFA devoted to sales of automotive goods
		One (1); and	per vehicle fueling position
		One (1); and	per employee
		One (1)	per each space required for convenience stores
3.	Auto washes, including an accessory wash	One (1); and	per employee
		One (1)	per each space required for stacking in Section 1271.06

	<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
4.	Automobile sales and service	One (1); and	per each 200 square feet of UFA devoted to sales space
		One (1); and	per service bay
		One (1)	per employee
5.	Bars, nightclubs, lounges and other businesses where the majority of sales are alcoholic beverages	One (1)	per 100 square feet of GFA
6.	Batting cages	Two (2)	per cage
7.	Beauty parlors or barber shops	Two (2); and	for each of the first two (2) beauty or barber shop chairs
		One (1)	for each additional chair
8.	Bed and breakfast inns	One (1); and	for each sleeping room
		Two (2)	for the owners (according to single-family residential requirements)
9.	Bowling centers	Five (5); and	per lane
		Twenty-five (25) percent	of parking required for any bar, lounge or similar accessory uses
10.	Commercial outdoor recreation centers, not specified elsewhere	To be determined by the Planning Commission in consideration of the expected types of activities, number of participants, spectators, accessory uses and occupants per vehicle.	
11.	Conference rooms, exhibit halls and similar uses	One (1); Or	per every two (2) people of permitted capacity
		Ten (10)	per 1,000 square feet of GFA, whichever is greater
12.	Convenience stores, with or without gasoline service	One (1); and	per 250 square feet of UFA
		One (1)	per each space required for auto service stations and gasoline sales
13.	Dancing halls, pool or billiard parlors, roller or skating rinks	One (1)	for each three (3) people allowed according to the maximum occupancy load, as authorized by the Building Code



<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
14. Discount stores	One (1)	per 200 square feet of UFA
15. Driving ranges	One (1); and	per two (2) tees
	One (1)	per each space required for any other uses
16. Dry cleaners	One (1); and	per each 500 square feet of UFA
	One (1)	per each space required for stacking according to Section 1271.06
17. Funeral homes and mortuaries	One (1); and	per 50 square feet of service parlors, chapels and reception areas
	One (1)	per each funeral vehicle stored on the premises
18. Furniture/carpet stores	One (1); and	per 800 square feet of UFA
	One (1)	per employee
19. Golf courses, par-three	Three (3); and	per each course hole
	One (1); and	per each employee
	One (1)	per each space required for accessory uses
20. Golf courses (public or private), except miniature or par-three courses	Five (5); and	per each hole
	One (1); and	per each employee
	One (1)	per each space required for banquet rooms, restaurants and other uses
21. Golf courses, miniature	One (1); and	for each hole
	One (1); and	for each employee
	One (1)	for each space required for accessory uses (such as arcades or batting cages)
22. Grocery stores or combined grocery/department stores	One (1)	per 250 square feet of UFA
23. Hardware/paint/home improvement stores	One (1)	per 300 square feet of UFA
24. Home improvement centers and club warehouses	One (1)	per 250 square feet of UFA

<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
25. Hotels/motels	One (1); and	per guest room
	One (1); and	per two (2) employees
	One (1)	per each space required for accessory uses
26. Laundromats	One (1)	for each two (2) machines
27. Livestock Auction	One (1)	for each 100 square feet of building, pens and all enclosed areas on the premises of the auction facility
28. Marinas/seasonal structures	One (1); and	for every two (2) boat berths
	Twenty (20)	10' by 40' spaces for each twelve (12) feet of launching ramp width
29. Mini and self-storage warehouses and per personal inventory facilities	Six (6)	at minimum to be located by the office (Parking adjacent to storage units shall not impede circulation between units)
30. Oil change and automobile maintenance facilities	One (1); and	for each lubrication stall, rack, pit or similar service area
	One (1)	per employee
31. Racquetball/tennis centers	One (1); Or	per 1,000 square feet of GFA
	Six (6)	per court, whichever is greater
32. Restaurant, family (without a bar, delivered to tables or dining counters and having only incidental carry-out service)	One (1); and	per 100 square feet of GFA
	One (1)	per any spaces required for banquet or meeting rooms
33. Restaurant, fast food (including drive-through and drive-in, providing quickly or previously prepared foods which the patron carries out or eats in an indoor or outdoor seating area)	One (1); and	per 100 square feet of GFA
	One (1); and	per each employee of the peak shift
	One (1)	per each space required for stacking according to Section 10.09.

	<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
34.	Restaurants (including restaurants with or without entertainment facilities, lounges, and bars, providing only seated table service)	One (1); and  One (1)	per 75 square feet of GFA  for all spaces required for banquet, meeting rooms and other accessory uses
35.	Restaurant, take-out (with less than six (6) tables and/or booths)	Six (6); and  One (1)	at minimum  per each employee of a peak shift
36.	Retail stores, except as otherwise specified herein	One (1)	for each 250 square feet of GFA
37.	Roadside stands	Five (5); and  One (1)	spaces  per each 25 square feet of floor area
38.	Shopping centers	One (1);  or	per 250 square feet of GFA  Parking calculations may be based on the proposed uses within the shopping center, on the condition that any deviation from the uses indicated on the plan will be addressed with a sufficient number of spaces
39.	Swimming pool	One (1)	per each three (3) persons of maximum capacity authorized by the Building Code
40.	Theaters, cinemas and auditoriums	One (1)	for each three (3) seats or six (6) feet of benches
41.	Video arcades	One (1)	per fifty (50) square feet of UFA
42.	Video rental establishments	One (1)	per 100 square feet of UFA, with a minimum of eight (8) spaces
<b>D. Office Uses.</b>			
1.	Branch banks, credit unions or savings and loan associations	One (1); and  One (1)	per each 200 square feet of GFA  per each space required for stacking according to Section 1271.06
2.	Business offices or professional offices	One (1)	for each 250 square feet of UFA
3.	Medical clinic (outpatient care centers, emergency care / 24-hour medical stations, etc.)	Two (2); and	per exam or outpatient procedure/operating room

<b>Use</b>	<b>Minimum Number of Spaces</b>	<b>Unit of Measure</b>
4. Professional office of doctors, dentists or similar professions	One (1)	for each 150 square feet of GFA
<b>E. Industrial Uses</b>		
1. Light industrial, manufacturing, testing labs, research and development centers	Five (5); and  One (1);  Or	per 1,000 square feet of UFA

	One (1); and	for each laboratory or recovery room
	One (1)	for each employee
	One(1); and	for each employee at a peak shift, whichever is greater
	One (1)	for any spaces required for any sales area or office
2. Wholesale and warehouse establishments	Five (5); and	
	One (1);	for each employee of a peak shift
	Or	
	One (1)	per 1,700 square feet of UFA, whichever is greater
	One (1)	for any spaces required for any sales area or office
3. Unoccupied building	One (1)	for each service vehicle

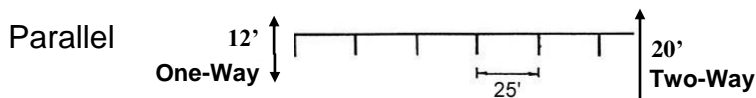
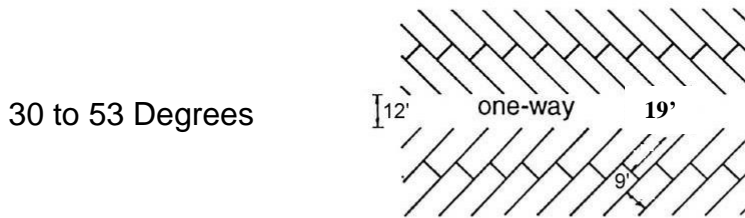
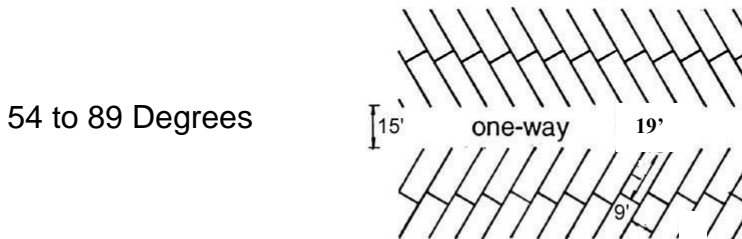
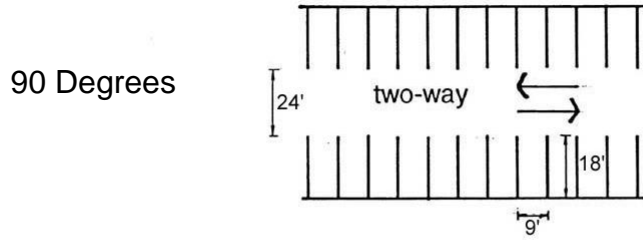
**Section 10.04 Parking Lot Design.**

A. **Layout.** Wherever off-street parking is required, the off-street parking facility shall be designed, constructed and maintained in accordance with the standards and regulations of this section and the parking layout figure, following the text of this chapter.

<b>PARKING LOT DESIGN STANDARDS</b>				
<b>Parking Pattern</b>	<b>Maneuvering Lane Width</b>		<b>Parking Space Width</b>	<b>Parking Space Length</b>
	<b>One-way</b>	<b>Two-way</b>		
0° (Parallel)	12 feet	20 feet	Nine (9) feet	25 feet
30°- 53°	12 feet	N/A	Nine (9) feet	19 feet
54° - 89°	15 feet	N/A	Nine (9) feet	19 feet
90°	15 feet	24 feet	Nine (9) feet	18 feet

N/A: Does not apply

**PARKING LOT DESIGN**



- B. **Surface Construction.** Parking areas, driveways, drives and loading zones shall be constructed of an asphalt or concrete surface with concrete curbs and gutters, in accordance with the current design practices of the Township Engineer.
- C. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, toward buildings or across sidewalks or other areas intended for pedestrian circulation. All parking lots shall be graded and shall provide necessary enclosed storm

water drainage, catch basins and storm sewer\_taps when necessary, according to current Township engineering standards and specifications.

- D. **Lighting.** Lighting shall be provided in all parking lots and shall meet the standards of Section 8.04.
- E. **Outdoor Storage or Display.** Parking lots shall not be used for outdoor storage or display.
- F. **Landscaping.** The parking area shall include landscaping in accordance with Section 8.02.
- G. **Barrier-Free Parking Requirements.** In those cases where barrier-free parking areas are required by state barrier-free design laws, such parking areas, signs, curb cuts, etc., shall be in full compliance with such laws of the State of Michigan, Americans with Disabilities Act and/or adopted building codes. These parking requirements may be varied to meet the requirements of the Americans With Disabilities Act and may be increased by the Township for uses where the expected number of physically disabled would be more than required (e.g., fraternal order halls, churches, etc.).

## **Section 10.05 Construction and Maintenance.**

- A. **Plans.** No parking lot shall be constructed unless it is part of an approved site plan or approved by the Zoning Administrator. Applications for a permit when a site plan is not required shall be submitted to the Zoning Administrator, with a plan indicating the following:
  - 1. An illustration of existing and proposed grades;
  - 2. An indication that stormwater run-off shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures; and
  - 3. A description or cross-section of surface and base materials to be used during construction.
- B. **Period for Construction.** Required parking lots shall be installed and completed within six (6) months of receipt of a building permit and before issuance of an occupancy permit. The Zoning Administrator may grant a

single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.

- C. ***Maintenance.*** All parking areas, including pavement markings and landscaping, shall be maintained in a safe and sanitary condition and shall be kept in good repair. Any alteration, enlargement, reconstruction or change in access, in whole or in part, other than normal maintenance repairs and resurfacing, shall be pursuant to permit and subject to the provisions of this Zoning Ordinance.

### **Section 10.06 Truck and Equipment Parking.**

It is unlawful for the owner, tenant or lessee of any lot, parcel or tract of land in a residential district or a residentially used property, or on any public street, to permit or allow the open storage or parking, either day or night, of semi-trucks and commercial trailers, mobile homes (not motor home), bulldozers, earth carriers, drag lines, cranes, steam shovels and/or any other equipment or machinery. The use of semi trailers for storage purposes on the premises for five or more consecutive days is prohibited. Allowed vehicles will be parked in the side and rear yards. These standards shall not apply to pickup or panel trucks and it is further provided that equipment necessary to be parked overnight on a lot, parcel, or track of land during the construction work thereon shall be exempt from this restriction. Reference Section 10.02, Off – Street Parking Requirements, D. Other Standards, paragraph 6. as applicable.

### **Section 10.07 Parking or Storage of Recreation Vehicles**

- A. A recreational vehicle may be parked or stored in the RD, SFR, RR, and LDR districts. Storage of such vehicles in the MFD district shall be permitted only on lots of at least (15,000) square feet in size, containing a single-family detached dwelling. The following regulations apply.
1. Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator during construction of a single-family detached dwelling.
  2. Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners: The Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a



recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner that obstructs pedestrian or vehicular visibility.

- B. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors, not to exceed a continuous period of two (2) weeks in any ninety (90) day period. A temporary permit" shall be required from the Zoning Administrator for time periods extending two weeks. The temporary permit shall only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. \*Extensions of time shall not be permitted and the travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30th day of the permit period. (\**Except for acts of nature, public enemy or hardship with Township Board approval.*)
- C. No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- D. A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

### **Section 10.08 Off-Street Loading and Unloading Requirements**

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Compliance Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, fifty (50) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of

a corner lot. No part of a required front yard may be occupied by a loading space.

- D. A loading-unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. Off-street loading-unloading requirements for motels, hospitals,
- I. mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, have over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

### **Section 10.09 Off-Street Stacking Spaces for Drive-Through Facilities**

- A. ***Drive-Through Facilities.*** In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobiles shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements:
  - 1. Each stacking space shall be computed on the basis of twelve (12) feet in width and twenty (20) feet in length.
  - 2. Clear identification and delineation between the drive-through

facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner that promotes pedestrian and vehicular safety.

3. Each drive-through facility shall have an escape lane of no less than twelve (12) feet in width, to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
4. The number of stacking spaces per service lane shall be provided for the uses as follows. When a use is not specifically mentioned, the requirements for off-street stacking space for a similar use shall apply.

<b>STACKING SPACE REQUIREMENTS</b>		
Use		Stacking Spaces per Service Lane
Banks		Four (4)
Pharmacy		Four (4)
Dry-Cleaning		Four (4)
Fast-Food Restaurants		Six (6)
Car Washes (self-service)	Entry	Three (3)
	Exit	One (1)
Car Washes (Automatic)	Entry	Six (6)
	Exit	Two (2)
Quick Oil Change		Two (2)

- B. **Off-Street Waiting Space.** Uses such as day cares, schools, hospitals, nursing homes and churches shall provide a safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly delineated so as to ensure the safety of pedestrians and motorists.

# ARTICLE 11

## SIGN REGULATIONS

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### Section 11.01 Purpose

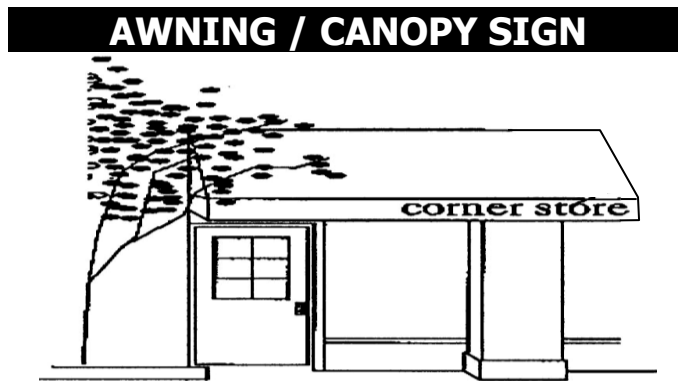
The purpose of this Article is to regulate the location, size, construction and manner of display for on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township.

While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this Article has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products,
- C. To keep signs within a reasonable scale with respect to the buildings they identify,
- D. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display that enhances the character of the Township;
- F. To prevent the proliferation of temporary signs, which may promote visual blight.

**Section 11.02 Definitions**

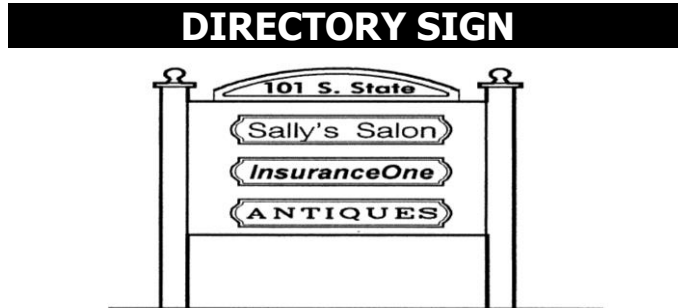
- A. **Abandoned Sign:** A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. **Animated, Flashing or Moving Sign.** A sign that has intermittently reflecting lights, or a sign which uses intermittent, flashing, scintillating, or varying intensity of illustration to create the appearance of movement or a sign that any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.
- C. **Awning/Canopy Sign.** Any sign attached to or constructed within or on an awning or on a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not an awning/canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this Section.



- D. **Banner.** A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame.
- E. **Billboard.** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted, and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972, as amended.
- F. **Building Sign.** Any sign attached to any part of a building, as contrasted to a freestanding sign. For purposes of this ordinance, building signs shall include: awning/canopy signs, identification signs, integral signs, marquee signs, projecting signs, roof and integral roof signs, wall, window, and suspended signs.

- G. **Business Center.** A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used auto/truck sales shall be considered a separate use in determining the maximum number of freestanding signs, provided that the used sales section of the lot includes at least twenty-five (25%) percent of the available sales area.
- H. **Business Sign.** An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.
- I. **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy that can be altered by physical, mechanical or electrical means without replacing the sign copy area.
- J. **Change of Copy.** The replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or a commercial establishment. Change of copy shall not include any modifications to the sign structure or frame. Nor shall it include alternations of sign size.
- K. **Direction or Information Sign.** A sign identifying a street or designating the location of a community or institution of public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate, and not including any advertising matter.
- L. **Direction Sign.** A freestanding sign located at the entry and/or exit of a business or commercial establishment that indicates traffic flow.

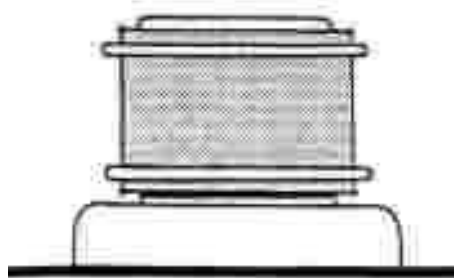
- M. **Directory Sign.** A ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.



- N. **Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- O. **Flashing Sign.** (See Animated Sign). Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
- P. **Freestanding or Ground Sign.** A sign supported directly by the ground or with support provided by uprights, braces, pylons or poles anchored in the ground that are independent from any building or other structure.
- Q. **Identification Sign.** A sign which carries only the name of the firm, the major enterprise, the principal product or service offered for sale on the premises, or a combination of these things, only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.
- R. **Illegal Sign.** A sign which does not meet the requirements of this code and which has not received legal non-conforming status.
- S. **Illuminated Sign.** A sign illuminated in any manner by an artificial light source.
- T. **Inflatable Sign.** A sign that is either expanded or its full dimensions are supported by gases contained within the sign, or a sign part, at a pressure greater than atmospheric pressure.

- U. **Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- V. **Institutional Bulletin Boards.** A sign related to a public school, parochial school, private school, clubs or organizations, public park or recreation facility, church or other religious institution which identifies activities or events to take place which involve the patrons of such specific use.
- W. **Marquee Sign.** A sign attached to any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- X. **Menu Board.** A sign that is intended to service patrons using a drive-through facility.
- Y. **Monument Sign.** A ground sign mounted on a base directly to the ground.

**MONUMENT SIGN**



- Z. **Nameplate.** Contains the name of the occupant, address of the premises, and sometimes, in the case of a home occupation the "occupation."
- AA. **Neon Sign.** A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.
- BB. **Non-Conforming Sign.** Signs that are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance.



- CC. **Obsolete Sign.** Signs that advertise a product that is no longer made or that advertise a business that has closed.
- DD. **Off-Premise Commercial Sign.** A sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes.
- EE. **Pennant Sign.** A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- FF. **Political Sign.** A temporary sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.
- GG. **Portable Sign.** A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- HH. **Projecting Sign.** Any sign which is attached to a building or other structure which extends more than eight (8) inches beyond the face of the building or structure or eight (8) inches beyond the surface of that portion of the building or structure to which it is attached, and is perpendicular or nearly perpendicular to the building surface and is permanently attached to the building or structure surface. A projecting sign shall not include or be a part of any canopy, awning or marquee sign.

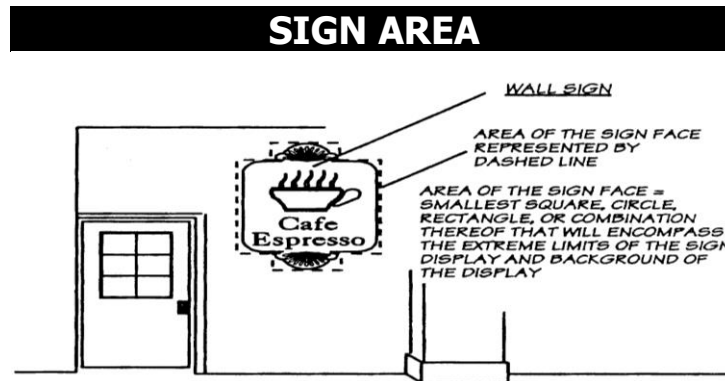


- II. **Real Estate Sign.** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
- JJ. **Real Estate Development or Construction Sign.** A temporary ground or wall sign listing the name of the project developers, contractors, engineer and architects, on the site being developed, or located at the entrance of a residential development under construction, listing the name of the development and general information, such as the number and types of units to be built, price range and similar data.
- KK. **Roof Sign.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- LL. **Sandwich Board Sign.** A portable non-permanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours; consisting of an "A" frame or "T" frame or other temporary style, typically with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself.

**SANDWICH BOARD SIGN**



- MM. **Sign.** The display of any words, numerals, figures, devices, designs or trademarks to make known an individual, firm, profession, business, product or message and which is visible to the general public.
- NN. **Sign Area (measurement of).** The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. 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 two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken at the area of one (1) face if the two (2) faces are of equal area, or at the area of the larger face if the two (2) faces are of unequal area. Where a sign consists solely of lettering painted or mounted on a wall, any blank area which is more than twenty-five (25) percent of the area of the sign as otherwise computed shall be disregarded.



- OO. **Sign Height (measurement of).** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: a) existing grade prior to construction; or, b) mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

**SIGN HEIGHT**



- PP. **Site Entry Features with Signage.** An architectural feature that defines, delineates and differentiates the entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park, or similar development from a major thoroughfare without being a visual intrusion or distraction to the general public and the traveling motorist. Signage identifying the name of the development may be incorporated into the architectural feature.
- QQ. **Subdivision Entranceway Sign.** A sign, depicting the name of a residential, office/service, commercial or industrial subdivision, located at the entrance to such subdivision.
- RR. **Temporary Sign.** A sign that is used only temporarily and advertises a private or public seasonal or special event, function or sale. Temporary signs are not permanently mounted. For purposes of this ordinance, temporary signs shall include: balloon, banner, construction, and political, portable and real estate signs.

**TEMPORARY SIGN**



- SS. **Time-Temperature Sign.** A sign which displays the current time or outdoor temperature or both and which displays no other material except for the name of a business, product or service.
- TT. **Vehicle Business Sign.** A sign painted or attached to a vehicle which is posted or placed upon an owner's premises primarily for purposes of advertising the premises. Commercially licensed vehicles which are generally used daily off-site are not included in this definition.
- UU. **Wall Sign.** A sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

**WALL SIGN**



- VV. **Welcome Sign.** A sign displaying the name of the owner or a sign saying welcome.
- WW. **Window Sign.** Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Section 11.03 General Sign Regulations**

- A. **General.** All signs shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity. All signs require a permit unless specifically listed in Section 11.07.
- B. **Building Code Compliance.** All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of

conflict between this Ordinance and other laws, the most restrictive shall govern.

- C. **Location.** All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.
- D. **Safety.** All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk. Further, no sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.
- E. **Landscape Quality and Preservation.** In the application of this Ordinance, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
  - 1. Do not interfere with scenic views.
  - 2. Do not create a nuisance to persons using the public right-of-way.
  - 3. Do not constitute a nuisance to the occupancy of adjacent and continuous property by their brightness, size, height, or movement.
  - 4. Are not detrimental to land or property values.
  - 5. Contribute to the special character of particular areas or districts in the Township.
- F. **Illuminated Signs.**
  - 1. **Residential Districts.** In AD, AR, RR, and LDR/MFD Districts, only indirectly illuminated signs shall be allowed, provided such signs are shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
  - 2. **Commercial and Industrial Districts.** In CSC, HSC and I Districts, only indirectly or internally illuminated signs are permitted, provided such signs are shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing, except that movement showing date, time, and temperature exclusively shall be permitted. Nothing contained in this ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Search lights shall not be permitted as a sign for advertising purposes.

#### **Section 11.04 Measurement of Signs Areas**

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. 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 where two such faces are placed back to back, parallel to one another, and are twelve (12) inches or less apart, in which case the area of the sign shall be the area of one face.

#### **Section 11.05 Setback Requirements for Signs**

Notwithstanding all other setback provisions of this ordinance, the following setback requirements shall apply to all freestanding signs: All signs shall maintain a minimum setback of fifteen (15) feet from all property lines, and public and private right-of-ways and road easements for ingress and egress, whichever is greater, unless otherwise specified by the Ordinance.

#### **Section 11.06 Permits and Fees**

- A. All signs, unless specifically listed in Section 11.07, must have a sign permit, issued by the Zoning Administrator. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, unless specified otherwise in the Ordinance.
- B. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant. If the applicant is not the property owner, a written statement of permission

from the property owner must be provided with the application for a sign permit. Fees for sign permits for all signs shall be established by resolution of the Township Board.

- C. An application for a sign permit shall contain the following information:
1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
  2. The location by street address and parcel identification number of the proposed sign structure.
  3. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  4. The address of the property.
  5. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  6. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
  7. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
  8. A statement of valuation.
  9. Application for and required information for such application, an electrical permit for all electrical signs if the person building the sign is to make the electrical connection.
- D. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- E. A permit for a temporary sign shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance. A permit is not required if an alteration of an existing sign is limited to the



information communicated on the sign without increasing its size, and structural modification of the sign is not required.

- F. Once a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.
- G. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
- H. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

### **Section 11.07 Signs Prohibited in All Districts**

Signs not expressly permitted are prohibited. In addition:

- A. **Abandoned Signs:** Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- B. **Banners:** Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 11.10 - "Temporary Signs".
- C. **Flashing Signs.** Signs containing flashing, intermittent or moving lights, moving or revolving parts, or reflecting parts that may distract drivers. This provision is not intended to exclude those signs that give the time or temperature, provided no other animated messages are displayed.
- D. **Hazardous Signs.** Any sign or sign structure that:
  - 1. Is structurally unsafe.
  - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.

3. Is not kept in good repair.
  4. Is capable of causing electrical shocks to persons likely to come in contact with it.
- E. ***Illegal Signs.*** Any sign unlawfully installed, erected or maintained.
- F. ***Illegally Located Signs.*** Signs affixed to utility poles or other signs, as well as to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
- G. ***Imitating Signs.*** Those which imitate an official traffic sign or signal which contains the words "stop", "go slow", caution", "danger", "warning", or similar words, except as otherwise provided in this Article. In addition, signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection shall be prohibited.
- H. ***Miscellaneous Signs and Posters:*** Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", "beware of animal" warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is removed.
- I. ***Moving Signs:*** Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.
- J. ***Obscene Signs.*** Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.
- K. ***Portable Signs:*** Except as otherwise permitted, portable signs are prohibited.
- L. ***Roof Signs.***
- M. ***Signs within a Right-of-Way.*** All signs, other than those erected by a public agency that are located within or overhang the public right-of-way or on public property are explicitly not permitted.

- N. **Swinging Signs:** Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- O. **Vehicular Signs.** Temporary signs mounted upon trucks, vans, or other wheeled devices and parked in a location for advertising purposes, except for political signs. Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, and appropriate for that type of business, shall be permitted, provided that said vehicle is removed from the property every week.

### **Section 11.08 Exemptions.**

The following types of signs, which shall not be illuminated unless otherwise noted, are exempt from the provisions of this Ordinance except for construction and safety regulations

- A. **Agricultural Test Plot Signs.**
- B. **Directional Signs.** Signs which direct traffic movement onto or within a property. Each premise shall be permitted one (1) directional sign per driveway, or two (2) directional signs if two (2) one-way directional drives are used, plus additional directional signs to improve circulation on-site, provided they are not placed within the front yard. Directional signs shall not exceed four (4) square feet in size, shall contain no advertising, and may be illuminated by internal means only. Furthermore, directional signs shall be located on the lot or parcel behind the road right-of-way line. Horizontal directional signs, on and flush with paved areas, are exempt from these standards.
- C. **Flags.** Flags representing a governmental unit of which the premises are a part shall be allowed to have one freestanding flag per governmental unit (U.S., State, City and County). Flags hanging from building fronts shall not exceed three (3) feet in width and five (5) feet in length and shall be no higher than twenty (20) feet above grade and not less than eight (8) feet above the adjacent walking surface. Further, they may not extend beyond the property line more than eight (8) feet and shall be properly anchored to the building. Flags that are separate from the building shall meet the same area requirements, and shall not exceed the height of the building.

- D. ***Farm Product Directional Signs - Temporary Off-Premise.*** Seasonal off-premise farm product directional signs may be permitted in all districts subject to the following standards:
1. No more than four (4) signs per use shall be permitted.
  2. The size of an off-premise farm product directional sign shall not exceed six (6) square feet in size.
  3. The height of an off-premise farm product directional sign shall not exceed five (5) feet. However, variations in height may be granted by the Zoning Board of Appeals to accommodate vehicular visibility to avoid obstruction to visibility.
  4. Illumination shall not be permitted.
  5. Proof shall be supplied by the applicant that all appropriate standards of the Ingham County Road Commission are met. Written permission of the property owner where the proposed sign is to be located must be provided.
  6. Seasonal off-premise farm product directional signs shall be located outside of the road-right-of-way or easement.
  7. Seasonal off-premise farm product directional signs may be displayed sixty (60) consecutive days twice a year.
- E. ***Farm Product Signs - Temporary On-Premise.*** Farm product signs in only the RD and AR districts, subject to the following.
1. Not to exceed thirty (30) square feet in area and five (5) feet in height.
  2. Not to exceed sixty (60) days in any one (1) year period.
- F. ***Historical Markers.***
- G. ***Historical Signs Integrated into the Construction of a Building.*** Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

- H. ***Institutional Bulletin Boards and Signs.*** Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, and information signs. These shall include off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning Commission. These off-premise signs shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of fifteen (15) feet from the road right-of-way line.
  
- H. ***Nameplates.*** A sign containing only a name and address not exceeding two (2) square feet in size.
  
- I. ***"No hunting", "No fishing", "no trespassing signs".***
  
- J. ***Political Campaign Signs.*** Temporary political campaign signs announcing candidates seeking public political office and other election issues pertinent thereto shall be permitted up to a total area of eight (8) square feet for each sign in a residential zone and thirty-two (32) square feet in a commercial or industrial zone. Political signs shall be erected on private property only and shall be no less than one hundred (100) feet from any entrance to a building in which a polling place is located and shall be removed within ten days after the date of said election. These signs may be displayed sixty (60) days prior to and seven (7) days after the election for which intended. Timing for political signs expressing viewpoints but not related to an election shall not be limited.
  
- K. ***Street Numbers.*** Street numbers shall be permitted and may be illuminated.

### **Section 11.09 Permitted Signs in RD, AR, RR and LDR/MFD Districts**

- A. ***Public/Quasi-Public Identification Sign.*** One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed eighteen (18) square feet in area and five (5) feet in height.
  
- B. ***Identification Signs for Subdivisions or Other Residential Developments.*** One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building development and Mobile Home Park. Each sign shall not exceed eighteen (18) square feet

in area nor exceed five (5) feet in height. The setback from the public road right-of-way or road easement shall not be less than fifteen (15) feet.

- C. **Signs for Bed and Breakfasts.** Signs not customarily found in residential areas shall be prohibited, provided however that one (1) sign, not more than nine (9) square feet in area, not more than four (4) feet in height shall be permitted for a bed and breakfast operation. The sign shall be setback twenty-five (25) feet from the road right-of-way and shall meet all other applicable regulations. See Section 7.02.07.
- D. **Signs for Home Occupations.** Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than six (6) square feet in area may be attached to the building and which sign shall contain only the name, occupation, and address of the premises. The Zoning Administrator may determine that if the building cannot be seen from the road right-of-way, a sign such as described above may be located no less than fifteen (15) feet from the front property line and/or the road right-of-way whichever is greater. Exact location of the sign to be determined by the Zoning Administrator. See Section 7.02.11.

### **Section 11.10 Permitted Signs in CSC, HSC and I Districts**

On-site canopy or marquee signs, wall signs, and free-standing signs are allowed, subject to the following:

- A. **Single Building.** Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Section 11.10 B, are subject to the following:
  - 1. **Area of Signs.** Each developed lot or parcel shall have a maximum area of sixty (60) square feet of sign area for all exterior on-site signs.
  - 2. **Number of Signs.** Each developed lot or parcel shall be permitted one (1) exterior on-site sign. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways as classified in the Master Plan, two (2) exterior on-site signs shall be permitted. Only one (1) freestanding identification sign shall be permitted on any single road.

3. Each sign shall pertain exclusively to the name and type of business carried on within the building.
- B. **Business Center.** Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings or industrial buildings not subject to Section 11.08 A. are subject to the following:
1. **Freestanding Sign.** Each permitted freestanding sign shall state only the name of the shopping center and major tenants located therein.
    - a. **Number of Signs.** Each shopping center or integrated group of stores shall be permitted one (1) free-standing identification sign for each collector or arterial road or highway, as classified in the Master Plan that it faces.
    - b. **Sign Dimensions.** The maximum area of each sign shall be sixty (60) square feet, with a maximum height of five (5) feet. Tenants of shopping center shall not permit individual free-standing identification signs.
  2. **Wall Sign.** Each sign shall pertain exclusively to the name and type of business carried on within the building.
    - a. **Number of Signs.** Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign.
    - b. **Sign Dimensions.** The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business.
  3. **Park Signs.** A free standing sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be constructed of anodized aluminum with white reflector letters. All park signs shall be located exactly thirty-three (33) feet from the

centerline of the minor intersecting road and at least 60 feet from the centerline of the major intersecting road.

- C. **Window Signs.** Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceeds a total of (200) square feet for any one building. If window signs occupy more than (25) percent of said window area or exceed a total of (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 11.08.A and 11.08.B.
- D. **Time and Temperature Sign.** A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- E. **Service Station Signs.** In addition to the provisions of Sections 11.08 A. and B. above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

Notwithstanding any of the provisions of this Section, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps or similar messages, in which case the maximum sign size shall be six (6) square feet.

- F. **Canopy or Marquee Signs.** No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Article 13 of this ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does



not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.

- G. **Menu Board.** One (1) menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed sixteen (16) square feet in area or six (6) feet in height from finished grade.
- H. **Billboards.** The following regulations shall apply to billboards.
1. **Where Permitted.** Billboards are permitted only on undeveloped and vacant unimproved lots in CSC, HSC and I Districts, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
    - a. Billboards shall be considered the principal use of such lots and shall not be placed on a lot where such a sign is located.
    - b. Tandem, stacked, double faced, or "V" shaped billboards are not permitted.
    - c. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.
  2. **Spacing.**
    - a. Where two (2) or more outdoor advertising signs are located along the frontage of a road or highway, they shall be not less than (1,000) feet apart.
    - b. No billboard shall be located within five hundred (500) feet of a residential zone and/or existing residence.
    - c. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or twenty-five (25) feet from any interior boundary lines of the premises on which the billboard is located.
  3. **Sign Measurements.**
    - a. **Area.** The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet.

- b. **Height.** Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level.
- 4. **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- 5. **Construction and Maintenance.**
  - a. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
  - b. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
  - c. A billboard shall be designed, constructed, operated, maintained and managed 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; and
  - d. Not be hazardous or disturbing to existing projected future uses.

### **Section 11.11 Temporary Signs**

On-site temporary exterior signs may be erected in accordance with the regulations of this Article.

- A. **New Development Signs.** In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70) percent of all lots or units within said subdivision or development.

- B. **Contractor Signs.** One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.
- C. **Real Estate Directional Signs.** Temporary real estate direction signs, not exceeding six (6) square feet in area and four (4) in number, showing a directional arrow and placed outside of the right-of-way, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- D. **Community Special Events.** Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building-mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 11.03 of this Ordinance.
- E. **"For Sale/Rent/Lease".** In RR, LD and MFD Districts, one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the CSC, HSC and I Districts, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with Section 17.03 D. of this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area in the RR and LDR/MFD and twenty-five (25) square feet in area in the CSC, HSC and I Districts is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent or lease. In no case, shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.

- F. ***Banners, Pennants, Etc.*** Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in CSC, HSC and I Districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

## **Section 11.12 Miscellaneous Signs**

- A. ***Changeable Copy Signs.*** Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed twenty (20%) percent of the permissible sign area.
1. Lettering used on manual changeable copy signs directed to local or collector streets shall be no greater than three (3) inches in height.
  2. Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall be no greater than six (6) inches in height.
  3. Lettering used on manual changeable copy signs directed to pedestrians shall be no greater than two (2) inches in height.
- B. ***Off-Premise Directional Signs.*** Off-premise directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review of Zoning Administrator and the following standards:
1. No more than two (2) signs per use shall be permitted.
  2. The size of an off-premise directional sign shall not exceed six (6) square feet in size.
  3. The height of an off-premise directional sign shall be no less than three (3) feet or to exceed six (6) feet. However, variations in height may be granted by the Zoning Administrator to accommodate vehicular visibility to avoid obstruction to visibility.
  4. Illumination shall not be permitted.
  5. Proof shall be supplied by the applicant that all appropriate standards of the Ingham County Road Commission are met.

Permission of the property owner where the proposed sign is to be located must be provided.

### **Section 11.13 Removal of Signs**

- A. **Removal.** The Township Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance, found unsafe or determined to be abandoned.
- B. **Deposit.** A deposit shall be made by the applicant at the time of application with the Township, either cash or a bond, as established by the Township Board, the amount of which shall be sufficient to cover the cost of removing the sign determined to be in violation, found unsafe and posing an immediate threat to the safety of the public, or determined to be abandoned. The deposit will be retained by the Township throughout the life of the sign and will be returned to the owner as soon as practical after the sign has been completely removed from the premises at owner's expense.
- C. **Violation.** The Township Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance. Ten (10) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with this ordinance. Upon failure, by the owner, to remove the sign or to comply with this notice in good faith, and the Zoning Administrator finds that the sign is still in violation after the ten (10) day notice period, the deposit for removal of the sign will be considered forfeited and the Township will undertake to remove and dispose of the sign or shall institute legal proceedings, if warranted.
- D. **Unsafe.** The Township shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such condition as to present an immediate threat to the safety of the public.
- E. **Abandoned.** If the business or activity to which the sign pertains is determined to be abandoned, the Township Zoning Administrator shall exercise all reasonable means at his disposal to determine whether the abandonment actually has occurred. If, after completion of his investigation he determines that the business or activity has been abandoned for a period of ninety (90) days or more, the deposit will be considered forfeited and the Township will undertake to remove and dispose of the sign or institute legal proceedings, if warranted.

- F. **Non-Conforming Signs.** Where a lawful sign or sign structure exists at the effective date of adoption of this Ordinance that could not otherwise be built under the terms of this Ordinance by reason of height, size, setback, or other characteristics, such sign or sign structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such sign or sign structure may be enlarged or altered in a way, which increases its non-conformity.
  2. A change solely in the wording of the copy will not be considered an increase in non-conformity.
  3. Any proposed modification to the sign structure, except as noted in paragraph 2 above, will require reconstruction or relocation in conformity with the provisions of this Ordinance.
  4. Should such sign be destroyed by any means to an extent of more than fifty (50%) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- G. **Removal without Notice.** The Township Zoning Administrator may without notice remove or order the removal of any sign in violation of this Ordinance, if any one of the following conditions occur:
1. When the sign owner or location of the responsible part is not known.
  2. Sign is placed in the public right-of-way.
  3. Sign is placed on private property without the consent of the landowner.

#### **Section 11.14 Nonconforming Signs**

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.

## ARTICLE 12

### SITE PLAN REVIEW

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#### **Section 12.01 Purpose**

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Compliance Permit and the starting of construction.

#### **Section 12.02. Developments and Uses Requiring Site Plan Review**

The construction, alteration, addition, expansion, change or conversion of the following buildings, structures and uses require Site Plan Review and approval:

- A. Mobile Home Parks.
- B. Any principal non-residential structure permitted in residential districts; and any principal structure (except single-family residences and all farm structures) permitted in Residential districts (RD, AR, RR, LDR/MFD, and MHR).
- C. Any building or additions thereto, in any commercial or industrial district (CSC, HSC and I).
- D. More than one (1) building or structure on a lot or parcel, or combination of lots under single ownership in any of the districts named in C. above.
- E. Any principal use of a lot in any commercial or industrial district (CSC, HSC and I), which does not involve a building, such as, but not limited to outdoor sales, outdoor displays and storage of vehicles, etc.
- F. Public utility buildings and structures, but not including poles and towers, unless specified otherwise herein.
- G. Any parking lot or addition thereto containing five (5) or more parking spaces when not a part of a development, or use, for which site plan review and approval is required elsewhere in this section.

- H. All special land uses unless otherwise specified.
- I. Other uses as required elsewhere herein.

**Section 12.03 Role of the Zoning Administrator**

The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, or addition to, any use until a final site plan has been approved by the Planning Commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Planning Commission and a Zoning Compliance Permit has been issued for it.

**Section 12.04 Minor Site Plan Review**

The Zoning Administrator may approve minor site plan applications when the change will have no effect on the movement of vehicles and persons to and from the property and will not require additional parking spaces. This is subject to concurrence of the Township’s Engineering Consultant, Township Supervisor, Chairperson of the Planning Commission and the Township’s Planning Consultant. A minor site plan may be applied for, for any of the following site modifications:

- A. The proposed addition constitutes less than one thousand (1,000) square feet or not more than twenty (20%) percent of the existing floor area.
- B. The building modification or change of use does not require additional off-street parking.
- C. The building or site modification does not encroach upon an existing parking lot.
- D. The building or site modification is not adjacent to a district that permits a dwelling, is zoned residentially, or is currently in residential use.
- E. A minor building or site modification will not have a significant impact upon adjoining land uses.



**Section 12.05 Site Plan Approval Required Prior to Starting Construction or Use of Land**

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

**Section 12.06 Preliminary Conference on Proposed Site Plan**

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

**Section 12.07 Preliminary Site Plan Requirements**

- A. **Application.** Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk. All site plans shall contain the following to be accepted:
1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed.
  2. The application and review fees.
  3. Fourteen (14) copies of the preliminary site plan drawing(s).
  4. All items as required by Section 12.07.B.
- B. **Information Required for Review.** Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review. Site Plans shall consist of an overall plan for the entire development. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet, nor less than one

(1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. Included on the preliminary site plan shall be all dimensions and the following:

1. Location (vicinity map) and description of site; dimensions and area.
2. General topography; soil information.
3. Name, address, and phone number of the property owner; applicant's name, address, and phone number, and interest in property, owner's signed consent for preliminary site plan approval, if the applicant is not the owner.
4. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Planning Commission.
5. Scale, north arrow, dates of plan, dates of revisions.
6. Proposed buildings/structures: location, outline, general dimensions, distances between, floor area, number of floors, height, floor plans and elevations, number and type of dwelling units (where applicable).
7. Location and size of open areas, recreation areas.
8. Proposed streets/drives: general alignment, right-of-way, (where applicable), surface type, and width.
9. Proposed parking: location and dimension of lots, dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces and number of spaces.
10. Existing zoning classification of property; required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
11. Proposed grading and drainage patterns; outline of existing building/structures and drives; existing natural and man-made features to be retained or removed.

12. Adjacent land uses and zoning; location of adjacent buildings; drives/streets.
13. Location, area of development phases; building program for each phase; projected schedule of development, by phase.
14. Location and width of easements on site. Indicate the future width of right-of- ways as provided by the Ingham County Road Commission.
15. General description of proposed water, sanitary sewer, and storm water catchment and drainage systems.
16. All adjacent property owned or controlled by the applicant, or owner of the subject property.

C. ***For Complete Applications.*** Upon receipt of a completed application and site plan by the Township Clerk:

1. The Zoning Administrator reviews the application for completeness.
2. After it is determined that the application is complete, the Clerk puts the application on the next Planning Commission meeting agenda and forwards a copy to the Township Planning Consultant for review.
3. At the discretion of the Planning Commission, the application is forwarded to any other township consultants.

D. ***Planning Commission Review.*** In reviewing a preliminary site plan the Planning Commission shall consider the following standards:

1. That all required information has been provided.
2. That the proposed development as shown in the preliminary site plan conforms to all regulations of the zoning ordinance for the district(s) in which it is located.
3. That the applicant may legally apply for the site plan review.
4. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

5. That the proposed development described by the site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
  6. That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.
  7. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments.
  8. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
  9. That organic, wet, or other soils that are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
  10. That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property.
  11. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- E. ***Planning Commission Action.*** The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, and approve, approve with conditions or deny the preliminary site plan. The sixty (60) day time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.
- F. ***Effect of Approval.*** Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Township Planning Commission may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an

acceptable plan is not provided, and for furnishing a performance guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan "Soil Erosion and Sedimentation Control Act", Public Act 347 of 1972, MCL 282.101 et seq.

- G. ***Expiration and Extension of Approvals.*** Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A six (6) month extension may be granted upon written request of the applicant and with approval from the Planning Commission. The approval of the preliminary site plan shall also expire and be of no effect one (1) year after approval of a final site plan, unless a Zoning Compliance Permit has been obtained for development shown on the approved final site plan within that time period. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Township Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case the Township Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

## **Section 12.08 Final Site Plan Application**

- A. Following approval of a preliminary site plan, the applicant shall submit to the Township Clerk the following:
1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is/are not the applicant(s), the applicant(s) must provide a statement from the owner(s) that the applicant(s) has/have permission to proceed.
  2. The application and review fees.
  3. Fourteen (14) copies of the final site plan drawing(s) and other data and exhibits hereinafter required.

- B. Upon receipt of a completed application and site plan, by the Township Clerk:
  - 1. The Zoning Administrator reviews the application for completeness.
  - 2. After it is determined that the application is complete, the Clerk puts the application on the next Planning Commission meeting agenda and forwards a copy to the Township Planning Consultant for their review.
  - 3. At the discretion of the Planning Commission, the application is forwarded to any other townships consultants.

**Section 12.09 Information Required for a Final Site Plan**

- A. Each final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:
  - 1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such detail that the Planning Commission can readily interpret the plan. More than one (1) drawing shall be included as part of a final site plan where required by the Planning Commission for clarity.
  - 2. Scale, north arrow, name and date of plan; date of any revisions thereto.
  - 3. Name, address, and phone number of the property owner and applicant; interest of applicant in property, name, address, and phone number of the developer.
  - 4. Name, address, and phone number of the designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Township Planning Commission.
  - 5. A vicinity map; legal description of site; dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.

6. Existing topography (contour interval of two (2) feet); all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, not a part of a group of trees, are to be accurately located on the plan.
7. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
8. Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, other improvements on adjacent properties.
9. Name of existing streets, on or adjacent to the property, and associated rights-of-way as designated by Stockbridge Township's adopted right-of-way requirements, surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
10. Zoning classification of the subject property; location of required yards; total site area and floor area; total ground floor area and lot coverage (percent); floor area ratio.
11. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
12. Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or to a common base point; distances between buildings; height in feet, and number of stories; finished floor elevations and contact grade elevations.
13. Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing surface, base, and sub-base materials,

dimensions, and slopes; location and typical details of curbing; turning lanes (where applicable) with details; location, width, surface elevations and grades of all entries and exits; curve-radii.

14. Location and dimensions of proposed parking lots; number of spaces in each lot; barrier free spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
15. Location, width, and surface of proposed sidewalks and pedestrian ways.
16. Location, use, size and proposed improvements of open spaces and recreation areas; maintenance provisions for such areas.
17. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
18. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosure, showing materials and dimensions.
19. Location, type, size, area, height, and sketch of proposed signs.
20. At the discretion of the Planning Commission, final engineering drawings for all site improvements such as but not limited to, water, sanitary sewer and storm sewer systems; streets, drives, and parking lots, retention ponds and other ponds or lakes; retaining walls; shall be submitted to and approved by the Engineering Consultant prior to Planning Commission approval of the final site plan. A letter of approval for on-site water and sewer facilities by the Ingham County Environmental Health Department shall be submitted prior to Planning Commission approval of the final site plan.

For all existing and proposed features listed above, indicate: Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degrees of pond side slope, calculations for sizing of storm drainage facilities; location of electric and telephone poles and wires; location and size of surface mounted equipment for electric and telephone services; location and size of underground tanks where applicable; location and size



of outdoor incinerators; location and size of wells, septic tanks, and drain fields, if on-site facilities are to be used.

21. Landscape plan showing location and size of plant materials.
22. Description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.
23. Location of proposed retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
24. Location, type, direction, and intensity of outside lighting.
25. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the final site plan by the Planning Commission.
26. Construction Schedule.
27. All items as required by Section 12.07.B.
28. Additional Requirements for Residential Developments.
  - a. Density calculations by type of unit by bedroom counts.
  - b. A complete schedule of the number, site, lot area per dwelling unit and type of dwelling units.
  - c. Carport and/or garage locations and details where proposed.
  - d. Specific amount and location of recreation spaces.
  - e. Type of recreation facilities to be provided in recreation space.
  - f. Details of Community Building and fencing of swimming pool if proposed.

29. Additional Requirements for Commercial and Industrial Developments.
  - a. Loading/unloading areas.
  - b. Total and usable floor area.
  - c. Number of employees at peak usage.

### **Section 12.10 Standards for Review**

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A. ***Preservation of Natural Environment.*** Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
- B. ***Relations of Proposed Land Building and Structural Uses to Environment.*** Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.
- C. ***Drives, Parking and Circulation.*** Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
- D. ***Surface Water Drainage.*** Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs,

canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

- E. **Utility Service.** Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- F. **Advertising Features.** The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article XVII, "Sign Regulations".
- G. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.
- H. **Additional Requirements.** All other standards and requirements of this Article must be met by site plans presented for review. In addition, the Planning Commission shall determine whether the plan meets the following specifications and standards.
  - 1. That the final site plan conforms to the preliminary site plan, as approved.
  - 2. That all required information is provided.
  - 3. That the plan complies with all applicable zoning ordinance regulations.
  - 4. That the plan, including all engineering drawings, meets specifications of the Township for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services.

5. That the proposed development will not cause soil erosion or sedimentation problems.
6. That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
7. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
8. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
9. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
10. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
11. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
12. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.

### **Section 12.11 Planning Commission Action**

- A. ***Commission Review.*** The Planning Commission shall study the final site plan and shall within a reasonable time of the filing date, if the submitted application is complete, approve, conditionally approve, or reject the final site plan. The Commission may specify reasonable conditions, changes, or modifications to the proposed site plan as needed. The Planning Commission shall include in its study of the site plan, at its discretion, consultation with any of the following: the Township Zoning Administrator, the local Fire Chief, the Engineering Consultant and Planning Consultant, and other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development. At the discretion of the Planning Commission, the Engineering Consultant shall approve all engineering drawings and plans, before a final site plan shall be approved.

- B. ***Following Approval.*** Upon Planning Commission approval of a final site plan, the applicant and owner(s) of record, or a legal representative thereof, and the Planning Commission Secretary shall each sign five (5) copies of the approved site plan. The Planning Commission Secretary shall transmit two (2) such signed copies of the approved final site plan, and any conditions attached to such approval, to the Zoning Administrator and one (1) signed copy each to the Township Clerk, and to the applicant. The Planning Commission Secretary shall attach a certificate of approval to the copy to be sent to the applicant. One (1) signed copy shall be retained in the Planning Commission's files. If the final site plan is rejected, the Planning Commission shall notify the applicant in writing of such action and reasons therefore, within ten (10) days following such action.
- C. ***Effect of Approval.*** Approval of a final site plan authorizes issuance of a Zoning Compliance Permit by the Zoning Administrator. Approval shall expire and be of no effect after six (6) months following approval by the Planning Commission unless a Zoning Compliance Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of issuance of a Zoning Compliance Permit unless authorized construction has begun on the property in conformance with the approved final site plan.

### **Section 12.12      Modification of Procedure**

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

### **Section 12.13      Amendment of an Approved Site Plan**

A site plan may be amended upon application. Minor changes in a preliminary site plan may be incorporated in a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

## **Section 12.14      Modification during Construction**

Amendments to an approved final site plan may occur only under the following circumstances:

- A. An applicant or property owner who has been granted approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
  
- B. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design, compliance with the standards of Article 12, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
  - 1. For residential buildings, the size of structures may be reduced, provided that the overall density of units does not increase.
  - 2. Square footage of non-residential buildings may be decreased.
  - 3. Change of building height may be altered by up to five percent (5%), but in no case exceed height limitations.
  - 4. Movement of a building or buildings by no more than five (5) feet provided required setbacks are met.
  - 5. Designated "Areas not to be disturbed" may be increased.
  - 6. Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one (1) to one (1) or greater basis.
  - 7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - 8. Changes in floor plans, which do not alter the character of the use.
  - 9. Slight modification of sign placement or reduction of size.
  - 10. Relocation of sidewalks and/or refuse storage stations.

11. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design. This shall assume that all parking regulations are met.
  12. Changes required or requested by the police department or local fire department for safety reasons, which do not affect site layout, shall be considered a minor change.
- C. Should the Zoning Administrator determine that the requested modification to an approved plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has been initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the final site plan; and submit it to the Zoning Administrator for re-submission to the Planning Commission.
  - D. Should the Planning Commission determine that the modifications to the site plan significantly alter the intent of the site plan; a new submittal shall be required in accordance with final site plan review, Sections 12.08 and 12.09.
  - E. The above approval of minor change shall not apply to site plans approved as part of a special use permit or site plans associated with a Planned Unit Development (PUD).

### **Section 12.15 Phasing of Development**

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

### **Section 12.16 Inspection**

- A. All sub-grade improvements, such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The Zoning Administrator shall obtain inspection assistance from the local Fire Chief and the Engineering Consultant, where applicable. The applicant shall be responsible for requesting the necessary inspections.

- B. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved. Fees for the inspection shall be covered by the fee schedule as established by the Township Board so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

**Section 12.17 Fees**

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board.

**Section 12.18 Performance Guarantees**

- A. Performance bonds, irrevocable bank letters of credit, certificate of deposit, cash deposits, or other forms of security payable to the Township shall be provided by the applicant to the Township Clerk. The guarantee shall be provided after a final site plan is approved but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and the Township Engineer shall verify such estimate as to amount. The Township Attorney shall approve the form of the guarantee.
- C. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed. The Township Board may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company. The applicant shall provide and sign a performance bond, acknowledging the Township's



authority to use the bond to have the work completed.

- D. If a cash deposit is used, the applicant and Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

**Section 12.19 As-Built Drawings**

- A. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines or detention and/or retention areas and all appurtenances, which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the building official, and shall be approved by the Engineering Consultant prior to the release of any performance guarantee or part thereof covering such installation.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses, depth and slopes of retention basins; and location and type of other utility installations. If required by the Township's Engineering Consultant the drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. If required by the Township's Engineering Consultant, the as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

**Section 12.20      Violations**

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

## ARTICLE 13

### ZONING BOARD OF APPEALS

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#### Section 13.01 Establishment of Board of Appeals

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by P.A. 110 of 2006 (MCL 125.3601-125.3607), the Zoning Enabling Act, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

#### Section 13.02 Membership and Terms of Office

- A. **Membership.** The Zoning Board of Appeals shall consist of five (5) members. Members shall be appointed by the Township Board.
1. One member of such Board of Appeals shall be a member of the Township Planning Commission.
  2. The remaining regular members and any alternate members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An employee or contractor of the Township Board shall not serve as a member or an employee of the Board of Appeals.
  3. One regular or alternate member may be a member of the Township Board. Such a member shall not serve as chairperson of the Zoning Board of Appeals.
- B. **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. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more consecutive meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- C. **Terms of Office.** Members of the Zoning Board of Appeals shall have a term of three (3) years, except that the first three (3) electors shall be appointed for staggered terms of 1, 2 and 3 years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. Members serving because of their membership on the Planning Commission or Township Board shall have terms limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
  
- D. **Chairman.** A Chairman, Vice-Chairman and Secretary of the Zoning Board of Appeals shall be elected from among its members each year at the first meeting held in each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman.
  
- E. **Removal of Members/Conflict of Interest.**
  - 1 The Township Board shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
  
  - 2 A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**Section 13.03 Rules of Procedure, Majority Vote**

- A. **Bylaws.** The Board of Appeals shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities.
  
- B. **Quorum.** The Board shall not conduct business unless a majority of its members is present.

- C. **Majority Vote.** The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Township Board, Planning Commission or Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulty or other matters requiring the Board's action under those provisions specified in this Ordinance.
- D. **Representation.** Any person(s) may appear on their own behalf at a hearing, or may be represented by an agent or attorney.
- E. **Timeliness.** The Board of Appeals shall decide upon all matters within a reasonable time from the filing date. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- F. **Oaths.** The Chair of the Board of Appeals, or in the Chairman's absence, the acting chair, may administer oaths and compel the attendance of witnesses.
- G. **Minutes.** Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

#### **Section 13.04 Meetings**

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.
- B. All meetings of the Zoning Board of Appeals shall be open to the public.

## **Section 13.05 Powers and Duties**

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance. The Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of 2006, so that the objectives of this ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.

- A. The Zoning Board of Appeals shall:
1. Hear and decide appeals from, and review any order, requirement, decision or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided. In doing so, the Board of Appeals shall interpret the provisions of this Ordinance and grant variances from the strict application of any of the provisions of this Ordinance.
  2. Decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
  3. Grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or in the way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a special use permit is required.
  4. Permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
  5. Determine the classification of off-street parking and loading requirements in Article 10.
  6. Grant or deny requests for substitutions of non-conforming uses. The use being considered as a substitute must be equal to or less intense than the non-conforming use being replaced.

- B. The Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the terms of this ordinance, and shall not take any action which would have as a result the making of legislative changes in this ordinance.

**Section 13.06 Variances**

A Variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  - 1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
  - 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
  - 4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and the uses of lands, structures or buildings not permitted in other zoning districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the zoning district in which it is located by the applicant for the variance requested.
- C. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

- D. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Reasonable conditions are permitted if they are necessary to insure that public or private services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land-use or activity under consideration; residents and land owners 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 that are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of this Zoning Ordinance; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.
- F. Violations of any required conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 3.22 of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.



## **Section 13.07 Variance Procedures**

- A. **Filing.** An application for a variance shall be filed with the Township Clerk by the record owner of the lot in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required in this Section. The Clerk shall transmit the application and information to each member of the Board of Appeals and to the Zoning Administrator within seven (7) days of the filing date.
- B. **Information Required.** Each application for a variance shall contain the following information:
1. Legal description, address, and tax parcel number of the subject lot.
  2. An accurate, scaled drawing of the lot, showing all property lines, dimensions, and bearings or angles, correlated with the legal description; all existing and proposed structures and uses on the lot; actual measurements of structure dimensions and locations on the drawing; lot area; and all calculations necessary to show compliance with regulations of the zoning ordinance.
  3. Name and address and phone numbers of the applicant, and property owner(s), and the interest of the applicant in the property.
- C. **Standards for Review.** The Board of Appeals shall not grant a variance unless and until all of the following standards are met:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
  2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. Any non-conforming use of neighboring lands, structures or buildings in the same district, any permitted or non-conforming uses of lands, structures or buildings in other districts; or any non-conforming structures shall not be considered grounds for the issuance of a variance.
6. A variance granted shall be the minimum variance that will make possible the reasonable use of the land, building or structure.
7. The variance granted shall be in harmony with the intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
8. In granting any variance, the Board of Appeals may establish appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, and punishable under Section 3.22, herein.
9. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permitted under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the district.

### **Section 13.08 Voiding of and Reapplication for Variances**

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

### **Section 13.09 Procedure for Appealing to the Zoning Board of Appeals**

All questions concerning interpretation and application of the provisions of this ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the Zoning

Administrator. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law.

- A. ***Procedure.*** Appeals shall be filed within thirty (30) days of the decision in question. The appeal shall be filed with the Township Clerk. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal.
- B. ***Who May Appeal.*** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government or anyone seeking an interpretation of the Zoning Map or textual provisions upon application and payment of the required fees and performance guarantees, if required.
- C. ***Effect of Appeal.*** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.  
  
During the appeal process, the appellant shall discontinue the alleged illegal action or condition unless expressly permitted by the Board of Appeals, or a court of record, due to imminent peril to life or property.
- D. ***Change in Variance Requested.*** The Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.
- E. ***Fee for Appeal.*** A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.

- F. **Hearing by the Zoning Board of Appeals.** When a written request for appeals has been filed in proper form with the Zoning Board of Appeals, a notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less fifteen (15) days before the date that the public hearing will be held. The notice of public hearing shall:
1. Describe the nature of the request.
  2. Describe the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  3. State when and where the public hearing will be held.
  4. Indicate when and where written comments will be received concerning the request.
- G. **Representation at Hearing.** During a hearing, any party or parties may appear in person or by agent or by attorney.
- H. **Decision.** The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator, Township Board and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be final and be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

### **Section 13.10 Site Plan Requirements**

If an application or appeal to the Board of Appeals involves the construction, alteration or expansion of a building, structure or use which requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary and final site plan approval as set forth in Article 12, Site Plan Review. The following sequence for submission shall be followed:

- A. The Planning Commission shall review said plan and shall determine the layout and other features required to obtain approval of the preliminary site plan, contingent on the variances granted by the Board of Appeals.
- B. The Planning Commission transmits the approved preliminary site plan and the Commission's findings therein to the Board of Appeals. The Board of Appeals shall, upon deciding on the application for appeal, return the plan, its decision and its recommendations therein to the Planning Commission for action.
- C. The applicant after making changes to the preliminary site plan relating to the recommendations of the ZBA shall submit the final site plan to the Planning Commission for final site plan approval.

## **ARTICLE 14**

### **AMENDING THE ZONING ORDINANCE**

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#### **Section 14.01      Changes and Amendments**

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

#### **Section 14.02      Fees**

The Township Board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid in full at the time of filing of the petition, and no part of the fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.

#### **Section 14.03      Procedures**

- A. The procedure for making amendments to this Ordinance shall be in accordance with Public Act 110 of 2006, which may be amended from time to time.
- B. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The original petition and fourteen (14) copies thereof shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 110 of 2006.
- C. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Township Planning Commission and by any other governmental agency or body.

- D. The Planning Commission shall, following the public hearing and action on the petition, transmit the petition and a summary of comments received at the public hearing to the Tri-County Planning Commission for review and recommendation to the Township Board.
- E. The Planning Commission shall report its findings, a summary of comments from the public hearing, and its recommendations for disposition of the petition to the Township Board following the public hearing within a reasonable amount of time from the filing date. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer it to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.
- F. The Township Board shall enact or reject the proposed change as an Ordinance amendment after receiving the recommendations from the Township Planning Commission and the Tri-County Planning Commission.

#### **Section 14.04 Notice of Hearing**

The Planning Commission shall conduct at least one (1) public hearing on the petition and the Township Clerk shall give Notice of the Hearing in the following manner:

- A. The notice of the request shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date the application will be considered by the Planning Commission.
- B. The notice shall also be sent not less than fifteen (15) days before the date the application will be considered by the Planning Commission to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- C. Each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Planning Commission shall receive a notice.
- D. The notice shall do all of the following:
  - 1. Describe the nature of the request.

2. Indicate the property that is the subject of the request.
  3. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property.
  4. If there are no street addresses, other means of identification may be used.
  5. State when and where the request will be considered.
  6. Indicate when and where written comments will be received concerning the request.
  7. Indicate the place(s) and time at which the request may be examined.
- E. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning the Township shall provide written notice in accordance with the requirements of Section 14.04 above.
- F. If eleven (11) or more adjacent properties are proposed for rezoning, the Township may exempt individuals identified in Section 14.04.B, herein. In addition, the notice does not require the information provided in Section 14.04.D.iii, herein.

### **Section 14.05 Information Required**

The petitioner shall submit a detailed description of the petition to the Township Clerk.

- A. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
1. A legal description of the property, including a street address and the tax code number(s).
  2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  3. The name and address of the petitioner and all owners.



4. The petitioner's interest in the property; if the petitioner is not the record owner, the name and address and phone number of the record owner(s), and that owner(s) signed consent to the petition.
  5. Date of filing with the Township Clerk.
  6. Signature(s) of petitioner(s) and all owner(s) certifying the accuracy of the required information and approval of the application for the amendment and rezoning proposal. In the event that a petition for a zoning amendment is initiated by the Township Board or the Planning Commission, the certification of information and certification signature by the owner(s) shall not be required.
  7. The desired change and reasons for such change. This would include identification of zoning classification requested, existing zoning classification of subject property.
  8. Vicinity map showing location of property, and adjacent land uses and zoning classification.
- B. When a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including, all changes in the zoning ordinance necessary to accommodate the proposed amendment. Additions shall be indicated by the use of all capital letters, deletions by strike through\_(e.g. of the text to be eliminated or changed).
  2. Name, address and phone number of the petitioner.
  3. Reasons for the proposed amendment.

#### **Section 14.06 Findings of Facts Required**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) days of the filing date of the petition.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to which provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, policies of the Township and other government units.
- E. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions where applicable.

#### **Section 14.07 Publication**

Following Township Board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Stockbridge Township. The notice of adoption shall include the following information:

- A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the amendment.
- C. The place and time where a copy of the ordinance may be purchased or inspected.

#### **Section. 14.08 Referendum**

Within seven (7) days following the adoption of an amendment to the zoning ordinance, a registered elector of the Township may file with the Township Clerk a notice of intent to file a petition for a referendum on an ordinance, part of an ordinance or amendment, requesting therein for the submission of the ordinance, part of the ordinance or

amendment to the electors residing in the unincorporated portion of Stockbridge Township for their approval. If a note of intent is filed, then within thirty (30) days following the publication of said amendment or ordinance, a petition signed by a number of registered electors residing in the portion of the Township outside the limits of cities and villages equal to not less than fifteen (15%) percent of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the Township may be filed with the Township Clerk requesting the submission of an ordinance, part of an ordinance or amendment to the electors residing in the portion of the Township outside the limits of cities and villages for their approval. Upon the filing of the notice of intent, the ordinance, part of the ordinance or amendment adopted by the Township Board shall not take effect until one of the following occurs:

- A. The expiration of thirty (30) days after publication of the ordinance, or part of the ordinance, if a petition is not filed within that time.
- B. If a petition is filed within thirty (30) days after publication of the ordinance, or part of the ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the ordinance the Township Clerk determines that the petition is adequate and the ordinance, part of the ordinance or amendment is approved by a majority of the of the registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an ordinance, part of an ordinance, or amendment to the electors for their approval or rejection, and determining the result of the election.

## **Section 14.09 Conformance to Court Decree**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

## ARTICLE 15

### EFFECTIVE DATE OF NEW ORDINANCE

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#### Section 15.01 Effective Date of Updated Ordinance

This updated Ordinance shall become effective when a true copy of the same is first published in its entirety or in synopsis form following passage by the Township Board of Stockbridge Township.

Made and passed by the Township Board of Stockbridge Township, Ingham County, Michigan on this 16th day of March A.D., 2009.

- A. Date of Public Hearing 2-24-09.
- B. Date of adoption by Township Board 3-16-09.
- C. Date of Publication 3-24-09.
- D. Effective Date 3-24-09.

Attest:

Paul Risner  
Township Supervisor

Mary Wilson  
Township Clerk

**Certificate of Township Clerk**

I, Mary Wilson, Stockbridge Township Clerk for the Township of Stockbridge, do hereby certify that the above Ordinance was updated by the Township Board of Stockbridge Township, Ingham County, Michigan on 3-16-09 by a vote of the Township Board as follows:

<b>Name of Member Voting</b>	<b>Vote</b>
Wetherell – yes	
Sommer – yes	
Risner – yes	
Lauckner – yes	
Wilson – yes	

I further certify that the said Ordinance was published in The Town Crier, a newspaper circulating within Stockbridge Township, on 3-24-09.

I further certify that the said Ordinance was filed with the Ingham County clerk on 3-24-09.

\_\_\_\_\_  
Mary Wilson  
Stockbridge Township Clerk