

# **WHEATFIELD TOWNSHIP ZONING ORDINANCE**

**Ordinance No. 1-2018**

*Adopted  
January 9, 2018*

**Wheatfield Township  
Ingham County, Michigan**

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## TABLE of CONTENTS

### General

<u>Article</u>		<u>Page</u>
Article 1:	Title and Purpose	1-1
Article 2	General Administration, Enforcement and Penalties	2-1
Article 3:	Zoning Districts, Regulations and Map	3-1
Article 4:	Planned Unit Development (PUD) District	4-1
Article 5:	Reserved for Future Use	5-1
Article 6:	Nonconforming Lots, Uses and Structures	6-1
Article 7:	Standards and Regulations for Specific Land Uses	7-1
Article 8:	Reserved for Future Use	8-1
Article 9:	Signs	9-1
Article 10:	Off-Street Parking and Loading	10-1
Article 11:	Landscaping and Screening	11-1
Article 12:	Environmental Protection	12-1
Article 13:	Access	13-1
Article 14:	Site Plan Review	14-1
Article 15:	Special Land Uses	15-1
Article 16:	Zoning Board of Appeals (ZBA)	16-1
Article 17:	Zoning Map and Text Amendments	17-1
Article 18:	Reserved for Future Use	18-1
Article 19:	Reserved for Future Use	19-1
Article 20:	Supplemental Provisions	20-1
Article 21:	Definitions	21-1
Article 22:	Interpretation, Severability, Vested Right, Repeal and Effective Date	22-1

### Outline

<u>Article and Section</u>	<u>Page</u>
PREAMBLE	1-1
<b>ARTICLE 1: TITLE and PURPOSE</b>	<b>1-1</b>
Section 1.1 Title	1-1
Section 1.2 Purpose	1-1
<b>ARTICLE 2: GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES</b>	<b>2-1</b>
Section 2.1 Purpose	2-1
Section 2.2 Zoning Permit Required	2-1
Section 2.3 Responsibility for Administration	2-2
Section 2.4 Zoning Permit Application and Review Procedures and Permit Withholding, Revocation and Expiration	2-2
Section 2.5 Building Permit / Permit of Occupancy Required	2-5
Section 2.6 Performance Guarantee	2-5
Section 2.7 Timely Action on Applications	2-6
Section 2.8 Application Fees	2-6
Section 2.9 Site Inspections	2-7
Section 2.10 Violations, Penalties and Fines	2-7
Section 2.11 Public Hearing Notices	2-8
<b>ARTICLE 3: ZONING DISTRICTS, REGULATIONS and MAP</b>	<b>3-1</b>
Section 3.1 Establishment of Districts	3-1
Section 3.2 Zoning District Map	3-1
Section 3.3 Purposes of Zoning Districts	3-1
Section 3.4 Interpretation of District Boundaries	3-2
Section 3.5 Permitted Uses in Zoning Districts	3-2
Section 3.6 Site Development Requirements of Zoning Districts	3-3
Section 3.7 Special District Provisions	3-4

<b>ARTICLE 4:</b>	<b>PLANNED UNIT DEVELOPMENT (PUD) DISTRICT</b>	<b>4-1</b>
Section 4.1	Purpose	4-1
Section 4.2	PUD is a Separate District	4-1
Section 4.3	Minimum Eligibility Criteria	4-1
Section 4.4	Use and Design Standards	4-1
Section 4.5	Approval Standards	4-2
Section 4.6	Procedures for Review and Approval	4-2
Section 4.7	Phasing	4-4
<b>ARTICLE 5:</b>	<b>RESERVED for FUTURE USE</b>	<b>5-1</b>
<b>ARTICLE 6:</b>	<b>NONCONFORMING LOTS, USES and STRUCTURES</b>	<b>6-1</b>
Section 6.1	Purpose	6-1
Section 6.2	Nonconforming Lots	6-1
Section 6.3	Nonconforming Uses	6-1
Section 6.4	Nonconforming Structures	6-2
Section 6.5	Buildings Under Construction	6-3
Section 6.6	District Changes	6-3
Section 6.7	Illegal Nonconformities	6-3
<b>ARTICLE 7:</b>	<b>STANDARDS and REGULATIONS for SPECIFIC LAND USES</b>	<b>7-1</b>
Section 7.1	Purpose and Applicability	7-1
Section 7.2	Agriculture/Farms	7-1
Section 7.3	Airport, Commercial	7-2
Section 7.4	Bed and Breakfasts	7-2
Section 7.5	Cemeteries	7-3
Section 7.6	Composting Centers	7-3
Section 7.7	Concrete Plants	7-3
Section 7.8	Convalescent and Nursing Homes	7-4
Section 7.9	Day Care Centers	7-4
Section 7.10	Day Care Facility, Group Home	7-5
Section 7.11	Drive-In and Drive-Through Establishments	7-5
Section 7.12	Drive-In Theaters	7-5
Section 7.13	Extraction Operations	7-6
Section 7.14	Foster Care Facility, Group Home	7-10
Section 7.15	Golf Courses, Country Clubs, and Driving Ranges	7-10
Section 7.16	Hospitals	7-11
Section 7.17	Junkyards	7-11
Section 7.18	Kennels	7-12
Section 7.19	Landing Strip, Private	7-13
Section 7.20	Landscape Services	7-143
Section 7.21	Mini Storage Facilities	7-13
Section 7.22	Motels and Hotels	7-14
Section 7.23	Multiple Family Developments	7-14
Section 7.24	Oil and Gas Processing Plants	7-15
Section 7.25	Open Air Businesses (On-site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Activities)	7-16
Section 7.26	Open Space Preservation Communities	7-17
Section 7.27	Recreation Facilities, Outdoor	7-20
Section 7.28	Recreation Facilities, Indoor	7-21
Section 7.29	Retreat Centers	7-21
Section 7.30	Roadside Stands	7-21
Section 7.31	Sexually Oriented Businesses	7-22
Section 7.32	Slaughter Houses	7-26
Section 7.33	Solar Energy Systems, Private	7-26
Section 7.34	Stables, Commercial	7-28
Section 7.35	Vehicle/Car Wash Establishment	7-29
Section 7.36	Vehicle Repair Shops and Service Stations	7-29
Section 7.37	Veterinarian Clinics	7-30
Section 7.38	Wind Energy Systems (WES)	7-30
Section 7.39	Wireless Communication Facilities	7-32
<b>ARTICLE 8:</b>	<b>RESERVED for FUTURE USE</b>	<b>8-1</b>

<b>ARTICLE 9:</b>	<b>SIGNS</b>	<b>9-1</b>
Section 9.1	Purpose	9-1
Section 9.2	Definitions	9-1
Section 9.3	Application and Permit Requirements	9-2
Section 9.4	Design and Construction Standards	9-3
Section 9.5	Nonconforming Signs	9-5
Section 9.6	Prohibited Signs	9-5
Section 9.7	Permitted Temporary Signs	9-6
Section 9.8	Permitted Permanent Signs by District	9-8
Section 9.9	Off-Premises Advertising Signs	9-10
Section 9.10	Additional Provisions for Specific Signs	9-10
<b>ARTICLE 10:</b>	<b>OFF-STREET PARKING and LOADING</b>	<b>10-1</b>
Section 10.1	Purpose	10-1
Section 10.2	General Requirements	10-1
Section 10.3	Site Development Requirements for Off-Street Parking	10-2
Section 10.4	Parking Space Requirements	10-3
Section 10.5	Loading and Unloading Space Requirements	10-7
<b>ARTICLE 11:</b>	<b>LANDSCAPING and SCREENING</b>	<b>11-1</b>
Section 11.1	Purpose	11-1
Section 11.2	Uses Subject to This Article	11-1
Section 11.3	Landscape Plan Required	11-1
Section 11.4	Buffer Areas	11-1
Section 11.5	Parking Lot Landscaping and Screening	11-2
Section 11.6	Additional General Landscaping and Screening	11-3
Section 11.7	Minimum Standards of Landscape Elements	11-4
Section 11.8	Installation, Maintenance and Completion	11-5
Section 11.9	Protection and Replacement of Existing Trees	11-5
Section 11.10	Modifications of Landscape and Screening Provisions	11-6
<b>ARTICLE 12:</b>	<b>ENVIRONMENTAL PROTECTION</b>	<b>12-1</b>
Section 12.1	Purpose	12-1
Section 12.2	Natural Resources	12-1
Section 12.3	Potable Water and Sewage Disposal	12-1
Section 12.4	Vibration	12-2
Section 12.5	Glare and Heat	12-2
Section 12.6	Drifting of Air-Borne Matter	12-2
Section 12.7	Odors	12-2
Section 12.8	Topsoil, Grading and Storm Water Management	12-2
Section 12.9	Flood Hazard Overlay District	12-3
<b>ARTICLE 13:</b>	<b>ACCESS</b>	<b>13-1</b>
Section 13.1	Purpose	13-1
Section 13.2	Lots to Have Access	13-1
Section 13.3	Driveways	13-1
Section 13.4	Clear Vision Zone	13-1
<b>ARTICLE 14:</b>	<b>SITE PLAN REVIEW</b>	<b>14-1</b>
Section 14.1	Purpose	14-1
Section 14.2	Site Plan Approval Required	14-1
Section 14.3	Review Procedures	14-1
Section 14.4	Site Plan Approval Standards	14-5
Section 14.5	Conformity to Approved Site Plans	14-6
Section 14.6	Changes to Approved Site Plans	14-7
Section 14.7	Pre-Existing Site Plans Under Review	14-7
Section 14.8	Expiration of Site Plan Approval	14-7
<b>ARTICLE 15:</b>	<b>SPECIAL LAND USES</b>	<b>15-1</b>
Section 15.1	Purpose	15-1
Section 15.2	Review Procedure	15-1
Section 15.3	Changes	15-1
Section 15.4	Appeals	15-1
Section 15.5	Reapplication	15-2
Section 15.6	Approval Standards	15-2
Section 15.7	Expiration of Special Land Use Approval	15-2

<b>ARTICLE 16:</b>	<b>ZONING BOARD of APPEALS (ZBA)</b>	<b>16-1</b>
Section 16.1	Purpose	16-1
Section 16.2	Creation and Membership	16-1
Section 16.3	Organization	16-1
Section 16.4	Jurisdiction	16-2
Section 16.5	Appeals for Administrative Reviews	16-2
Section 16.6	Interpretations	16-3
Section 16.7	Variances	16-4
Section 16.8	Review by Circuit Court	16-5
<b>ARTICLE 17:</b>	<b>ZONING MAP and TEXT AMENDMENTS</b>	<b>17-1</b>
Section 17.1	Purpose	17-1
Section 17.2	Initiation of Amendments	17-1
Section 17.3	Procedures	17-1
Section 17.4	Resubmittal	17-3
Section 17.5	Conditional Rezoning	17-3
<b>ARTICLE 18:</b>	<b>RESERVED for FUTURE USE</b>	<b>18-1</b>
<b>ARTICLE 19:</b>	<b>RESERVED for FUTURE USE</b>	<b>19-1</b>
<b>ARTICLE 20:</b>	<b>SUPPLEMENTAL PROVISIONS</b>	<b>20-1</b>
Section 20.1	Purpose	20-1
Section 20.2	Conditional Approvals	20-1
Section 20.3	Moving Buildings	20-1
Section 20.4	Essential Services	20-1
Section 20.5	One Dwelling Unit / Principal Use Per Lot	20-2
Section 20.6	Single Family Dwelling Standards	20-2
Section 20.7	Temporary Dwellings	20-3
Section 20.8	Temporary Non-Residential Buildings and Uses	20-4
Section 20.9	Accessory Uses, Buildings, and Structures	20-5
Section 20.10	Home Occupations	20-6
Section 20.11	Prohibited Vehicles	20-8
Section 20.12	Setbacks for Residential Outdoor Living Areas (patios, decks, porches, etc.)	20-8
Section 20.13	Parking and Storing of Recreational Vehicles and Equipment	20-8
Section 20.14	Keeping of Animals as Accessory Residential Use	20-9
Section 20.15	Fences and Walls	20-10
Section 20.16	Outdoor Residential Swimming Pools	20-11
Section 20.17	Outdoor Display, Sales, and Storage	20-12
Section 20.18	Condominiums	20-12
Section 20.19	Outdoor Furnaces	20-13
Section 20.20	Outdoor Lighting	20-14
Section 20.21	Sidewalks	20-15
Section 20.22	Trash Removal and Collection	20-15
Section 20.23	Impact Assessments	20-16
Section 20.24	Locational Requirements for Non-Standard Lots	20-16
Section 20.25	Medical Marihuana	20-17
Section 20.26	Noise	20-19
<b>ARTICLE 21:</b>	<b>DEFINITIONS</b>	<b>21-1</b>
Section 21.1	Construction of Language	21-1
Section 21.2	Definitions	21-2
<b>ARTICLE 22:</b>	<b>INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL and EFFECTIVE DATE</b>	<b>22-1</b>
Section 22.1	Interpretation	22-1
Section 22.2	Severance Clause	22-1
Section 22.3	Vested Right	22-1
Section 22.4	Repeal	22-1
Section 22.5	Effective Date	22-1

**End of Table of Contents**

**Wheatfield Township  
County of Ingham, State of Michigan**

**ORDINANCE NO. 1-2018  
ZONING ORDINANCE**

**An Ordinance enacted by Wheatfield Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.**

**THE WHEATFIELD TOWNSHIP BOARD ORDAINS:**

**Article 1  
TITLE and PURPOSE**

**Section 1.1 Title**

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

**Section 1.2 Purpose**

A. It is the purpose of this Zoning Ordinance to regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability, to ensure that the use of land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, to promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources, to implement the goals, objectives and policies of the Wheatfield Township Master Plan adopted pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended, including as applied to land use and the form and character of land development, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

**End of Article 1**



## Article 2 GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

### **Section 2.1 Purpose**

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Construction Code.

### **Section 2.2 Zoning Permit Required**

**A. When a Zoning Permit Is Required:** Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a Zoning Permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit:

1. The initiation of any grading or excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, structure or building.
3. The use of any land or building or change in the use of any land or building, as delineated in the Permitted Uses tables of Article 3, including the conversion of an abandoned building to an active use.

**B. Zoning Permit Form / Approval:** A Zoning Permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No Zoning Permit or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 2.4 regarding application review procedures.

**C. Zoning Permit Exemption:** A Zoning Permit shall not be required for the following or for other actions as provided elsewhere in this Ordinance, but the following shall be subject to the standards and other requirements of this Ordinance:

1. The erection, enlargement, alteration, movement or demolition of any building or structure that does not have a foundation, footings or similar permanent anchoring system, and is less than two-hundred (200) square feet in area.
2. The alteration of any wall of any building provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A Building Permit may be necessary for such an alteration pursuant to the Construction Code.
3. Fences.

## **Section 2.3 Responsibility for Administration**

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

**B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. **Review Applications:** Undertake and/or assist in the review of Zoning Permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. **Issue Zoning Permits:** Issue Zoning Permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
3. **File of Applications:** Maintain files of all applications submitted under this Ordinance, actions on such applications, and any performance guarantees associated with permits.
4. **Inspections and Violations:** Assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance. The Zoning administrator is authorized to issue notice of violations pursuant to Section 2.10.
5. **Record of Complaints:** The Zoning Administrator shall keep a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
6. **Reports:** The Zoning Administrator shall report to and/or attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as requested, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

## **Section 2.4 Zoning Permit Application and Review Procedures, and Permit Withholding, Revocation and Expiration**

**A. General Application and Review Procedures:** An application for a Zoning Permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Zoning Permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Zoning Permit. Zoning Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the Township Board directs the Zoning Administrator to do so unless provided otherwise by this Ordinance.

1. **Plot Plan / Site Plan:** An application for a Zoning Permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 14 (Site Plan Review) unless provided otherwise by this Ordinance.
2. **Special Land Uses:** In addition to meeting the site plan requirements of Article 14, a Zoning Permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 3 shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.

3. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Township Board, nor shall such project be issued a Zoning Permit, until action on such variance request has first been taken by the Zoning Board of Appeals.
4. Incomplete Applications: If Zoning Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance (Section 2.6).
6. Permit Refusal in Writing: In any case where a Zoning Permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing. Such notification may include a copy of the meeting minutes and motion containing such reasons.

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

1. Application Required: Application for a Zoning Permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
  - a. The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county health department wastewater disposal and potable water system permits, county soil erosion control and storm water management permits, and county road commission driveway permits, and state wetland permits.
  - b. An accurate, readable, drawing of scale not less than 1" = 30', constituting a plot plan, identifying:
    - 1) Name, address and telephone number of the applicant, and owner if different.
    - 2) In the case of new-home construction, a property line survey meeting the requirements of Public Act 132 of 1970, as amended, including the delineation of existing structures, driveways, and parking areas, and prepared by a Michigan-licensed surveyor. In all other cases, a scaled property line map may be submitted delineating property line dimensions, bearings, lot area, legal description, parcel or lot number, parking areas, driveways, and any other improvements, along with the survey map and an arrow pointing north. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Ordinance.
    - 3) The location and footprint of existing structures, and the location, height, footprint and scaled floor plans of proposed structures to be erected, altered, or moved on the lot.
    - 4) Distances of buildings and structures from lot lines.
    - 5) A description of proposed use(s) of the building(s), land and structures.
    - 6) Configuration of the proposed driveway and parking areas.
    - 7) Existing public and private right-of-ways and easements.
    - 8) Existing and/or proposed location of sanitary sewer and/or septic drain field, and potable water well.
    - 9) In the case of a corner lot, the designated side and rear yard.
    - 10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.

2. Application Review: The Zoning Administrator shall review a Zoning Permit application and determine its conformity with the provisions of this Ordinance.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete application including copies of all required county, state and federal applications and permits. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions contained within, shall be maintained as part of the Township records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the application and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

**C. Permit/Approval Withholding, Revocation and Expiration**

1. Withholding Permit: A designated approving body, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.
2. Revocation: A body that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.
3. Expiration of Permit:
  - a. A Zoning Permit, including the approved plot plan or site plan upon which the permit is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
    - 1) Where a Zoning Permit does not provide for an immediate building or structure, such as in the case of a platted subdivision, site condominium project and multiple family development, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of roads and drives shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
  - b. The body that approved a Zoning Permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit.
    - 1) In the case where the original Zoning Permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.

- 2) In the case of a multi-phased project, the expiration of a Zoning Permit for a specific phase shall similarly result in the expiration of all Zoning Permits previously granted for subsequent phases.
- c. Should a Zoning Permit expire, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.

### **Section 2.5 Building Permit / Permit of Occupancy Required**

**A. Building Permit:** No grading, excavation, or construction shall be initiated prior to the issuance of a Zoning Permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

**B. Occupancy Permit:** No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

### **Section 2.6 Performance Guarantee**

**A. Authority, Purpose, and Timing:** To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township and covering the estimated cost of improvements, be deposited with the Township Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the Zoning Permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the Zoning Permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.

**B. Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage.

**C. Return of Performance Guarantee:** For the return of a performance guarantee or portion thereof, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Township Board with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Township Board shall approve, partially approve or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the applicant of the completion of such improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.

1. **Lack of Full Completion:** Should installation of improvements fail to meet full completion based on the approved permit application, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any balance remaining shall be returned to the applicant.

## **Section 2.7 Timely Action on Applications**

**A. General Intent:** All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

**B. Specific Guidelines:** The following time provisions shall apply unless specifically provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits or the submittal of an incomplete application. The prescribed review periods under (2) and (4) below require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a Zoning Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of a complete application.
2. Applications Requiring Planning Commission Action: Action on an application by the Planning Commission, as in the case of making a recommendation to the Township Board regarding a site plan or amendment petition, shall occur within ninety (90) days of receipt of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Township Board Action: Where this Ordinance requires the Township Board to act on an application, as in the case of a site plan application or rezoning petition, the Township Board shall take action on the application within ninety (90) days of the receipt of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, the Township Board shall take action on the application within ninety (90) days of the receipt of such recommendation.
4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within sixty (60) days of the receipt of a complete application.
5. Public Hearing Notices: See Section 2.11.

## **Section 2.8 Application Fees**

**A. Application Fees Required:** Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application. The amount of such fees shall be established by the Township Board and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.

**B. Professional Review and Fee:** For any application for a Zoning Permit, variance, or other approval under this Ordinance, the Township Board or the reviewing body may also require the payment of a professional review fee when professional assistance is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee and if actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. No professional review shall be required for a zoning permit application for a single-family or two-family dwelling.

**Section 2.9 Site Inspections**

The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. In the case where a property owner refuses access to property in order for the Zoning Administrator to make an inspection, the Zoning Administrator may access the property only after being issued a search warrant for such property.

**Section 2.10 Violations, Penalties and Remedies**

**A. Violations are a Nuisance Per Se:**

1. Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff, issued pursuant to this Ordinance, shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
2. Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this Ordinance by the Building Official or other enforcement official, shall be deemed a violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.

**B. Violations Are Municipal Civil Infractions / Penalties:** A violation of this Ordinance is a municipal civil infraction and shall be subject to the Wheatfield Township Civil Infractions Ordinance including the penalties established there under. Each day a violation occurs or continues shall constitute a separate offense. The imposition of any fees and costs shall not exempt the offender from compliance with this Ordinance.

1. The owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

**C. Procedures:**

1. Notice of Violation: Whenever the Zoning Administrator determines that a violation of this Ordinance or a permit or other approval issued under this Ordinance has occurred or is occurring and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give written notice to the owner or occupant of the property or the person doing the construction or using the land or structures, notifying him/her of the violation and requesting that the violation be corrected within a specified period of not less than fourteen (14) days and not exceeding thirty (30) days, as determined practical by the Zoning Administrator. This notice of violation is not a "municipal ordinance violation notice" as defined in MCL 600.8707 and does not direct a person to appear at a municipal ordinance violations bureau in the Township or to pay fines and costs, if any. This notice of violation is authorized by this Article and intended to secure compliance with this Ordinance without imposition of fines or municipal infraction violation costs.
  - a. Such notice of violation shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal

service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

- b. The Zoning Administrator may grant one or more written extensions of the correction period, provided that each request for extension is in writing and supported by good cause shown and further provided that the total period allowed for correction shall not exceed ninety (90) days from the date of the Notice of Violation. Such an extension may be authorized only where the Zoning Administrator determines that satisfactory progress has been made in attempting to correct the violation and that the violation does not constitute an immediate danger to public safety or the property of others if not corrected.
2. **Municipal Civil Infraction:** If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, a citation for a municipal civil infraction shall be issued in accordance with the Wheatfield Township Civil Infractions Ordinance. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Supervisor or Township Board may initiate injunctive action in Circuit Court or any other court having jurisdiction.

**D. Lien:** If any fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

**E. Other Remedies:** In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

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## **Section 2.11 Public Hearing Notices**

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

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

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

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

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

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

**End of Article 2**

## **Article 3**

# **ZONING DISTRICTS, REGULATIONS, and MAP**

### **Section 3.1 Establishment of Districts**

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

#### Agricultural Districts

- A-1 Agricultural
- A-2 Agricultural-Residential

#### Residential Districts

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-MF Multiple Family Residential District
- R-MHC Manufactured Housing Community District

#### Commercial Districts

- C-1 Local Commercial District

#### Industrial Districts

- I-1 Light Industrial District

#### Other Districts

- PUD Planned Unit Development District

### **Section 3.2 Zoning District Map**

- A.** The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled WHEATFIELD TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.
- B.** The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Wheatfield Township Zoning Ordinance adopted on the 9th day of January, 2018.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.
- C.** The Official Zoning Map shall be located at the official office of the Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

### **Section 3.3 Purposes of Zoning Districts**

See Table 3-1.

### **Section 3.4 Interpretation of District Boundaries**

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

1. Boundaries indicated as approximately following roads or highway shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the boundaries shall be construed to include the land in question in the "more restrictive district" and the regulations of such district shall govern. The "more restrictive district" shall be the district that places greater restrictions on development based on such factors as the scope of authorized uses, setbacks, lot coverage, and related development standards.

### **Section 3.5 Permitted Uses in Zoning Districts**

**A. Compliance with Zoning Regulations:** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, 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 that are applicable in the Zoning District in which such use, building, or structure shall be located.

**B. Uses Permitted in Each Zoning District:** Tables 3-2 and 3-3 identify the principal land uses permitted in each of the districts enumerated in Section 3.1. No land use shall be established on a lot except in conformance with Tables 3-2 and 3-3. In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established, and are subject to plot plan or site plan approval except where provided otherwise.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the "uses permitted by right" in the District, but could present potential injurious effects upon such primary uses and structures within the District or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 15, Special Land Uses.

**C. Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses that are clearly incidental to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.9 (Accessory Buildings and Structures). Except in the case of an approved home occupation, in no case shall retail sales, repair or the servicing of items be construed as an accessory use to the principal residential use of a lot.

**D. Filled Land:** Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same district regulations as are applicable for lands to which the same shall attach or be adjacent.

**E. Prohibited Uses:**

1. Use Not Listed is Prohibited: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board adopts such an amendment according to Article 17, then an application can be processed to establish that use.
2. Non-Compliance with Local, County, State or Federal Law: No use shall be authorized or permitted that is not in compliance with all local, county, state and federal laws, rules and regulations, unless otherwise provided by court rulings of proper jurisdiction.

**Section 3.6 Site Development Requirements of Zoning Districts**

**A.** All land uses shall comply with the site development requirements of the District in which they are located, as delineated in Table 3-4, in addition to all other applicable site development provisions of this Ordinance including, but not limited to:

1. Article 7: Standards and Regulations for Specific Land Uses.
2. Article 9: Signs.
3. Article 10: Off-Street Parking and Loading.
4. Article 11: Landscaping and Screening.
5. Article 12: Environmental Standards.
6. Article 13: Access
7. Article 20: Supplemental Provisions.

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

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

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

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

**Section 3.7 Special District Provisions**

**A. Agricultural District (A-1) Alternatives to Minimum 40-Acre Parcel Size:** In addition to the required minimum forty (40) acre parcels in the A-1 District according to Table 3-4, parcels may be created of less than forty (40) acres, for additional dwelling purposes only, at a rate according to the table below and subsections (1) – (4) below.

<b>Contiguous Acres Under Single Ownership as of November 16, 1996</b>	<b>Number of Permitted Additional Dwellings</b>
Less than 10	0
At least 10, but less than 20	1
At least 20, but less than 40	2
At least 40, but less than 80	3
At least 80, but less than 160	4
At least 160, but less than 320	5
At least 320, but less than 640	6
Greater than 640	7

1. Definitions. For the purpose of this Section 3.7(A), the following phrases shall have the following meanings:
  - a. An “additional dwelling” is a single family dwelling in the A-1 district located on a parcel of no less than two (2) acres in size and no greater than five (5) acres in size, except as may be otherwise required by the County Health Department.
  - b. “Contiguous acres” shall be land within a single parcel, or land within two (2) or more parcels that have a common boundary or are separated only by a utility easement or other easement not intended for ingress and egress purposes and are under single ownership, as of November 16, 1996. Acreage in parcels separated by a right of way or easement, established principally for ingress and egress, such as in the case of a public road, shall not be considered contiguous acres.
2. Separately Conveyed Parcel: Each parcel for an additional dwelling shall be a separately conveyed parcel and described in a recorded certificate of survey in the office of the County Register of Deeds.
3. Lesser Soils: Additional dwellings shall be established on soils of lesser agricultural productivity where feasible.
4. Administration: The Township shall apply the following procedures in administering this Section 3.7(A):
  - a. The allotment of available additional dwellings per contiguous acreage under single ownership, as determined under the previous 1996 Wheatfield Township Zoning Ordinance, as amended, shall be maintained and referred to for administration purposes under this Ordinance.
  - b. As available allotments for additional dwellings are used up, allotment records shall be updated to reflect the resulting lesser available allotments.
  - c. Allotment records shall be maintained by the Clerk and copies made available for inspection by the public.

**B. Manufactured Housing Community District (R-MHC)**

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 14 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Township Board shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Licensing and Regulatory Affairs and all other agencies pursuant to the Mobile Home Commission Act.

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**Table 3-1  
PURPOSES of ZONING DISTRICTS**

Table 3-1 identifies the principal purposes of the Districts of this Ordinance.

<b>DISTRICTS</b>	<b>PURPOSE</b>
<b><u>ALL DISTRICTS</u></b>	
<p align="center"><b>All Districts</b></p>	<ol style="list-style-type: none"> <li>1) Uses shall protect environmental resources including wetlands, woodlands and water courses.</li> <li>2) Districts shall be located in coordination with the Wheatfield Township Master Plan.</li> <li>3) Uses shall minimize negative impacts on surrounding land uses.</li> <li>4) Commercial, industrial and other non-residential uses are to complement the Township's character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting.</li> <li>5) Uses shall facilitate safe/efficient vehicular and non-motorized travel.</li> <li>6) Uses shall be served by adequate facilities and services including sewage disposal, potable water, fire protection, and roads.</li> <li>7) Additional and more specific purposes of each District are delineated below.</li> </ol>
<b><u>AGRICULTURAL DISTRICTS</u></b>	
<p align="center"><b>A-1 Agricultural A-2 Agricultural Residential</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for and encourage agriculture.</li> <li>2) Retain land areas that are well suited for production of plants and animals useful to humans, due to soil, topographic and other conditions, or which support nearby agricultural operations such as wetlands and woodland stands.</li> <li>3) Provide limited opportunities for low density residential lifestyles, with the most stringent limitations in the A-1 District.</li> </ol>
<b><u>RESIDENTIAL DISTRICTS</u></b>	
<p align="center"><b>R-1 Low Density Residential R-2 Medium Density Residential R-3 High Density Residential</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for single and/or two-family residences of incrementally decreasing lot sizes and increasing density, to accommodate varying suburban and urban lifestyles.</li> <li>2) Meet the varied housing needs of current and future residents.</li> <li>3) Ensure a healthy residential environment including adequate opportunities for open space, light, air circulation, emergency access, and access to necessary public services.</li> </ol>
<p align="center"><b>R-MF Multiple Family</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for apartment, townhouse and similar multiple family developments to meet the varied housing needs of current and future residents.</li> </ol>
<p align="center"><b>R-MHC Manufactured Housing Community</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for manufactured housing communities to meet the varied housing needs of current and future residents.</li> </ol>

Table 3-1 Continued on Next Page



Table 3-1 Continued (Purposes of Zoning Districts):

DISTRICTS	PURPOSE
<b><u>COMMERCIAL DISTRICTS</u></b>	
<p style="text-align: center;"><b>C-1 Local Commercial</b></p>	<ol style="list-style-type: none"> <li>1) Provide opportunities for commercial uses that primarily address the local day-to-day retail, office and service needs of Township residents and visitors.</li> <li>2) Accommodate and encourage the planned unified and integrated grouping of commercial uses on a single parcel and in coordination with surrounding parcels.</li> <li>3) Facilitate safe, convenient, and efficient pedestrian and other non-motorized modes of travel within the development including linkages to neighboring commercial uses.</li> <li>4) Development reflect a character that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting.</li> <li>5) Safe and efficient vehicular and non-motorized circulation.</li> </ol>
<b><u>INDUSTRIAL DISTRICTS</u></b>	
<p style="text-align: center;"><b>I-1 Light Industrial</b></p>	<ol style="list-style-type: none"> <li>1) Provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes and the absence of objectionable external affects.</li> <li>2) Development reflect a character that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting.</li> </ol>
<b><u>OTHER DISTRICTS</u></b>	
<p style="text-align: center;"><b>PUD Planned Unit Development</b></p>	<p>See Section 4.1, Planned Unit Development (PUD) District.</p>

*End of Table 3-1*

**Table 3-2  
Permitted Principal Uses in Agricultural and Residential Zoning Districts<sup>1</sup>**

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES <sup>1</sup>		ZONING DISTRICTS						
		A-1	A-2	R-1	R-2	R-3	R-MF	R-MHC
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>								
1	Agriculture, excluding “U-Pick” sales operations.	BR	BR	–	–	–	–	–
2	Agricultural sales operations of a “U-pick” character.	S	S	–	–	–	–	–
3	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	BR	BR	–	–
4	Campgrounds, recreational vehicle parks and travel trailer parks.	S	–	–	–	–	–	–
5	Extraction operations.	S	S	S	S	S	S	S
6	Golf courses and country clubs.	S	S	S	S	S	S	–
7	Shooting ranges and hunt clubs.	S	S	–	–	–	–	–
<b>Uses of a Primarily Residential Character</b>								
1	Assisted living facilities, nursing homes and convalescent homes.	–	S	S	S	S	S	–
2	Manufactured housing communities.	–	–	–	–	–	–	BR
3	Multiple family dwellings.	–	–	–	–	–	BR	–
4	Single family dwellings.	BR	BR	BR	BR	BR	–	–
5	State licensed family home day care and foster care family home facilities, providing care to no more than six (6) persons.	BR	BR	BR	BR	BR	BR	BR
6	State licensed group home day care and foster care group home facilities, providing care to more than six (6) persons.	S	S	S	S	S	S	S
7	Two family dwellings.	–	–	BR	BR	BR	–	–
<b>Uses of a Primarily Commercial, Business or Industrial Character</b>								
1	Agricultural service business.	S	S	–	–	–	–	–
2	Airports.	S	–	–	–	–	–	–
3	Banquet hall of a residential, agricultural or lodge-like architectural character.	S	S	–	–	–	–	–
4	Bed and breakfast.	S	S	S	–	–	–	–
5	Boarding houses.	–	–	–	–	–	S	–
6	Concrete plants.	S	–	–	–	–	–	–
7	Day care centers.	–	–	S	–	–	S	S
8	Kennels.	S	S	–	–	–	–	–
9	Landscape services.	S	S	–	–	–	–	–
10	Medical clinics.	–	S	–	–	–	S	–
11	Oil and gas processing facilities.	S	S	–	–	–	–	–
12	Radio and television communication towers.	S	S	–	–	–	–	–
13	Resort, conference and retreat centers.	S	S	–	–	–	–	–
14	Sale of trees, shrubs, flowers and other plant material.	S	S	–	–	–	–	–
15	Stable, Commercial	S	S	–	–	–	–	–
16	Veterinarian clinics.	S	S	–	–	–	–	–
17	Wireless communication towers <sup>2</sup>	S	S	–	–	–	–	–

Table 3-2 Continued Next Page.

See End of Table for Footnotes.

(Table 3-2 continued)

PRINCIPAL USES <sup>1</sup>		ZONING DISTRICTS						
		A-1	A-2	R-1	R-2	R-3	R-MF	R-MHC
<b>Other Uses Not Listed Above</b>								
1	Clubs, lodges, and similar social-centered organizations.	S	S	–	–	–	–	–
2	Composting centers.	S	–	–	–	–	–	–
3	Public facilities owned and operated by Wheatfield Township such as township offices, township parks, and township cemeteries.	<b>BR</b>	<b>BR</b>	<b>BR</b>	<b>BR</b>	<b>BR</b>	<b>BR</b>	<b>BR</b>
4	Public facilities owned and operated by a township, city, village, county or state, but excluding Wheatfield Township.	S	S	S	S	S	S	S
5	Public assembly facilities not otherwise addressed in this Table including parks, schools, churches, libraries, recreation centers, museums, and private cemeteries.	S	S	S	S	S	S	S
6	Utility substations, utility service yards, and similar uses.	S	S	S	S	S	S	S

**Footnotes:**

1. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
  - a. Any use that exceeds 10,000 sq. ft. in gross floor area in a single building or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding farm and residential buildings.
  - b. Any use that serves alcohol for consumption on the lot of sale.
2. See Article 7 regarding exceptions to the classification of wireless communication towers as “special land uses” or “prohibited uses.”

End of Table 3-2

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**Table 3-3  
Permitted Principal Uses in Commercial and Industrial Zoning Districts<sup>1</sup>**

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS	
		C-1	I-1
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character<sup>1</sup></b>			
1	Extraction operations.	S	S
<b>Uses of a Primarily Residential Character</b>			
1	Dwellings when located on a second or third story above a business.	BR	–
2	State licensed family and group home day care facilities provided such facilities are located in single-family dwellings existing as of the effective date of this Ordinance, including the expansion or modification of existing facilities in such dwellings.	S	–
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup></b>			
1	Agricultural service establishments.	S	S
2	Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building including, but not limited to, groceries, drugs, packaged liquor, furniture, clothing, dry goods, books, flowers, art, jewelry and hardware, but excluding sexually oriented businesses.	BR	–
3	Arcades.	S	–
4	Banquet halls.	S	S
5	Building material sales yard including lumber yards and incidental millwork, and the sale of sand, stone, brick, pavers and similar materials.	S	S
6	Contractor's yard.	–	S
7	Data processing and computer centers.	BR	BR
8	Day care center.	S	–
9	Funeral homes and mortuaries, including a dwelling occupied by the facility owner or manager.	S	–
10	Health clubs, fitness centers and spas.	BR	–
11	Hospitals and convalescent homes.	S	–
12	Hotels and motels including conference centers.	S	–
13	Indoor commercial recreation such as arcades, theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	S	–
14	Landscaping supply sales including plant material, lawn furniture, playground equipment, swimming pools, mulch, soil and other garden supplies.	S	–
15	Laundry and dry cleaning customer outlets and similar local retail cleaning services.	BR	–
16	Medical clinics.	BR	–
17	Mini-storage.	S	BR
18	Newspaper offices including production facilities.	BR	BR
19	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with not more than 30% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	BR	–
20	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with more than 30% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	S	BR
21	Offices which perform professional services on the premises including but not limited to accountants, doctors, lawyers, insurers, financial institutions, consultants, architects, real estate, artist offices and galleries, and similar office uses.	BR	–
22	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	BR	–
23	Outdoor commercial recreation such as miniature golf courses, go-cart tracks, and batting cages.	S	–
24	Personal service establishments that perform services on or off the premises such as appliance repair, shoe repair, upholstery repair, hair salons, photographic studios, laundry and dry cleaners, plumbing and electrical services, printing and reproduction, pet groomers and similar services.	BR	BR
25	Radio and television broadcasting facilities including towers.	S	S

Table 3-3 Continued Next Page. See End of Table for Footnotes.

(Table 3-3 continued)

**BR = Use Permitted By Right    S= Special Land Use<sup>1</sup>    – = Prohibited Use**

PRINCIPAL USES		ZONING DISTRICTS	
		C-1	I-1
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup></b>			
26	Recycling collection stations.	S	BR
27	Restaurants, Class 1	BR <sup>2</sup>	–
28	Restaurants, Class 2	S	–
29	Sale and rental of new or used cars, boats, mobile homes, farm machinery, and other vehicles, and items intended for tow.	S	S
30	Service stations.	S	–
31	Sexually oriented businesses.	S	S
32	Taverns.	S	–
33	Vehicle / car wash facility.	S	–
34	Vehicle service and repair shop.	S	S
35	Veterinarian clinics.	BR	–
36	Wireless communication towers <sup>3</sup>	S	S
<b>Uses of a Primarily Industrial Character<sup>1</sup></b>			
1	Centralized dry cleaning facilities not directly available to the general public for retail service.	–	BR
2	Concrete plants.	–	S
3	Junkyards and salvage yards.	–	S
4	Manufacture and assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer components.	–	BR
5	Manufacture of pottery, figurines and other similar ceramic products using only previously prepared pulverized clay, and kilns fired by electricity and gas only.	–	S
6	Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, clay, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, rubber, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured or created at another location and transported to the lot in this District for assembly into new products.	–	BR
7	Manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods and hardware.	–	S
8	Manufacturing and repairing of signs and flags.	–	BR
9	Metal polishing and buffing but excluding plating.	–	BR
10	Monument and art stone production and sales.	–	BR
11	Oil and gas processing facilities.	–	S
12	Plastic molding and extrusion.	–	BR
13	Printing and publishing.	–	BR
14	Production, processing or testing utilized in product prototyping.	–	BR
15	Railroad terminals.	–	S
16	Recycling center.	–	S
17	Research and testing laboratories including prototype production and development.	–	BR
18	Sheet metal fabrication including heating and ventilating equipment and architectural features.	–	BR
19	Tool, die, gauge and machine shops.	–	BR
20	Warehousing, storage/ transfer establishments, and truck terminals.	–	S
21	Wholesale merchandising	–	S
<b>Other Uses Not Listed Above<sup>1</sup></b>			
1	Clubs, lodges, and similar social-centered organizations.	S	–
2	Public facilities owned and operated by a township, city village, county or state entity such as township offices, fire stations, parks, and cemeteries.	S	S
4	Public and private assembly facilities not otherwise addressed in this Table above including parks, schools, churches, libraries, and museums.	S	–
5	Utility substations, utility service yards, and similar uses.	S	S

Table 3-3 Continued Next Page. See End of Table for Footnotes.

*(Table 3-3 continued)*

**Table 3-3 Footnotes:**

1. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
  - a. Any use that exceeds 10,000 sq. ft. in gross floor area in a single building or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding farm and residential buildings.
  - b. Any use that serves alcohol for consumption on the lot of sale.
2. Outdoor areas associated with a Class 1 restaurant that are used or intended to be used for eating, drinking, sporting activities and/or other gathering of persons, are permitted by special land use only when such outdoor areas exceed one thousand (1,000) square feet in area or otherwise permit more than thirty (30) persons to occupy such area.
3. See Article 7 regarding exceptions to the classification of wireless communication towers as “special land uses” or “prohibited.”

End of Table 3-3

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**Table 3-4<sup>1</sup>**  
**SITE DEVELOPMENT REQUIREMENTS<sup>1</sup>**

All principal land uses and buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance. See Footnote 1.

See Article 21 for definitions of “lot area,” “lot width,” “frontage,” “building height,” “lot coverage,” and “setback.”

Zoning District	Minimum Lot Area	Minimum Lot Width And Frontage	Maximum Structure Heights Principal / Accessory	Maximum Lot Coverage	Minimum Yard Setback		
					Front	Side (each)	Rear
<b>A-1</b> Agricultural	40 acres <sup>2</sup>  See Section 3.7(A)	Lots 5.0 acres or less: 165 ft. <sup>3</sup>  Lots greater than 5.0 Acres: 250 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 15 ft.	25%	100 ft. <sup>5</sup>	25 ft. <sup>6</sup>	25 ft.
<b>A-2</b> Agricultural Residential	5 acres <sup>2</sup>	250 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 35 ft.	25%	100 ft. <sup>5</sup>	25 ft. <sup>6</sup>	25 ft.
<b>R-1</b> Low Density Residential	1 acre <sup>2</sup>	165 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 15 ft.	25%	100 ft. <sup>5</sup>	25 ft. <sup>6</sup>	25 ft.
<b>R-2</b> Medium Density Residential	25,000 sq. ft. <sup>2</sup>	80 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 15 ft.	30%	75 ft. <sup>5</sup>	15 ft. <sup>6</sup>	50 ft.
<b>R-3</b> High Density Residential	12,000 sq. ft. <sup>2</sup>	65 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 15 ft.	35%	60 ft. <sup>5</sup>	10 ft. <sup>6</sup>	50 ft.
<b>R-MF</b> Multiple Family Residential	1 acre <sup>2</sup>	200 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 35 ft.	35%	60 ft. <sup>5</sup>	25 ft. <sup>6</sup>	50 ft.
<b>R-MHC</b> Manufactured Housing Community	10 acre project parcel	Conformance to Rules/Regulations of the Manufactured Housing Commission See Sec. 3.7(B)					
<b>C-1</b> Local Commercial	1 acre <sup>2</sup>	200 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 35 ft.	50%	100 ft. <sup>5</sup>	25 ft. <sup>6</sup>	50 ft.
<b>I-1</b> Light Industrial	5 acres <sup>2</sup>	200 ft. <sup>3</sup>	35 ft. <sup>4</sup> / 35 ft.	50%	100 ft. <sup>5</sup>	50 ft. <sup>6</sup>	50 ft. <sup>7</sup>

See following page for Table 3-4 Footnotes.



### Footnotes for Table 3-4 – Site Development Requirements

1. **Other Standards and Regulations:** All uses shall comply with the site development requirements in Table 3-4, unless specified otherwise by this Ordinance. See also Article 7 - Standards and Regulations for Specific Land Uses, Article 9 - Signs, Article 10 - Off-Street Parking and Loading, Article 11 - Landscaping and Screening, Article 12 - Environmental Protection, Article 13 - Access, Article 20 - Supplemental Provisions (including provisions addressing accessory uses and structures), and other Articles as applicable.
2. **Lot Area:**
  - a. See Sec. 3.7(A) regarding alternative lot area provisions for the A-1 District.
  - b. See Sec. 7.26 regarding alternative lot area provisions in association with an Open Space Preservation Community.
  - c. Minimum lot areas in excess of those specified by Table 3-4 may be required by the Health Department where public sewer is not available.
  - d. The minimum required lot area for an industrial park, as defined in Article 21, shall be twenty (20) acres for the overall development and two (2) acres for each lot in the park.
3. **Configuration of Lots:** All lots shall conform to the following configuration requirements:
  - a. The depth of a lot shall not exceed four (4) times its width.
  - b. The minimum frontage/lot width standard of Table 3-4 shall extend for a minimum distance from the front lot line to the required building setback line.
  - c. The minimum lot width and frontage standard shall be decreased by thirty percent (30%) for a lot in a Residential District where the lot gains access by and has frontage along an interior road within a platted subdivision, site condominium project, or multiple family development.
  - d. In the case of a lot that gains access from a road that is wholly contained in a platted subdivision, site condominium project, multiple family development, or similar unified development, the width of the lot may be reduced below the minimum lot width requirement of table 3-4 where the lot's frontage abuts a curvilinear segment of a road, including a cul-de-sac, where without the reduction, the lot would be unnecessarily excessive in lot width or lot area. However, such width reduction shall not result in a lot with less than fifty (50) feet of width.
4. **Height Exceptions:** The following height exceptions shall apply except where otherwise regulated by this Ordinance:
  - a. The maximum height of permitted accessory farm buildings that are essential and customarily used in association with agriculture, as defined in Article 21, shall be forty-five (45) feet, except that the maximum height of silos shall be one-hundred (100) feet and shall be located at least one-hundred (100) feet from any dwelling other than a dwelling on the lot where such silo is located.
  - b. Those architectural features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, and similar features, provided such features occupy no more than ten percent (10%) of the floor area of the uppermost story, no portion of the building or structure exceeding the district's height limitation may be used for human occupancy, and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
  - c. Those necessary appurtenances to mechanical or structural functions, such as chimneys, water tanks, elevator and stairwell structures, ventilators, and air conditioning units, but provided such features do not exceed ten percent (10%) of the maximum permitted height of the District.
  - d. Public utility structures, subject to site plan approval.
5. **Front Yard Setback Measurement:**
  - a. In the case where a public road right-of-way or easement is greater than sixty-six (66) feet in width, the front yard setback standard of Table 3-4 shall be increased by fifty percent (50%) of the right-of-way or easement width that exceeds sixty-six (66) feet. In the case where public records document the dedication of additional right-of-way width on one or both sides of a road segment, such as in the case of an additional right-of-way dedication associated with an adjacent recorded plat, a sidewalk installment and/or improvement program, or a utility installation project, so as to cause the road surface centerline to no longer be approximately centered within the expanded right-of-way or easement, the setback shall be increased a distance equal to the width of such additional right-of-way dedication.

- b. See Article 21 definition of “lot line, front” regarding what constitutes a flag lot’s front lot line for setback measurement.
- c. See Sec. 7.26 regarding setbacks for Open Space Preservation Communities.
- d. The minimum required front yard setback shall be sixty-five (65) feet in the case of an industrial park, as defined in Article 21.
- e. The minimum front yard setback in the C-1 District may be reduced where there are two or more principal buildings along the same frontage and within 100 feet of the lot, in which case the front yard setback for such lot shall be equal to the average setback established by such buildings. In addition, the site plan approving body may further reduce the normally required setback where it finds that such modification will result in a more advantageous overall form or pattern of development, as depicted in a site plan, taking into consideration such factors as the encouragement of continuous storefronts, beneficial pedestrian circulation and spaces, pedestrian and vehicular safety, visibility, and orderly development.

**6 Side Yard Setbacks:**

- a. For a corner lot, the minimum required front yard setback shall apply to both yards abutting a road right-of-way.
- b. In the case of the I-1 District, the minimum required side yard setback shall be 75’ where the yard abuts a Residential District.
- c. No side yard setback is required in the C-1 District in the case of shared-wall construction between two commercially-used buildings on separate lots, subject to site plan approval.

**7 Rear Yard Setbacks:**

- a. In the case of the I-1 District, the minimum required rear yard setback shall be 75’ where the yard abuts a Residential District.

**End of Article 3**

## **Article 4**

### **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

#### **Section 4.1 Purpose**

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUDs), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To that end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township according to the Wheatfield Township Master Plan, with modifications and departures from Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

#### **Section 4.2 PUD Is a Separate District**

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

#### **Section 4.3 Minimum Eligibility Criteria**

- A.** The following minimum eligibility criteria shall be met in order for PUD approval:
1. **Recognizable and Substantial Benefit:** The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
  2. **Availability and Capacity of Public Services:** The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
  3. **Compatibility with the Master Plan:** The proposed development shall be in accordance with the goals and policies of the Wheatfield Township Master Plan.
  4. **Compatibility with the PUD Intent:** The proposed development shall be consistent with the intent and spirit of Section 4.1.
  5. **Economic Impact:** The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
  6. **Unified Control of Property:** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

#### **Section 4.4 Use and Design Standards**

**A. Permitted Uses and Mix of Uses:** Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Wheatfield Township Master Plan. Where the Master Plan provides for primarily residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD that also contains a residential component, provided that the residential component will be dominant. The determination of the predominance of the residential component shall take into account the extent to which the non-

residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and the building floor area allocated to the non-residential use.

**B. General Site Development Standards and Waivers:** The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a more beneficial development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot coverage and setbacks shall comply with those standards of the District that most closely characterize the particular portion of the PUD in question, as determined by the Township Board.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 7, Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

#### **Section 4.5 Approval Standards**

**A.** Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Township Board, and the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

#### **Section 4.6 Procedure for Review and Approval**

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

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

1. The applicant shall submit to the Zoning Administrator twenty (20) copies of a preliminary site plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission. The preliminary site plan shall comply with the requirements of Section 14.3(A) and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary site plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17.

3. Following the public hearing provided under Article 17 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the PUD application and the preliminary site plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary site plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.
4. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary PUD application and site plan. In reviewing the preliminary PUD application and site plan, the Township Board shall consider the applicable requirements of this Article and Ordinance including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary PUD application and site plan shall be:
  - a. to authorize the fundamental PUD character and layout embodied in the preliminary site plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
  - b. to authorize a change on the Zoning Map to classify the subject property as "PUD".

#### **C. Final Plan and Permit Issuance**

1. Within eighteen (18) months following receipt of preliminary approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final PUD site plan, or phase one of a final site plan, in conformance with Section 14.3(B) and including a detailed text description of the proposed development and all Ordinance standards subject to a proposed waiver. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, and Ingham County Department of Roads.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Township Board shall take final action to approve, deny, or approve with conditions the final PUD site plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements shall be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.

- a. An approved final site plan shall become null and void three (3) years from the date of its approval unless the project for which site plan approval has been granted has been completed within such time period. The Township Board may extend such approval time for multiple periods of no greater than one (1) year per period. No extension shall be granted unless the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. Where new standards or regulations have been made part of this Ordinance since the date of the site plan approval, the Township Board may waive compliance with such new standards and regulations for the remaining portion of the project to be completed upon a finding that conformance to the new standards would unreasonably burden the completion of the project and continued compliance with the standards on which the site plan was originally approved shall not undermine the public health, safety and welfare including the project's impact on surrounding land uses.

**Section 4.7 Phasing**

**A.** In developments that are to be predominantly residential in character but include nonresidential components, the Township Board may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include other requirements to ensure appropriate phasing.

**End of Article 4**

**Article 5**

**Reserved for Future Use**

**End of Article 5**



**Article 6**  
**NONCONFORMING LOTS, USES and STRUCTURES**

**Section 6.1 Purpose**

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

**Section 6.2 Nonconforming Lots**

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence on or before the date of adoption or amendment of this Ordinance, where such use is an authorized “use permitted by right” or an approved special land use in said District according to Tables 3-2 and 3-3 of Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are applicable in the District. However, the following provisions shall apply:

1. All yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the District in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals according to Article 16.
2. If two or more lots or combinations of lots and portions of lots, share continuous frontage and share a common side lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or divided in a manner that diminishes compliance with the area, width and frontage requirements of this Ordinance.
  - a. This subsection (2) shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing dwelling.
  - b. The subsection (2) shall not prohibit the combining of nonconforming lots of record or portions of nonconforming lots of record to create new nonconforming lots, which are deficient in lot area, provided the Zoning Administrator makes a determination that such combining of lots or portions of lots reduces the degree of nonconformity and results in sufficient lot area to accommodate a building area capable of meeting the setback requirements of the district. Application shall be made to the Zoning Administrator.

**Section 6.3 Nonconforming Uses**

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

1. No nonconforming use shall be enlarged or increased in area or bulk or in the number of structures and buildings, or moved or extended to occupy a greater area of land, than as existed on the date of adoption or amendment of this Ordinance except as follows:
  - a. A nonconforming use may be extended throughout any portion of a building in which it is located where such portion was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance.
2. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.

3. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such use is located, and a nonconforming use may not thereafter be resumed or otherwise established.
4. If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than one hundred eighty (180) days, or where the use is destroyed to an extent of more than sixty percent (60%) of its replacement value, the subsequent use of the property shall thereafter conform to the regulations and provisions of this Ordinance for the respective District. Conditions that shall be considered in determining the cessation of a nonconforming use shall include, but need not be limited to, disconnection of utilities, the property has fallen into a state of disrepair, and the removal of equipment necessary for such use. If the use in question is a seasonal use, the time during the off-season shall not be counted toward the one hundred eighty (180) days.
  - a. The restrictions of subsection (4) shall not apply in the case of a single-family dwelling constituting a nonconforming use. A single family dwelling constituting a nonconforming use may, upon destruction or razing, be reestablished on the same lot provided such replacement dwelling complies with the applicable setback and height standards of the District in which it is located, the erection of the replacement structure is initiated within one (1) year of the previous structure's destruction or razing, the first story floor area of the replacement dwelling shall not exceed one hundred fifty percent (150%) of the previous dwelling's first story floor area as existing at the time of adoption of this Ordinance or amendment thereto, and the replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within eighteen (18) months of such destruction. Further, nothing in this subsection (4) shall prohibit a single-family dwelling constituting a nonconforming use from being expanded, increased or enlarged, provided the first story floor area of the modified dwelling shall not exceed one hundred fifty percent (150%) of the previous dwelling's first story floor area as existing at the time of adoption of this Ordinance or amendment thereto, and provided such modifications comply with the applicable setback and height standards of the District in which it is located.
5. No nonconforming use may be changed to another nonconforming use except upon approval of the Zoning Board of Appeals, upon finding that such change in use will be more conforming to the intent of the district in which it is located than the existing nonconforming use. In making such a determination, the Zoning Board of Appeals shall consider the anticipated change in intensity of use including vehicular and pedestrian traffic, hours of operation, and other aspects of the proposed use.
6. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, shall eliminate the nonconforming status of the land and all subsequent uses and structures on the land shall conform to the respective District regulations.

#### **Section 6.4 Nonconforming Structures**

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

1. No nonconforming structure may be enlarged or altered so as to increase its nonconformity such as in the case of a building's height or the cubic content of the portion of the building encroaching into a required setback.
2. Should a nonconforming structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure,

the Zoning Administrator may seek a written opinion from a qualified building appraiser. The opinion shall include the basis for the opinion.

- a. Should a nonconforming structure be destroyed by any means to an extent of less than sixty percent (60%) of its replacement value, it may be reconstructed to its pre-catastrophe status upon a determination by the Zoning Administrator that the reconstruction plans do not increase any aspect of the damaged structure's nonconformity and a zoning permit is issued for such reconstruction. Compliance with building codes is required.
3. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. A nonconforming structure may undergo ordinary repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, in any period of twelve (12) consecutive months, provided there is compliance with the following:
  - a. The nonconformity existing at the time of Ordinance adoption or amendment shall not be increased, including the cubic content of any nonconforming portion of such structure.
  - b. The cost of such repairs or improvements shall not exceed fifty percent (50%) of the structure's replacement cost during any twelve (12) month period.
5. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

### **Section 6.5 Buildings Under Construction**

Nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated uses of any building on which actual construction lawfully began prior to the effective date of adoption or amendment of this Ordinance, provided actual building construction has been diligently carried on. For the purpose of this Section, "actual construction" shall be defined as the placing of construction materials in permanent position and fastened in a permanent manner including the building of a foundation wall.

### **Section 6.6 District Changes**

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

### **Section 6.7 Illegal Nonconformities**

Nonconforming lots, uses and structures existing on the effective date of this Ordinance or amendment thereto, that were established without the lawfully required procedures and approvals at such time of establishment, shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

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***End of Article 6***

## **Article 7**

### **Standards and Regulations for Specific Land Uses**

#### **Section 7.1 Purpose and Applicability**

**A. Purpose:** The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Township as a whole, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of provisions addressed by this Article, such Sections are accompanied by a further defined “purpose” statement.

**B. Applicability:**

1. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located.
2. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply.
3. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review.
4. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable Township ordinances.

#### **Section 7.2 Agriculture / Farms**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Farm buildings that house animals shall be set back a minimum distance of one hundred (100) feet from all lot lines.

**B. Additional Standards and Provisions:**

1. Agriculture in a platted subdivision, site condominium project or multiple family development is prohibited.
2. Runoff from pasture feeding and watering areas shall be separated from any surface water by a vegetative buffer that is at least fifty (50) feet in width.
3. Farms shall not be used for the disposal of garbage, sewage, rubbish, offal from rendering plants, or for the slaughtering of animals except where the animals have been raised on the premises for consumption by residents on the premises.
4. Manure shall be stored in a manner that minimizes odors and runoff. When manure from confinement manure storage pits or holding areas is removed, it shall be incorporated, knifed in, or disposed of in a reasonable manner following the most current Generally Accepted Agricultural Management Practices and taking into account the season of the year and wind direction. Each feedlot and livestock operation shall have sufficient area to permit proper incorporation or disposal of the manure. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.
5. The disposal of animal waste shall be conducted in an agronomically sound methods according to the Generally Accepted Agricultural Management Practices.
6. Pesticides shall be located in a lockable building or storage facility that shall be ventilated to dissipate dust and fumes. New pesticide storage facilities shall have a concrete floor that is sloped to a sump for containment of spills. New bulk pesticide storage areas shall be located a minimum of 150 feet from any single family residential water well and a minimum of 200 feet from surface water.

### **Section 7.3 Airport, Commercial**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. An airport shall not be established on any parcel less than one-hundred eighty (180) acres in area and 1,500 feet in width.
2. No runway shall be located within seven-hundred fifty (750) feet of a lot line.
3. No airport shall be established within 1,000' of an existing dwelling.

**B. Additional Standards and Provisions:**

1. All required "clear zones," as defined by the Federal Aviation Agency (FAA), shall be owned by the airport facility.
2. Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales room and other uses associated with the airport, subject to the requirements in Article 10.
3. The site plan shall be submitted to all utility companies serving the area, including companies that have communications towers within two miles of the proposed facility, for review and comment.
4. The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
5. The lot shall have frontage on a state highway or a paved primary road and take its access from such road including off-street parking areas.

### **Section 7.4 Bed and Breakfast**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. No bed and breakfast use shall be permitted within a platted subdivision, site condominium project, multiple family development or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight line distance between the structures.
2. The exterior appearance of the structure shall not be altered from its single family dwelling character.
3. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
4. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the dwelling. No more than three (3) bed and breakfast units shall be established in dwelling units located on lots up to 2.5 acres in size.
5. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
6. Lavatories and bathing facilities shall be available to all persons using the premises, at a minimum rate of one (1) bathroom for each two (2) bedrooms available for rent.
7. All parking for guests shall be in the rear yard except where the approving body finds adequate measures have been provided to minimize impacts on neighboring properties.
8. A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
  - a. There shall be at least two (2) exits to the outdoors.
  - b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus an additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
  - c. Each sleeping room shall be equipped with a smoke detector.

## **Section 7.5 Cemeteries**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to all lot lines. A crematorium located within a cemetery shall be setback a minimum of one hundred (100) feet from all lot lines.

**B. Additional Standards:**

1. No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
2. A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to site plan approval.

## **Section 7.6 Composting Center**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards and Provisions:**

1. Outdoor composting operations shall be set back a minimum of five hundred (500) feet from any Residential District.
2. All outdoor composting operations shall be set back a minimum of two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The application shall specify procedures for managing storm water runoff and preventing pollution of surface water bodies and groundwater.
3. Groundwater quality monitoring devices shall be provided.
4. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging areas, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curbing areas, landscaped buffers, sales area and fencing.
5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
6. The application shall provide for acceptable methods for the control of odors.
7. Access shall be provided solely on Class A truck routes.
8. The applicant shall submit an Impact Assessment describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.

## **Section 7.7 Concrete Plants**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Concrete plants shall have a minimum lot area of three (3) acres.
2. Plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than three hundred (300) feet to any road right-of-way, and no closer than one hundred (100) feet to any adjacent lot lines.

**B. Additional Standards:**

1. Access shall be provided solely on Class A truck routes. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
2. A minimum of five (5) stacking spaces shall be provided on the premises for trucks waiting to be loaded.
3. Mixing, loading, and related plant activities shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
4. Concrete batch plants and operations shall be entirely enclosed within a building to the maximum extent practical.

5. Outside storage of materials other than sand, gravel and other natural materials used in the concrete manufacturing process shall be prohibited. Sand and gravel storage shall be enclosed on three sides with a wall or landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen (15) feet in height.
6. All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.
7. All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method. Truck washing shall be limited to only those trucks that are permanently housed on the concrete plant site.
8. Concrete plants shall comply with the dust and noise standards set forth in Article 12. The plan for dust control shall address emissions from stockpiles, process sources, and traffic.
9. Concrete plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDNR groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.
10. The proposed recovery system for excess concrete shall be delineated in the application. Storage of excess concrete on the site shall not exceed the limits specified in the approved recovery plan. Excess concrete from other locations shall not be brought onto the site for recovery.

### **Section 7.8 Convalescent and Nursing Homes**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows.

1. Minimum lot area shall be three (3) acres.

**B. Special Performance Standards:**

1. The lot shall front onto a paved county primary road and the main means of access for residents or patients, visitors, and employees shall be from the paved road. In no case shall access to a nursing home, convalescent home, or rest home be off of a residential street except where approved as part of a planned larger and unified residential community.
2. A minimum of fifteen hundred (1,500) square feet of outdoor open space shall be provided for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
3. Facilities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

### **Section 7.9 Day Care Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. Day care center buildings authorized in Agricultural or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The lot, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
2. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing unless required otherwise by law.



### **Section 7.10 Day Care Facility, Group Home**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley:
  - a. Another group home day care facility licensed by the State of Michigan.
  - b. An adult foster care group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided and maintained, per child, provided that the overall size of the play area shall not be less than five thousand (5,000) square feet. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high, and shall comply with all administrative rules of Public Act 116 of 1973, as amended.
3. The lot, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the dwelling. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

### **Section 7.11 Drive-In and Drive-Through Establishments**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. Driveways serving drive-in establishments shall front on a paved county primary road and the main means of access shall be via the paved county primary road. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any road intersection, as measured from the nearest intersection right-of-way line.
2. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the lot lines.

### **Section 7.12 Drive-In Theaters**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot size for a drive-in theater shall be twenty (20) acres.
2. The face of the theater screen shall not be closer than five hundred (500) feet to any road or highway right-of-way, and shall be oriented or otherwise constructed so it is not visible from any road, highway, or Residential District.

**B. Additional Standards:**

1. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any residential street or road intersection as measured from the nearest intersection right-of-way line.
2. The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.
3. A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.

**Section 7.13 Extraction Operations**

**A. Additional Materials to be Submitted:** In addition to the information required by Article 14, Site Plan Review, and Article 15, Special Land Uses, the following information shall be provided:

1. Aerial photograph at a scale not less than one inch (1") equals two-hundred (200) feet, which clearly illustrates boundaries of the extraction site and each separate lot comprising the site, any adjacent lots previously part of and currently part of the extraction operations including storage and processing of materials, and all other adjacent lots.
2. Location and names of all streams, drains, roads, railroads, utility lines, and pipelines on or adjacent to the site; location of all buildings and their uses within one thousand (1,000) feet of any activity proposed for the site; proposed screening and fencing; and the location of proposed mines, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroads, utilities and other permanent or temporary facilities to be used in the extraction operation.
3. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as applicable.
4. Detailed narrative description of the extraction proposal including material to be extracted; the location, extent and depth of extractive activities; the anticipated average amount of material to be extracted each year; the total estimated area to be devoted to extraction; the estimated extraction area during the first year and each subsequent year; the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase; proposed extraction and processing equipment, hours of operation, haul and access routes, estimated size, weight and frequency of haul trips, proposed screening, proposed side slopes and depths for all portions of the extracted area including interim and final slopes; depths for all portions of the extracted area; and any measures to minimize noise, dust and vibrations. Where practical, this same information shall be graphically portrayed on the site plan.
5. A detailed narrative description of measures to be employed to alleviate possible negative impacts on ground water and potable water supplies in the surrounding area.
6. A hydrological report prepared by a qualified engineer or geologist that addresses the depth to and directional flow of groundwater, the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering levels of surface water bodies and ground water resources from which wells rely.
7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation; directional flow of swales and other drainage courses; settling ponds and retention/detention ponds; points of discharge of runoff and the avoidance of stagnant ponding; and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.

**B. Reclamation Plan:** A detailed reclamation plan shall be submitted as part of an extraction operation application, and shall include the following minimum information:

1. Description of the intended reclamation use of the site upon completion of extraction activities; the spatial arrangement of proposed reclamation uses; and preliminary final grading of the site

including the depiction of finished, stabilized, side slopes and provisions for revegetation and stabilization to minimize soil erosion and sedimentation.

2. A landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of three (3) inches in accordance with the intended reclamation use.
3. A reclamation schedule coordinated with each phase of the extraction operation, and that provides that reclamation shall be carried out progressively so as to ensure no active extraction area exceeds five (5) acres in area unless expressly authorized otherwise upon a finding that no practical alternatives exist and the public health, safety and welfare shall be ensured.
4. Identification of how existing structures and buildings, and any harmful or toxic materials found during extraction operations, are to be disposed, in compliance with county, state and federal rules and regulations.
5. All information required as part of a required reclamation plan required by state or federal law, including the Surface Mining Control and Reclamation Act, Public Act 95 of 1987.

**C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be ten (10) acres.
2. Minimum lot width and frontage shall be six-hundred (600) feet.
3. Notwithstanding any other minimum setbacks required by this Ordinance, no topsoil, earth, gravel or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than seventy-five (75) feet to the outer boundary of the site approved for extraction operations, two hundred (200) feet from a residence existing at the time an application is submitted, and two hundred (200) feet to any Residential District.
4. Access points into the extraction site shall be no closer than five-hundred (500) feet to the intersection of the right-of-ways of any two public roads.

**D. Additional Standards:**

1. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
2. No topsoil shall be removed from the extraction site except as may be expressly authorized as part of an approval of the extraction operation. In no case shall any topsoil be removed from the site prior to the passing of five (5) years from the date extraction operations are initiated.
3. All extraction operations shall comply with the soil erosion and sedimentation control requirements of the Ingham County Drain Commissioner and the Michigan Department of Environmental Quality. Extraction areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
4. No extraction operation shall cause any negative impact on groundwater and potable water supplies due to contamination, water table drawdown, or other condition.
5. Truck and heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. No gravel roads that are within three-hundred (300) feet of a dwelling shall be used for access to and from the extraction site. The applicant shall make an adequate financial guarantee with the Township or Ingham County Transportation Department to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public roads within 1000 feet of all exits of the extraction site shall be kept clear on a daily basis of mud, dirt and debris from vehicles exiting the site. Driveways, parking lots, and loading and unloading areas shall be paved, watered, or chemically treated to limit

the nuisance caused by windblown dust. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local regulations.

7. Extraction operations, excluding crushing but including, washing, processing, loading and transport operations, shall be limited to weekdays and Saturdays, between the hours of 7:00 a.m. and 6:00 p.m. Crushing operations shall be limited to weekdays and Saturdays, between the hours of 7:00 a.m. and 5:00 p.m. Equipment maintenance and repair may occur on any day, between the hours of 7:00 a.m. and 9:00 p.m.
8. No explosives shall be used except as may be authorized by the approving body and in such case, explosives shall be used only in accordance with the regulations established by the Michigan State Police, Fire Marshall Division.
9. Excess groundwater shall not be discharged into drains under the jurisdiction of the Ingham County Drain Commissioner except upon express authority from the Commissioner.
10. All structures, buildings and other evidence of the extraction operation shall be removed from the site within ninety (90) days of the completion of the extraction operation unless said structures are of sound construction and are compatible with the approved reclamation plan.
11. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan.
12. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three (3) inches of topsoil as each phase of extraction is completed according to an approved reclamation plan. The top soil replacement shall occur progressively following the termination of extraction operations so that each area is covered with topsoil and seeded with sixty (60) days after cessation of extraction operations in the area. All replaced top soil shall immediately be planted with grass or other plant material according to the approved site plan. Lands under water or part of approved beach areas are excluded from topsoil and planting requirements.
13. All areas which are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced with livestock woven-wire or similar fencing to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than two hundred (200) feet apart, with the following or similar notice: "Warning – Danger, Excavation in Progress."
14. All equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall either be contained within a building, screened, or set back a sufficient distance from any public road or adjacent property lines so as to minimize the effects of airborne dust, dirt, and noise, and other impacts, pursuant to the performance standards in Article 12.
15. Finished slopes shall be no steeper than three (3) feet horizontal to one (1) foot vertical. The slope requirements shall be met as the work in any one section of the excavation proceeds, according to an approved reclamation plan. Stockpile slopes shall be no steeper than 45 degrees.
16. No extraction operation shall be used for the dumping, disposal or storage of garbage or refuse or any noxious, flammable or toxic material. Only sand, gravel, clay, topsoil and/or other clean earth materials that provide a suitable base for future building sites may be used for fill purposes:
17. Any expansion of an extraction operation beyond that area covered by a valid zoning permit shall be subject to the special land use provisions of Article 15.

**E. Abandonment/Termination of Use**

1. An operator shall submit written notice to the Township Clerk of the abandonment of an extraction operation within six (6) months of such abandonment.
2. When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Township determines that the extraction operation, or portion thereof, has been abandoned, the Township Board shall give the owner written notice of the Township Board's intention to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, is continuing.
3. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exist special or unique conditions that support a different time frame or plan for completion.
4. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

**F. Performance Guarantee:** Approval of the application shall require the posting of an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance. The approving body shall establish the financial guarantee necessary, taking into consideration the scale of operations, the prevailing costs of rehabilitation and reclamation of the property, court costs, attorney fees, inspection, administration of the permit, and other reasonable expenses likely to be incurred by the Township to enforce the terms of the permit and this Ordinance in the event of default by the permittee. The amount of the guarantee shall be at least two thousand five hundred dollars (\$2,500) per acre to be mined in the total project over the life of the permit. However, in no event shall the amount of the guarantee be less than thirty thousand dollars (\$30,000). In determining the area for which guarantees must be supplied, the approving body shall consider such matters as areas to be stripped of topsoil or to otherwise be subject to extraction operations including stockpiling, and reclamation activities.

**G. Time Limitation on Permit:** A permit for an extraction operation shall be valid for three (3) years. No less than every three (3) years from the issuance of such permit, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Township Board shall consider such documents and the recommendation of the Planning Commission, and upon finding such documents are satisfactory, the Township Board shall renew the permit for an additional three (3) years. The Township Board shall not deny the renewal of such permit if the extraction operation is in compliance with the originally approved zoning permit and all conditions made part of the original permit.

**H. No Very Serious Consequence:** When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 15.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that "no very serious consequences" will result by the approval of such application. The determination of "no very serious consequence" may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

### **Section 7.14 Foster Care Facility, Group Home**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. In the case of the care of children, a minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than five thousand (5,000) square feet. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
3. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
4. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
5. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

### **Section 7.15 Golf Courses, Country Clubs, and Driving Ranges**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. All principal and accessory buildings, and outdoor swimming pools and surrounding deck areas, shall be setback a minimum of one hundred (100) feet from all lot lines.
2. Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres.

**B. Additional Standards:**

1. Golf courses and country clubs shall have direct access onto a paved public road.
2. No driving station shall be located within seventy-five (75) feet of any lot line. Where necessary, buffering conditions shall be in place to minimize the impact or safety threats upon adjacent land uses.
3. Fairways and driving ranges shall have sufficient width and shall be oriented and set back in such a manner to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, etc., a narrower fairway will not compromise safety. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.
4. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the parcel as an outdoor recreational facility.
5. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall

- consist of natural vegetation and shall not be chemically treated.
6. At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Ingham County Health Department and local building codes.
  7. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer licensed in Michigan or a hydrologist certified by the American Institute of Hydrology.
  8. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township Clerk and local fire department. Plans for emergency containment and clean-up shall also be provided.
  9. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone and/or brick.

### **Section 7.16 Hospitals**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. The lot shall have frontage on a paved county primary road and take its access from such road.
2. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses and Residential Districts by a structure or masonry wall of six (6) feet or more in height.

### **Section 7.17 Junkyards**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. All buildings and outdoor storage, dismantling, and other work areas shall be set back at least one-hundred (100) feet from all lot lines and two hundred (200) feet from a Residential or Agricultural District.
2. A berm, solid fence and/or wall enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk, and set back at least seventy-five (75) feet from all lot lines. A fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
3. The junkyard shall be licensed by the Michigan Secretary of State.
4. No junkyard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
5. Outdoor burning is prohibited.
6. All processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
7. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall

be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust.

8. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
9. Floor drains that discharge to a septic field or otherwise provide an outlet to ground or surface are prohibited.
10. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.
11. The lot shall have frontage on a paved road and take its access from such road including off-street parking areas.
12. All junk material shall be fully removed from the site prior to the termination of said use.

### **Section 7.18 Kennels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least two hundred (200) feet from any lot line.

**B. Additional Standards:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, fleas, the spread of disease or offensive odor. Dog waste shall be power flushed or otherwise removed on a regular schedule. Non-absorbent surface, such as sealed concrete or ceramic tile, shall be used throughout the kennel. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against flies, fleas, the spread of disease or offensive odor.
2. All animals must be licensed and maintained in a healthful and careful manner, and all kennel operations shall comply with all permit and operational requirements of county, township, state and federal agencies.
3. Kennel buildings shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Outdoor runs, pens or exercise yards shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.
7. Kennels are prohibited in platted subdivisions, site condominium projects, and multiple family developments.



### **Section 7.19 Landing Strip, Private**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Runways, helicopter pads, hangers, maintenance buildings, and any other structures associated with the landing strip shall be located a minimum of one-hundred fifty (150) feet from all lot lines.

**B. Additional Standards:**

1. Except in the case of helicopter pads, runways shall be a minimum of twelve hundred (1,200) feet in land length and fifty (50) feet in useable width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra light" aircraft.
2. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.
3. Private airports and landing fields shall not be located within five (5) miles of a public use airport which is licensed by the Michigan Aeronautic Commission without the prior written approval of the Bureau of Aeronautics.

### **Section 7.20 Landscape Services**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. The outdoor storage of supplies or other materials shall not be located in a front yard and shall comply with the side and rear yard setback requirements for the principal structure, but in no case shall an outdoor storage be located within three-hundred (300) feet of a Residential District.
2. No outdoor storage of supplies or other materials shall exceed a height of eight (8) feet.
3. All outdoor areas for the storage of supplies, materials, equipment and vehicles shall be so specified on the site plan.
4. The handling and storage of road salt, fertilizers, pesticides, and other hazardous materials shall comply with all local, county, state and federal rules and regulations.
5. No composting shall be undertaken except where expressly authorized as part of the zoning permit approval. Such composting area shall be clearly indicated on a site plan.
6. The storage or burning of grass clippings, leaves, brush, or other organic material brought onto the lot from off-site locations is prohibited.
7. Emergency vehicle access shall be maintained to all parts of outdoor storage areas.

### **Section 7.21 Mini Storage Facilities**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be three (3) acres.

**B. Additional Standards:**

1. Mini-warehouse establishments shall provide for storage only. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from the storage units.
2. Storage spaces shall not contain more than 500 square feet each.
3. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet of side and rear lot lines.
4. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs

shall be posted at the facility describing such limitations.

5. There shall be a minimum of thirty (30) feet between storage buildings for driveway, parking, and fire lane purposes. Where no parking for loading or unloading is permitted within the building separation areas, said building separation need only be twenty-two (22) feet. Traffic direction and parking shall be designated by signaling, signs or painting.
6. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along property lines which do not abut a Residential District or residentially used parcel.
7. The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

## **Section 7.22 Motels and Hotels**

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:
1. The lot shall have a minimum of eight-hundred (800) sq. ft. for each guest room, but in no case shall the lot be less than one (1) acre.
  2. Side yard setback shall be a minimum of fifty (50) feet when adjacent to a Residential District.
- B. Additional Standards:**
1. Each unit shall contain at least one (1) furnished bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
  2. Motels and hotels shall provide customary services such as maid service, linen service, and telephone and/or desk service.
  3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the hotel or motel itself, and such uses are made part of the zoning permit application for which approval is granted.
  4. A caretaker's residence may be established within the motel or hotel only.
  5. The lot shall have direct access to a paved county primary road.

## **Section 7.23 Multiple Family Developments**

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:
1. Minimum lot area shall be 10,000 sq. ft. per dwelling units, but not less than one (1) acre.
  2. Any portion of a building within seventy-five (75) feet of a Residential District, excluding the R-MF District, shall not exceed twenty (20) feet in height.
- B. Additional Standards:**
1. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
  2. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. Such open space shall be available for recreation and leisure.
  3. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community buildings.
  4. The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area. The address shall be in numerical form, and not in written form.
  5. Roads and drives shall comply with the standards of the Ingham County Transportation Department except where the approving body finds that a proposed alternative is adequate in ensuring structural integrity and public health, safety and welfare.

6. Sidewalks shall be provided within multiple-family and townhouse developments. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units.
7. Required parking shall be located in parking lots or individual driveways, and not in roads or access drives. Parking may be permitted in required side and rear yard setback areas provided that parking lots and access drives shall be located a minimum of ten (10) feet from any property line or road right-of-way. Parking lots and access drives shall not be located closer than twenty-five (25) feet to a wall of any residential structure which contains windows or doors, nor closer than ten (10) feet to a wall of any residential structure which does not contain openings. Parking shall be located within one hundred and fifty (150) feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.
8. The minimum floor area for multiple family dwelling units shall be as follows:
  - a. Efficiencies: 400 sq. ft. of heated living area.
  - b. One bedroom units: 750 sq. ft. of heated living area.
  - c. Two bedroom units: 850 sq. ft. of heated living area.
  - d. Three bedroom units: 950 sq. ft. of heated living area.
  - e. Four or more bedroom units: 1,050 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.
9. All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public road, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:
  - a. All roads shall be paved and bi-directional allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the width of each paved moving lane in each direction is at least fifteen (15) feet.
  - b. Streets with no outlet shall be terminated with a cul-de-sac, designed in accordance with standards of the Ingham County Transportation Department. Roads with no outlet shall not exceed six hundred (600) feet in length.
  - c. Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.

**Section 7.24 Oil and Gas Processing Plants**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial or industrial establishments, wetlands, or surface water. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, and residential neighborhoods, and from uses whose occupants would be difficult to evacuate such as hospitals and nursing homes.
2. There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
3. Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all processing buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at

- all times.
4. The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes. Fire eyes shall be installed in storage tank areas and in processing buildings.
  5. In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the regional Fire Department dispatcher and plant operating personnel.
  6. The following security measures shall be maintained on the site:
    - a. The site shall be fully enclosed with a six-foot (6') high chain link fence with three strands of barbed wire along the top of the fence.
    - b. All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
    - c. "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
    - d. The site shall be adequately lighted, in accordance with Article 12.
    - e. In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
  7. The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
  8. In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a minimum depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
  9. The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Natural Resources (MDNR) Waste Management Division, Michigan Pollution Control Commission, Ingham County Health Department, Ingham County Department of Transportation, Ingham County Drain Commissioner, MDNR Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.

**Section 7.25 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Buildings containing service operations shall be located a minimum of fifty (50) feet from any lot line.

**B Additional Standards:**

1. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.
2. The outdoor storage or display of any soil, fertilizer, sand, or similar exposed or packaged materials shall be sufficiently contained to prevent any adverse affect on water bodies, wetlands, drainage ways and adjacent properties.
3. Outdoor broadcasting of voice or music that is audible at a lot line is prohibited.
4. The nearest edge of any driveway shall be located at least sixty (60) feet from any road or road intersection, as measured from the nearest intersection right-of-way, and at least twenty (20) feet from any side lot line.
5. All loading and parking areas shall be confined within the boundaries of the lot, and shall not be permitted to spill over onto adjacent roads or lots.

6. Nurseries that sell plant materials shall comply with the following:
  - a. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
  - b. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
7. See Section 7.30 regarding roadside stands.
8. The regulations of this Section shall apply whether the particular use is operated year round or on an intermittent basis, unless specific standards for particular businesses are provided elsewhere in this Ordinance:

## **Section 7.26 Open Space Preservation Communities**

**A. Purpose:** It is the purpose of Open Space Preservation Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of the Township's open spaces and natural resources including woodlands, wetlands and sensitive environmental areas, and the Township's rural character. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is to be located, so that the remainder of the site can be preserved as open space.

**B. The following site and developmental requirements shall apply:**

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable as if the property was developed according to the conventional standards of the District in which the OSPC is to be located, including lot width, frontage and area standards. At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan that illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of such District. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design.
3. Minimum Lot Area and Width
  - a. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. Where such public utilities are provided, the minimum lot area shall be no less than thirty-five percent (35%) of the normally required lot area of the respective District.
  - b. Lot width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than sixty-five (65) feet in width.
4. Setbacks
  - a. The following minimum front, side and rear yard setbacks shall apply except that in no case shall a building be located within fifty (50) feet of a road right-of-way along the perimeter of the OSPC parcel and within thirty-five (35) feet of the perimeter lot line of the OSPC parcel where such lot line is not a right-of-way line.
    - 1) Front yard: sixty (60) feet.
    - 2) Side yard: ten (10) feet.
    - 3) Rear yard: twenty-five (25) feet.
  - b. In addition to subsection (a) above, a minimum (75) foot setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit

trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.

5. **Building Location:** Where feasible, OSPCs shall comply with the following building location requirements. Modification to these locational requirements may be approved as part of the site plan review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.
  - a. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields unless no other feasible option exists.
  - b. Buildings shall not be located on the tops of ridge lines.
  - c. Buildings shall not be located in wetlands or floodplains.
  - d. Buildings shall be set back from public roads outside of the OSPC as far as possible to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within woodlands or tree lines that screen the buildings from the road.
6. **Guarantee of Open Space:** An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved.
  - a. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
  - b. The open space conveyance shall:
    - 1) Indicate the proposed allowable use(s) of the dedicated open space.
    - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and establish a funding mechanism to ensure the same.
    - 3) Provide maintenance standards and a maintenance schedule.
    - 4) Provide notice of possible assessment to the private property owners by the Township of Wheatfield for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.
    - 5) Bind all successors and future owners in fee title to the open space conveyance.
7. **Open Space Preservation Area, Character, and Priorities**
  - a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. However, in no case shall the required fifty percent (50%) open space area be characterized by year-round submerged land comprised of ponds, lakes, streams and wetlands. In addition, no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
  - b. Open space shall be located on the parcel to meet the following objectives:
    - 1) To preserve distinctive natural features and rural characteristics such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, special plant and animal habitats, and panoramic views. Greatest preservation priority shall be placed

upon water courses and bodies, MDEQ-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDEQ, and panoramic rural views.

- 2) To promote the effective preservation of the existing character along the public road frontages that the OSPC abuts.
  - 3) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of the open space.
8. **Fire Protection:** Fire protection measures shall be provided in all OSPCs which provide public water, and in OSPCs which are generally characterized by lots of approximately twenty thousand (20,000) sq. ft. or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.
9. **Vehicular and Pedestrian Access and Circulation**
- a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
  - b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
  - c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.

**C. Application and Approval Requirements:** OSPC applications shall be reviewed and acted upon according to Article 14, Site Plan Review, in addition to the following:

1. **Unified Control:** The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. **Recording of Approval Action/Permit Issuance:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by the Township. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a zoning permit for the OSPC.

## **Section 7.27 Recreation Facilities, Outdoor**

Outdoor recreation facilities, such as, but not limited to, ski facilities, courses for off-road vehicles and snowmobiles, campgrounds, baseball facilities, playgrounds, sports fields, game courts, picnic areas, and swimming pools, shall comply with the following regulations:

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Principal and accessory buildings shall be set back at least seventy-five (75) feet from all lot lines, unless otherwise specified herein.
2. See Subsections (B) – (E) for additional exceptions applicable to specific facility types.

**B. Additional Standards Applicable to All Outdoor Recreation Facilities:**

1. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless the retail or commercial facility is listed as a permitted use in the district in which the facility is located.
2. Outdoor recreation facilities shall have water and sanitary sewer/septic facilities having sufficient capacity to serve the facility when in full use.

**C. Additional Standards Applicable to Off-Road Vehicle and Snowmobile Trail Facilities:**

1. A minimum of eighty (80) acres shall be required for such uses.
2. The applicant shall provide a detailed operations plan clearly outlining the types, locations, and characteristics of uses proposed, including proposed hours of operation.

**D. Additional Standards Applicable to Campgrounds:**

1. The minimum lot area shall be ten (10) acres and shall have a minimum width of four-hundred (400) feet.
2. Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines.
3. Each campsite shall be at least fifteen hundred (1,500) square feet in size for campsites designed to serve motor homes, trailers, and similar vehicles. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
4. Utilities serving the campground shall have sufficient capacity to serve the campground when in full use. Each campsite shall either be provided with individual water and sewer hookups approved by the Ingham County Health Department, or shall have convenient access to approved service buildings.
5. Campgrounds shall be for seasonal recreation use only, except that a residence for a year round manager or caretaker is permitted.
6. A convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines that the proposed location will significantly discourage use of the store by non-campers, and such use is expressly authorized as part of an approved campground application.
7. Each campsite shall be clearly identified by stakes or markers.
8. Each campsite shall have a picnic table and if fires are permitted, a designated place for such fires.

**E. Additional Standards Applicable to Shooting Ranges:**

1. Minimum lot area shall be eighty (80) acres for outdoor firearm shooting activities, twenty (20) acres for outdoor archery-only shooting activities, and ten (10) acres for paintball and all other shooting facilities.
2. An outdoor shooting range's boundaries shall be clearly posted with warning signs around its entire perimeter. All vehicular access shall be controlled by locked gates.
3. A site plan for the range shall clearly indicate all safety provisions to prohibit any projectile



- discharged within the confines of a shooting range from exiting the range.
4. All design features for the shooting and storage of projectiles shall comply with the most current published standards and guidelines of the National Rifle Association, Field Archery Association, and American Paintball League, as applicable.
  5. Outdoor shooting hours shall be between 10:00 a.m. and 6:00 p.m. but not past sundown, as published by the National Weather Service, unless expressly authorized otherwise by the approving body.
  6. Outdoor shooting ranges shall be configured to minimize the potential for lead or paint to enter surface waters, ground water and wetlands. Application materials shall include a lead and/or paint management plan that shall specify measures to address the containment, migration, removal and disposal of such materials.

### **Section 7.28 Recreation Facilities, Indoor**

Indoor recreation facilities, such as, but not limited to, bowling establishments, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any lot line that abuts a Residential District.

**B. Additional Standards Applicable to Accessory Use Arcades:** Where permitted as an accessory use, arcades shall comply with the following requirements:

1. The arcade facilities shall be clearly incidental to the principal use on the site.
2. The arcade facilities shall be accessible only from within the building that contains the principal use.
3. The arcade shall operate only during the hours when the principal use is open for business.
4. Where arcades are permitted as an accessory use to an eating or drinking establishment or private club or lodge, there shall be no more than one (1) arcade device for each thirty (30) persons permitted at one time, based on the occupancy load established by local code.

### **Section 7.29 Retreat Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be ten (10) acres.

**B. Additional Standards:**

1. Retreat centers shall have direct access to a paved county road.
2. The usable floor area of retreat centers shall not exceed three thousand (3,000) sq. ft.

### **Section 7.30 Roadside Stands**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Compliance with Table 3-4 is not required where the roadside stand is an accessory use, except that in no case shall any building containing a roadside stand be located closer than forty-five (45) feet to the nearest edge of a paved surface of any public road, no closer than forty-five (45) feet to the improved gravel surface of any unpaved public road, and no closer than sixty (60) feet to an Agricultural or Residential District lot line.

**B. Additional Standards:**

1. Any building containing a roadside stand shall not be greater than two hundred fifty (250) square feet.
2. Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed

daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out-of-view.

3. Off-street parking may be provided in the required front yard setback area but not within a right-of-way. Parking shall conform to the regulations of Article 11, except that a minimum of five (5) parking spaces shall be provided and parking facilities need not be paved or hard-surfaced.
4. Market sales shall be limited to farm products.
5. Access drives shall be wide enough to accommodate two vehicles side-by-side. Multiple access drives may be required where anticipated traffic levels warrant.

**C. Exemption:**

1. The standards and other requirements of this Section shall not apply to roadside stands that have a product display area no greater than thirty-two (32) square feet in area.

**Section 7.31 Sexually Oriented Uses**

**A. Purpose:** There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse affects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the Township. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

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

1. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b):
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.The sale of such materials shall be deemed to constitute a “principal business purpose” of an establishment if it comprises ten percent (10%) or more of sales volume or occupies ten percent (10%) or more of the display area, or visible inventory, within the establishment.
2. **Adult Live Entertainment Center:** A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
  - a. Persons who appear in the state of nudity.
  - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
  - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Motel:** A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
  - a. Accommodations to the public for any form of consideration and provides patrons with

- closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
  - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
  5. Adult or Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
  6. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
  7. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
  8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
  9. Manager's Station: A designated area from which a premises is managed or supervised.
  10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
    - a. Proof of graduation from a school of massage licensed by the State of Michigan.
    - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
    - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
    - d. A current occupational license from another state.
  11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
    - a. An educational institution funded, chartered, or recognized by the State of Michigan.
    - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.

12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
  - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
  - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult smoking or sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
  - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
  - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
  - a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  - b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
  - c. Masturbation, actual or simulated.
  - d. Human genitals in a state of sexual stimulation or arousal.
  - e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

**C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**D. Additional Standards:**

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance.
2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.
3. Separation Requirements
  - a. No sexually oriented business shall be located within one thousand (1,000) feet of any of the following:
    - 1) Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
    - 2) Pool or billiard halls.

- 3) Coin-operated amusement centers.
  - 4) Disco or dance centers that typically cater to teens.
  - 5) Ice or roller skating rinks that typically cater to teens.
  - 6) Pawn shops.
  - 7) Indoor or drive-in movie theaters.
  - 8) Public parks, playgrounds, or other recreation uses.
  - 9) Churches, convents, monasteries, synagogues, or similar religious institutions.
  - 10) Any public, private or parochial nursery, primary, or secondary school, and child day care facilities including day care centers and family and group home day care facilities.
  - 11) Any residentially used lot or Residential District.
- b. No sexually oriented business shall be located within one thousand (1,000) feet of any other sexually oriented business, and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, that contains another sexually oriented business.
  - c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line between the nearest property lines, without regard to intervening structures or objects, from the nearest portion of the building or structure on the premises used as part of a sexually oriented business, including signs, to the nearest property line of the respective premises delineated in subsection (3)(a) and (b).
4. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
    - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
    - b. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
  5. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
  6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
  7. A sexually oriented business that offers live entertainment shall provide all of the following:
    - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
    - c. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.
    - d. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
    - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
    - f. Rest rooms shall not contain any video reproduction equipment.

**E. Additional Application Requirements:** In addition to complying with the submittal requirements of Article 15, Site Plan Review, and Article 16, Special Land Uses, application for an adult entertainment use shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed thirty-six (36) square feet of floor area.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

### **Section 7.32 Slaughter Houses and Meat, Poultry and Food Processing Plants**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot width shall be three hundred (300) feet and minimum lot size shall be five (5) acres.

**B Additional Standards:**

1. Animal confinement areas or holding pens shall be located at least one hundred fifty (150) feet from any lot line.

### **Section 7.33 Solar Energy Systems**

**A. Compliance with Table 3-4:** Solar energy systems shall comply with the standards of Table 3-4 except as expressly provided otherwise by this Section.

**B. Small Solar Energy Systems (Small SES)**

1. Small SES Authorization, Review and Approval Procedures: A Small SES is an authorized accessory structure in all districts. Small SES mounted on the ground by way of posts or other support structure mounted on or in the ground shall be subject to Planning Commission approval. Roof-mounted systems shall be subject to Zoning Administrator approval. An application for a Small SES need not include a site plan prepared according to Article 14 but the application shall include all information required for a plot plan according to Section 2.4(B)(1), in addition to the delineation of all SES structures and facilities and all structures on adjacent properties within one hundred (100) feet of a shared lot line.
2. Small SES General Provisions
  - a. Mechanical equipment, excluding solar panels, shall be screened from view from public streets and any property within a designated Agricultural or Residential District, where such road or property is within one hundred (100) feet of the equipment, by a masonry wall, evergreen vegetation or other screening measure of similar effectiveness.
  - b. Solar collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the Zoning Administrator may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads.
3. Small SES Roof-Mounted Systems
  - a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.
  - b. Roof-mounted solar collection panels located on a flat roof shall be set back from the edge of the roof a minimum distance of ten (10) feet.

4. Small SES Ground-Mounted Systems

- a. Ground mounted solar collection panels and associated equipment shall comply with the standards for accessory structures for the district in which the panels are to be located except that in no case shall the panels exceed eighteen (18) feet in height in a designated Agricultural or Residential District.
- b. In the case of a ground mounted solar panel(s) located on a lot that is adjacent to a lot in an Agricultural or Residential District, where the panels are to be located within one hundred fifty (150) feet of a shared lot line with such lot, the panels shall be screened from view from such lot. The screening shall consist of one (1) evergreen tree per twenty (20) linear feet of panel length and such trees shall be spaced no less than fifteen (15) feet and no greater than twenty-five (25) feet apart. Trees shall be a minimum height equal to fifty percent (50%) of the height of the panel(s). Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line. All plants material shall be maintained in a healthy condition to provide the necessary screening and replaced upon death or disease.
  1. The Planning Commission may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make typical screening requirements ineffective or otherwise unnecessary.
- c. If a ground mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

**C. Medium Solar Energy Systems (Medium SES)**

1. Medium SES Authorization, Review and Approval Procedures: A Medium SES is an authorized permitted use in all districts. Medium SES shall be subject to Planning Commission approval according to Article 14, and the Planning Commission finds that the application complies with the standards of Article 14 and this subsection (C).
2. Medium SES General Provisions
  - a. Mechanical equipment, excluding solar panels, shall be screened from view from public streets and any property within a designated Agricultural or Residential District, where such road or property is within one hundred (100) feet of the equipment, by a masonry wall, evergreen vegetation or other screening measure of similar effectiveness.
  - b. Solar energy system equipment, excluding solar collection panels, are prohibited in a front yard and may be installed in a required side and rear yard setback provided such equipment is setback a minimum of ten (10) feet from lot lines.
  - c. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section, prepared by a registered civil engineer or other professional deemed qualified by the Planning Commission.
3. Medium SES Roof-Mounted Systems
  - a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet

above the roof surface to which it is attached.

- b. Roof-mounted solar collection panels located on a roof with a slope of less than one (1) foot of vertical rise for each six (6) feet of horizontal run (1:6 or 2:12) shall be set back a minimum ten (10) feet from all edges of the roof.

4. **Medium SES Ground-Mounted Systems**

- a. Ground-mounted solar collection panels are prohibited in a front yard and shall be setback from all property lines the same distance as required for the principal building on the property. Such setback shall be a minimum of fifty (50) feet where the respective yard is adjacent to property in an Agricultural or Residential District.
- b. Ground-mounted solar collection panels shall not exceed eighteen (18) feet in height except that ground mounted solar collection panels shall not exceed twenty-five (25) feet in height in the I-1 District.
- c. Screening of ground-mounted panels shall be provided as required for Small SES, according to subsection (B)(4).
- d. If a ground mounted Medium SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

**C. Large Solar Energy Systems (Large SES)**

1. Large SES Authorization, Review and Approval Procedures: Large SES are classified as special land uses and are authorized in the Districts specified in Tables 3-2 and 3-3 of Article 3, subject to the review and approval procedures of Article 15 of this Ordinance.
2. Large SES General Provisions: Large SES shall comply with the site development standards of subsection (C) for Medium SES, and shall be subject to the special land use approval standards of Chapter 15.

**D. Self-Contained Solar Energy Systems:** Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, to provide energy to operate the device to which they are attached such as in the case of a panel connected to an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.

**Section 7.34 Stables, Commercial**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot shall be a minimum of five (5) acres in area and three-hundred thirty (330) feet in width.
2. Buildings and structures housing animals, and manure storage areas, shall be set back a minimum distance of one-hundred (100) feet from lot lines.
3. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of any lot line.

**B. Additional Standards:**

1. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses.
3. All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.
4. A commercial stable shall not be located in a platted subdivision, site condominium project, or multiple family development.



### **Section 7.35 Vehicle / Car Wash Establishment**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B. Additional Standards:**

1. Vacuuming activities shall be set back a minimum distance of fifty (50) feet from property lines in a Residential District or otherwise used for residential purposes.
2. Entrances and exits to washing bays shall not face property in a Residential District or otherwise used for residential purposes unless adequately screened.
3. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
4. Maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Trash containers shall be provided and emptied as necessary to prohibit litter.
7. The storage, discharge and disposal of runoff and used wash water shall comply with all county, state and federal rules and regulations. Measures for the storage, discharge and disposal of runoff and used wash water shall be presented on the required site plan and/or other supporting documents.

### **Section 7.36 Vehicle Repair Shops and Service Stations**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be increased five hundred (500) square feet for each fuel pump unit in excess of four (4), and one thousand (1,000) square feet for each service bay in excess of two (2), and three hundred (300) square feet for each parking space intended for the storage of inoperative vehicles.
2. All buildings and accessory structures, including gasoline pumps, shall be set back a minimum distance of fifty (50) feet from all lot lines and seventy-five (75) feet from any road right-of-way line. However, unenclosed canopies over pump islands may extend to within sixty (60) feet of a road right-of-way line.

**B. Additional Standards:**

1. The lot shall have frontage on a paved primary road and take its access from such road including off-street parking areas.
2. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such structure.
3. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days, and not be maintained on the property for more than fifteen (15) days. Such vehicles shall be parked or stored in a building, or an enclosed area, in a side or rear yard, which shall be setback from all lot lines the minimum distance required for principal buildings in the District and screened by a masonry wall or obscuring fence that is not less than six (6) feet in height.
4. All lighting mounted to the underside of a canopy shall be fully recessed.
5. There shall be no above ground tanks for the storage of gasoline, diesel fuel, or oil.
6. Ingress and egress drives shall be a minimum of twenty-five (25) feet and a maximum of thirty (30) feet in width. No more than one (1) such drive shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any road. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.

7. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.
8. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.

**Section 7.37 Veterinarian Clinics**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required setback area.

**B. Special Performance Standards:**

1. Uses permitted include medical treatment, retail sales of animal care products, and boarding of animals under care.
2. All activities, except exercise or dog run areas for dogs or paddocks associated with the keeping of large animals, shall be conducted within a totally enclosed building.
3. No animals shall be permitted in outdoor exercise or run areas between the hours of 10:00 p.m. and 7:00 a.m.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
5. No boarding other than for animals receiving medical treatment shall be permitted, except where approval has been granted for a kennel.

**Section 7.38 Wind Energy Systems, Private**

**A. Definitions, Authorization and Approval Procedures:**

1. Definitions: For the purposes of this Section, the following phrases shall have the following meanings:
  - a. Private Wind Energy Conversion Facility (Private WECF): An electricity generating facility consisting of one or more wind turbines, and may include cables, wires and other structures and buildings accessory to such facility, that is used to serve only the lot on which the private WECF is located, and which generates no greater than thirty (30) kilowatts total peak capacity. A private WECF shall be construed as an accessory structure to the principle use of the lot. This definition shall not be construed to prohibit a private WECF from transmitting back to a public utility any excess generated electricity.
  - b. Wind Turbine: A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, and base, and may include a transformer.
2. Authorization: Private WECFs shall be construed as accessory structures, as defined in this Ordinance, and are permissible in all districts.
3. Approval Procedures:
  - a. Zoning Administrator/Plot Plan Approval. A private WECF that meets the conditions of subsection (1) is subject to Zoning Administrator approval according to Section 2.4(B). The applicant shall submit a plot plan containing the information required by Section 2.4(B) and any additional information necessary to demonstrate conformance with the standards of subsection (B) below. The Zoning Administrator shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and Ordinance.
    - (1) The private WECF is no greater than forty (40) feet in height, measured from the ground elevation below to the highest point of the wind turbine including to a blade tip in its highest vertical position if such tip is the highest point, and is to be located a minimum distance of one-hundred fifty (150) feet from existing buildings on another lot

and forty (40) feet from lot lines.

- b. Planning Commission Approval. A private WECF that is not subject to Zoning Administrator approval according to subsection (a) above shall be subject to Township Board approval after receiving a recommendation from the Planning Commission. The applicant shall submit a plot plan containing the information required by Section 3.4(B) and any additional information necessary to demonstrate conformance with the standards of subsection (B) below. The Township Board shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and Ordinance, and that the WECF is sited to maximize compatibility with surrounding conditions to the greatest extent practical.

**B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as provided by subsection (C):

**C. Standards:**

1. Visual Appearance

- a. A private WECF shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the WECF.
- b. A private WECF shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof as determined by the Township Board.
- c. A private WECF shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the manufacturer.

2. Ground Clearance: The lowest extension of any exposed blade or other exposed moving component of a private WECF shall be at least twenty (20) feet above the ground, at the highest point of the natural grade within fifty (50) feet of the WECF, and at least twenty (20) feet above any outdoor surfaces intended for human use including balconies that are located below the WECF.

- a. There shall be required no minimum clearance for any exposed blade or other moving component where the movement is of a horizontal nature and the design and construction of the WECF does not permit access below such moving features or the moving features are a minimum of five (5) feet above the ground below.

3. Noise: Noise emanating from the operation of a private WECF shall not exceed the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residentially or agriculturally used lot or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a private WECF shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.

4. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the lot on which the WECF is located.

5. Guy Wires: Guy wires are prohibited.

6. Electrical System: All electrical systems shall comply with all state, county and National Electrical Codes.

7. Design: The design of a private WECF shall conform to industry standards.

8. Height: A private WECF shall not exceed a height of eighty (80) feet, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest vertical position.

9. Setbacks:

- a. A private WECF and test tower shall be set back from all lot lines, public road right-of-ways, private access easements, occupied buildings, and overhead utility lines, a distance equal to the height of the wind turbine, as measured from the normal ground elevation at the wind turbine base to the highest point of the wind turbine including to a blade tip in its

- highest vertical position.
- b. If mounted directly on a roof or other elevated surface of an existing structure, the setback for a private WECF shall be a minimum of fifteen (15) feet from all lot lines, public road right-of-ways, private access easements, occupied buildings, and overhead utility lines.
  - c. If a private WECF is affixed by any extension to the side, roof, or other elevated surface, then the minimum fifteen (15) foot setback in (b) above shall be increased by the same dimension as the extension.
10. **Shadow Flicker:** A private WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the WECF on a daily basis or on the 21<sup>st</sup> day of March, June, September and December, specific to the Wheatfield Township area. The source and basis for such projections shall be provided.

### **Section 7.39 Wireless Communication Facilities**

**A. Definitions:** For the purposes of this Section, the following phrases shall have the following meanings:

1. **Colocate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
2. **Equipment compound:** An area surrounding or adjacent to the base of a wireless communications support structure where wireless communications equipment is located.
3. **Wireless communications equipment:** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. **Wireless communications support structure:** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. **Wireless Communication Facility:** All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
6. **Class One Wireless Communication Facility:** Any wireless communication facility and modifications thereto that meet all of the following requirements:
  - a. Construction and other improvements shall not provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
  - b. All proposed wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound.
  - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
  - d. The proposed collocation of equipment shall not do any of the following:
    - 1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
    - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - 3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
    - 4) The proposed collocation complies with the terms and conditions of any previous final

approval of the wireless communications support structure or equipment compound by the then-designated approving body of the Township.

7. **Class Two Wireless Communication Facility:** The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

**B. Application, Review and Approval for Class One Wireless Communication Facility:** A Class One Wireless Communication Facility constitutes a use permitted by right in any district, subject to site plan approval according to Article 14.

**C. Application, Review and Approval for Class Two Wireless Communication Facility:** A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 14 (Site Plan Review), Article 15 (Special Land Uses), and the following provisions:

1. **Application Review Time Frame**
  - a. After a special land use application for wireless communication equipment is filed with the Township, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (b), the application shall be considered to be complete when the Planning Commission makes that determination or the passing of fourteen (14) business days after the Planning Commission receives the application, whichever occurs first.
  - b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Planning Commission notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - c. The Township Board shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete, except that in the case of a special land use application for wireless communications equipment that will not be collocated on an existing wireless communications support structure or in an existing equipment compound, or for a wireless communications support structure, the period for approval or denial shall be 90 days. If the Township Board fails to timely approve or deny the application, the application shall be considered approved and the Township Board shall be considered to have made any determination required for approval.
2. **Additional Application Requirements:** In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 15, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise licensed in the State of Michigan.
  - a. An inventory of its existing towers, antennas, or sites approved for towers or antennas that are within the Township and two (2) miles of the border thereof, including specific information about the location, height, and design of each tower, their distance from the proposed tower, and the owner(s)/operator(s) of the existing tower(s).
  - b. The basis for the proposed new tower and its location and why existing tower facilities are not sufficient to provide service to the desired coverage area.
  - c. Elevation drawings of the proposed tower and any other structures.
  - d. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts, platted subdivisions, site condominium projects, and similar neighborhood developments, and multiple family developments.
  - e. Method of fencing and finished color and, if applicable, the method of camouflage.

- f. A written statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennae for future users.
- g. Identification of the entities providing the lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- h. 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 of the proposed new tower.
- i. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.
- j. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- k. Documentation that indemnity and insurance coverage exist for the communications tower in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the township. The township shall be named insured on the policy so as to receive notice of any cancellation of the policy.
- l. A copy of the relevant portions of a signed lease or other contractual arrangement that requires the removal of the tower and associated facilities upon cessation of site operations.

**D. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

- 1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
- 2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to the tower’s height, including antennas, except where the application documents that the tower is designed to fall upon itself, in which case the minimum setback shall be one-half the height of the tower but not less than one-hundred fifty (150) feet.

**E. Additional Standards:**

- 1. Separation Distances: The following separation distances shall apply to Class Two wireless communication facilities except that the approving body may reduce the standard separation distance by no greater than thirty percent (30%) upon a finding that there exists on-site or surrounding conditions that mitigate the need for such separation distances, that cellular service will be unreasonably undermined without such modification, and/or the tower is designed to fall upon itself as certified by a licensed structural engineer.
  - a. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted. In the case where a portion of a lot may be leased for tower purposes, the lot on which the tower is located shall not be considered the off-site use for measurement purposes.

Off-Site Use or Designated Area	Separation Distance
Single-family and two-family dwellings.	300 feet or 150% of the tower’s height, whichever is greater.
Vacant land zoned for single-family or two-family dwellings.	200 feet or 100% of the tower’s height, whichever is greater.
Vacant residentially zoned land not otherwise addressed above.	100 feet or 100% of the tower’s height, whichever is greater.
Land not zoned for residential use, whether vacant or otherwise.	The setback standards of Table 3-4 or the tower’s height, whichever is greater.
Another communication tower.	3 miles, measured by a straight line between the base of the existing and proposed tower.

2. Fencing and Lighting

- a. The base of a tower shall be fenced with a minimum six (6) foot high fence with anti-climbing measures.
- b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.

3. Tower Construction and Maintenance

- a. Towers shall be of a monopole or self-supporting lattice design unless it is determined that an alternative design would better blend with surrounding conditions. Guyed towers are prohibited.
- b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
- c. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, State Construction code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance therewith. Antennas and metal towers shall be grounded for protection against a direct strike by lightning.
- d. If, upon inspection, the Township concludes that a tower fails to comply with applicable 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.
- e. No tower shall exceed one hundred ninety five (195) feet in height, measured from the base of the tower to the highest point of the tower including antennae. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.
- f. All new communication towers shall be designed and constructed so as to accommodate colocation of a minimum of three (3) nine-to-twelve-panel broadband antenna arrays mounted at varying heights wireless communication facilities.
- g. There shall not be any type of advertising signs on site. However, one (1) sign, no larger than two (2) feet by three (3) feet, providing an emergency contact telephone number shall be placed on the outside of the compound fence.
- h. All towers shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.

4. Landscaping and Signage

- a. Signage shall be limited to emergency information only except as may be required by law.
- b. The landscape plan required by Article 14, Site Plan Review, shall provide for a planting program that effectively screens the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than fifteen (15) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.

5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.

6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical.

7. Colocation

- a. **Statement of Policy:** It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for colocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
- b. **Feasibility of Colocation:** Colocation shall be deemed to be feasible and practical for purposes of this subsection (7) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna and satisfactory evidence is submitted to support such exception.
- c. **Requirements for Colocation:**
  - 1) A permit for the construction and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

8. Removal

- a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the zoning administrator for such removal. All tower structures shall be removed to a minimum depth of three (3) feet. In the case where there are multiple users of a single tower, removal of the tower shall be not required until all users cease use of the tower for a continuous period of 365 days.
- b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the township may remove or secure the removal of the facility with reliance on the security posted at the time application was made for establishing the facility.

9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 6, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (8) above.

**End of Article 7**



**Article 8**  
**(RESERVED for FUTURE USE)**

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**End of Article 8**

## Chapter 9 SIGNS

### Section 9.1 Purpose

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the Township's road corridors, and the Township's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large. Unrestricted signage encourages traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Township including its business centers and residential neighborhoods, and its economic development initiatives. This Article recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this Article is intended to permit temporary signage consistent with the regulatory framework described above.

### Section 9.2 Definitions

- A. Awning/Canopy Sign:** A sign part of or otherwise affixed to a sheet of canvas, plastic or other non-rigid material stretched on a frame so as to be roof-like in function for coverage of the ground area below and/or for architectural purposes. An awning/canopy sign may be in a permanently extended position or may be retractable.
- B. Business Center:** A grouping of two or more businesses on one (1) or more lots and in one (1) or more buildings, which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.
- C. Electronic Message Center (EMC) Signs:** A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign or wall sign as defined herein.
- D. Freestanding Sign:** A sign that is erected upon or supported by the ground, including ground signs as defined herein and signs supported by one or more poles, columns or similar supports.
- E. Ground Sign:** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted, posted or otherwise affixed. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is affixed, and a sign that is supported by one (1) or more posts that are less than two (2) feet in height.
- F. Illumination/Illuminate:** The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.
1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
  2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.
- G. Marquee Sign:** A sign affixed to a permanent rigid roof-like structure that extends from a building for coverage of the ground area below and/or for architectural purposes, and which is not supported by columns, posts or other similar features.

**H. Off-Premises Advertising Sign:** A sign which identifies goods, services, facilities, events, or attractions that are available or provided at a location other than the lot upon which such sign is located (commonly referred to as a “billboard”).

**I. Permanent Sign:** A sign designed and/or intended to last indefinitely in the same location, structurally attached to the ground, a wall or other structure, in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the message of such sign.

**J Projecting Sign:** A sign, other than a wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located, irrespective of the direction from which the sign is intended to be viewed.

**K. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, greater than two (2) sq. ft. in area, designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public or private property, but not signs that are primarily directed at persons within the premises upon which the sign is located. Words, lettering, parts of letters, figures, or other representations, or combinations thereof, placed on multiple structures or other supports that are each no greater than two (2) sq. ft. in area but exceed two (2) sq. ft. in total cumulative area, and are intended to be read or viewed together as a single message, shall constitute a sign.

**L. Temporary Sign:** A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structure anchoring system, such as in the case of a “grand opening” sign, a sign announcing an upcoming community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

**M. Wall Sign:** A sign that is attached directly to a building wall that is flat against or generally parallel to the building wall and not extending more than eighteen (18) inches from the face of the wall, including signs painted on a building wall, and including signs on a marquee, canopy or awning-type structure. A wall sign shall not be construed to include a sign attached to or otherwise part of a roof, a sign attached to a wall but which extends above the lowest portion of a roof, or a “projecting sign” as defined herein.

**N. Window Sign:** A sign that is attached to the interior or exterior of any window. Permanent window signs that are not affixed directly to a window or are positioned within twelve (12) inches of a window so that they are visible from the outside, shall be considered wall signs.

## **Section 9.3 Application and Permit Requirements**

### **A. Permits and Review**

1. **Required Permit and Review:** All signs shall require a zoning permit prior to placement, erection, replacement or alteration unless exempted by subsection (2) below. If site plan review is required for a proposed project that a proposed sign shall be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 14, and a separate sign application shall not be necessary. If the proposed signage is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign. The Zoning Administrator may defer action on proposed signage to the site plan approving body.

2. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (1) above but shall conform to all other regulations and standards of this Article including area and height.
  - a. Signs erected by a governmental entity.
  - b. Indoor signs affixed to or covering windows.
  - c. Signs authorized under Section 9.7.
  - d. The maintenance or replacement of sign information on a previously approved sign.
  - e. Signs less than six (6) square feet.

**B. Application Information:** Application for a zoning permit for a sign shall include the following minimum information:

1. Name, address, and telephone number of the applicant.
2. A copy of the approved or proposed site plan for the lot on which the sign is to be placed.
3. Construction specifications including dimensions, materials, height, ground clearance if applicable, total display area, method of attachment to the wall or ground, and in the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
4. Location of the sign on the building and, in the case of a ground sign, its location on the lot and in relation to nearby buildings, structures, and property lines, and setbacks from lot lines, right-of-ways, and access drives.
5. The height and width of the building if the sign is a wall sign.
6. Lot area and frontage.
7. Elevational view of sign including proposed sign copy.
8. Information concerning required electrical connections.
9. Certification by the manufacturer that the sign complies with the Michigan Construction Code.
10. Written consent of the owner or lessee of the premises upon which the sign is to be erected, if different than the applicant.
11. Other information as may be required to ensure compliance with all applicable laws and regulations.

## **Section 9.4 Design and Construction Standards**

### **A. Materials, Construction and Maintenance:**

1. All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.
2. A sign shall be integrally designed so that its elements are of a unified character versus comprised of an assemblage of different sign types and materials. In the case where two (2) opposing sign faces are of differing shapes and/or sizes, resulting in the back of one (1) face not being fully obscured by the opposing face of the sign, the exposed backing shall be of a finished material and designed and constructed to appear as an integral part of the entire sign and of a similar character. No pole, column or similar support shall be used to accommodate more than one (1) sign serving the same business, tenant or occupant of a lot.
3. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

**B. Wall Sign Dimensions and Heights for Non-Residential Uses.** Wall signs in association with commercial, industrial, institutional and other non-residential uses shall comply with the following:

1. Wall Sign Vertical Dimension: The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height.
2. Wall Sign Horizontal Dimensions: The maximum horizontal dimension of any wall sign shall not exceed three-fourths (3/4) of the width of the building.

3. Wall Sign Height: The top of a wall sign shall not be higher than the lowest of the following:
  - a. The maximum height specified for the district in which the sign is located.
  - b. The top of the sills on windows above the first story.
  - c. The height of the building wall on which the sign is located.

**C. Lighting:**

1. Authorized Lighting: Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise.
2. Moving Illumination: No sign shall include flashing, blinking, intermittent, moving or variable intensity illumination except as authorized in association with an electronic message center (EMC) sign.
3. Exterior Illumination: Exterior illumination of a sign shall not result in reflected light that exceeds a brightness level of 0.3 foot candles above ambient light as measured according to the same specifications for EMC signs in Section 9.10(A)(3). Use of glaring undiffused lights or bulbs is prohibited. Sign illumination shall not distract motorists or otherwise create a traffic hazard.
4. Interior Illumination: Within Agricultural and Residential Districts, the interior illumination shall be limited to individual letters, lettering, symbols and logos on a sign. All other sign elements shall be opaque or otherwise not illuminated. This subsection shall not apply to temporary signs authorized by Section 9.7.
5. Source and Projection of Illumination: The source of sign illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and directed downward on the sign face only.
  - a. This subsection shall not apply to neon lights and exposed bulbs, including marques signs, provided such lights and bulbs shall not exceed fifteen (15) watts.
6. EMC Signs: See Section 9.10(A)(3) regarding lighting requirements for EMC signs.

**D. Measurements**

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, circle, cylinder, cone or combination thereof, including any framing.
  - a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and are greater than eighteen (18) inches apart from one another at any point, the area of the sign shall be the combined area of each face.
  - b. Where a sign has two (2) faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
  - c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined.
2. Sign Setbacks:
  - a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the nearest parts of the two signs as viewed from above in plan or bird's eye view.
  - b. The distance between a sign and a property line, parking lot or building, shall be measured along a straight horizontal line that represents the shortest distance between the property line or outer edge of the parking lot or building, and the leading edge of the sign as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign face. The height of a sign placed upon a berm shall be measured from the base elevation of the berm.

## **Section 9.5 Nonconforming Signs**

**A. General/Article 6:** Nonconforming signs shall be subject to the provisions of Article 6 except as otherwise provided by the following:

1. **Destruction:** A nonconforming sign that is destroyed to an extent greater than thirty percent (30%) of the sign's replacement cost, exclusive of the foundation, shall not be reconstructed.
2. **Maintenance:** Normal sign maintenance is permitted including painting of chipped or faded signs, replacement of faded or damaged surface panels, and repair or replacement of electrical wiring or electrical devices.
3. **Change of Copy:** The sign copy of a nonconforming sign may be changed provided that the change does not create any greater nonconformity or otherwise alter the sign's framing and structural features.

## **Section 9.6 Prohibited Signs:**

**A. Signs Prohibited:** The following signs are prohibited, whether temporary or permanent, except where expressly authorized elsewhere in this Article.

1. Signs that, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
2. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
3. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
4. Signs that extend over the surface of a roof, and signs that extend above the top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, and similar minor projections.
5. A sign, other than a flat wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located.
6. Signs affixed to fences and utility poles, except signs of a public governmental entity or utility.
7. Signs that obstruct ingress or egress from a required door, window or other required point of access.
8. Signs comprised of banners except as otherwise expressly authorized in association with a temporary sign according to Section 9.7.
9. Signs placed in, upon, or over any public right-of-way, alley, or other public place, except upon approval of the governmental entity having jurisdiction over such right-of-way.
10. Signs that have any moving or flashing lights, signs that revolve or have any visible moving parts, revolving parts or visible mechanical movement of any type, or signs that have other apparent visible movement irrespective of the cause of the movement.
  - a. Banners, pennants, festoons, spinners and streamers, and similar devices, that move due to wind or mechanical devices and that are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise expressly authorized in association with a temporary sign according to Section 9.7. This limitation shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Section 9.10(A)(3).
11. Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying "specified anatomical areas" or "specified sexual activities" as defined in Section 7.31 of Article 7, "Sexually Oriented Businesses."
12. Signs that constitute a temporary sign as defined in this Article, except as authorized according to Section 9.7.
13. All other signs not expressly authorized by this Ordinance.

## **Section 9.7 Permitted Temporary Signs**

- A. Authorization and Limitations:** In addition to all other signs authorized by this Article, temporary signs are permitted according to the requirements and limitations of this Section.
- B. Purpose:** A temporary sign may be used for any purpose including, but not limited to, announcements pertaining to a grand opening, an upcoming special event, or the availability of a dwelling or real estate for sale or rent; seasonal celebrations; construction signs providing information about the project under construction; and expressions of political, religious and ideological views.
- C. Illumination:** A temporary sign shall not be illuminated except in association with a seasonal celebration or as otherwise provided in this Section.
- D. Area Calculations:** Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by other sections of this Article.
- E. Agricultural and Residential Districts:** The following restrictions shall apply to temporary signs in Agricultural and Residential Districts:
1. **Number:** No more than one (1) temporary sign shall be displayed on a lot at any time for each one-hundred (100) feet of the lot's road frontage or portion thereof.
  2. **Sign Area:** Temporary signs shall not exceed four (4) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed sixteen (16) sq. ft. in area.
  3. **Sign Height:** Temporary signs shall not exceed a height of four (4) feet except where attached to a building wall, in which case such signs shall not exceed a height of eight (8) feet.
  4. **Setbacks:** Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines.
  5. **Duration:** The maximum number of days that a lot may exhibit one (1) or more temporary signs shall not exceed sixty (60) days during any calendar year, in the case where such sign exceeds four (4) sq. ft. in area. All other temporary signs may be erected and maintained year-round.
  6. **Multiple Tenants:** In addition to the temporary signs authorized by this subsection (E), in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling or tenant may display a temporary sign not exceeding a height of three (3) feet and an area of three (3) sq. ft. Such temporary signs shall be set back from all lot lines a minimum distance of five (5) feet and no two (2) temporary signs shall be located within one hundred (100) feet of one another when oriented toward a road right-of-way.
- F. Commercial and Industrial Districts:** The following restrictions shall apply to temporary signs in Commercial and Industrial Districts:
1. **Number and Spacing:** No more than two (2) temporary signs shall be displayed on a lot at any time for the first one-hundred (100) feet of the lot's road frontage or portion thereof, and no more than one (1) additional temporary sign shall be erected for each additional full one-hundred (100) feet of additional lot frontage. No more than four (4) temporary signs shall be exhibited at any one (1) time.
  2. **Sign Area:** No temporary sign shall exceed six (6) sq. ft. in area except that one (1) temporary sign shall not exceed eighteen (18) sq. ft. in area.
  3. **Sign Height:** Temporary signs shall not exceed a height of four (4) feet except that one (1) temporary sign shall not exceed a height of eight (8) feet unless attached to a wall, in which case the temporary sign shall not exceed a height of twelve (12) feet.
  4. **Setbacks:** Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines. Temporary signs greater than six (6) feet in height or six (6) sq. ft. in area shall be set back a minimum distance of five (5) feet from a front lot line.
  5. **Duration:** The maximum number of days that a lot may exhibit one (1) or more temporary signs shall not exceed thirty (30) days during any consecutive three (3) calendar months in the



case where such sign exceeds six (6) sq. ft. in area. All other temporary signs authorized by this Section may be erected and maintained year-round.

6. **Multiple Tenants:** In addition to the temporary signs authorized by this subsection (F), in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling unit or tenant may display a temporary sign for no more than thirty (30) days during any consecutive three (3) months, and such temporary sign shall not exceed a height of four (4) feet and an area of four (4) sq. ft. Such temporary signs shall be setback from all lot lines a minimum distance of five (5) feet, and no two (2) temporary signs shall be located within fifty (50) feet of one another when oriented toward a road right-of-way.

**G. Exceptions for Temporary Activities:** In addition to the temporary signs authorized by subsections (E) and (F), additional temporary signs shall be permitted under the following conditions.

1. **Real Estate:**
  - a. In the case of the sale or lease of a lot, building, building space, or residence, one (1) temporary sign shall be permitted for each three hundred (300) feet of road frontage or portion thereof. No sign shall exceed an area of six (6) sq. ft. and a height of four (4) feet except that in Commercial and Industrial Districts, and on lots of a minimum area of twenty (20) acres in other districts, no such sign shall exceed an area of twenty (20) sq. ft. and a height not exceeding six (6) feet.
  - b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units or tenant spaces, or at least three (3) buildings used for commercial, industrial or institutional purposes, is permitted one (1) temporary not exceeding eighteen (18) sq. ft. in area and five (5) feet in height. Such sign may be illuminated and the sign shall be removed after two (2) years after initial erection or after the sale of ninety percent (90%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.
2. **Construction Sites:** Temporary signs are permitted on lots on which a building is being erected or altered and for which all necessary zoning and building permits have been granted, provided such signs do not exceed two (2) per road frontage, do not exceed a cumulative total of forty-eight (48) sq. ft. in area per road frontage, and do not exceed a maximum six (6) feet in height. Such signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than thirty (30) days after a certificate of occupancy is issued or eighteen months, whichever occurs first. In the case of a sign in association with the construction of a single-family or two-family dwelling, no more than one such sign is permitted and shall not exceed a height of four (4) feet in height and six (6) sq. ft. in area.
3. **Public Vote:** Temporary signs not exceeding four (4) feet in height and six (6) sq. ft. in area may be displayed during the 60-day period prior to and the 15-day period after the respective vote. During all other periods prior to or after a public vote, such signs shall not exceed four (4) sq. ft. in area and four (4) feet in height, and no more than one (1) shall be erected on a lot.

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**Section 9.8 Permitted Permanent Signs by District**

Table 9-1 identifies authorized permanent signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Nothing in Table 9-1 shall be construed as authorizing a sign, sign area, sign height or sign setback that is otherwise regulated by other Sections of this Article. The signs authorized by this Section are permitted in addition to other signs authorized by the Article, and the signs permitted by this Section shall not be applied toward the permissible sign areas authorized by other Sections of this Ordinance. See Section 9.7 regarding temporary signs.

See “Table 9-1 Special Provisions” on following page.

FS = Free-Standing Sign    WS = Wall Sign

District	Authorized Signs And Number	Maximum Area of Signs	Maximum Sign Height	Minimum Sign Setback from Lot Lines
<p><b>Agricultural Districts</b> See “Table 9-1 Special Provisions” for signs for dwellings.</p>	<p><b>FS:</b> 1 per road frontage that meets the minimum District dimension.</p> <p><b>WS:</b> 1 per road frontage that meets the minimum District dimension.</p>	<p><b>FS:</b> 18 sq. ft.</p> <p><b>WS:</b> 18 sq. ft.</p>	<p><b>FS:</b> 6’ if part of a planting bed; 5’ otherwise.</p> <p><b>WS:</b> Top of wall.</p>	<p><b>FS:</b> 10’, except 50’ if the adjacent yard is in an Agricultural or Residential District.</p>
<p><b>Residential Districts</b> See “Table 9-1 Special Provisions” for signs for dwellings.</p>	<p><b>FS:</b> 1 per road frontage that meets the minimum District dimension.</p> <p><b>WS:</b> 1 per road frontage that meets the minimum District dimension.</p>	<p><b>FS:</b> 18 sq. ft.</p> <p><b>WS:</b> 18 sq. ft.</p>	<p><b>FS:</b> 6’ if part of a planting bed; 5’ otherwise.</p> <p><b>WS:</b> Top of wall.</p>	<p><b>FS:</b> 10’, except 50’ if the adjacent yard is in an Agricultural or Residential District.</p>
<p><b>Commercial and Industrial Districts</b> See “Table 9-1 Special Provisions” for signs for dwellings.</p>	<p><b>FS:</b> 1 per road frontage that meets the minimum District dimension.</p> <p><b>WS:</b> 1 per road frontage that meets the minimum District dimension.</p>	<p><b>FS:</b> 0.5 sq. ft. for each 1’ of building length generally oriented to the road, measured as a straight line between building corners, but not to exceed 48 sq. ft.</p> <p><b>WS:</b> 10% of the vertical surface area of the building façade to which the sign is attached, but not to exceed 48 sq. ft.</p>	<p><b>FS:</b> 6’ if part of a planting bed; 5’ otherwise. Where a freestanding sign is not a ground sign, the maximum height may be 15’ provided a minimum of 8’ of clearance is provided from the bottom of the sign face to the ground.</p> <p><b>WS:</b> Top of wall.</p>	<p><b>FS:</b> 10’, except 25’ from the I-96 right-of-way and 50’ from an adjacent yard in an Agricultural or Residential District.</p>

See “Table 9-1 Special Provisions” on following page.

**Table 9-1 Special Provisions**

**A. Business Centers**

1. **Freestanding Signs:** A business center shall be permitted one (1) free-standing sign according to the height, area and setback standards of Table 9-1. In the case of a business center that exceeds three hundred (300) linear feet of building along a single road, one (1) additional such sign is permitted.
2. **Ground Signs:** In the case of a business center comprised of multiple buildings and served by an internal road network, one (1) ground sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains, does not exceed five (5) feet in height and eighteen (18) sq. ft. in area, and complies with the setback standards of Table 9-1.
3. **Wall Signs:** A business center shall be permitted one (1) wall sign according to the height and area standards of Table 9-1. In addition, the business center shall be permitted one (1) wall sign for each business or tenant space having frontage along a public road or parking area, and such sign shall be attached to the façade of such business or tenant space. The total area of all wall signs shall not exceed ten percent (10%) of the vertical surface area of the facade forming the building frontage generally oriented to the road frontage or parking area, and the total wall sign area for a specific business or tenant having frontage along such public road or parking area shall not exceed ten percent (10%) of the vertical surface area of the frontage facade comprising the specific business or tenant facade.

**B. Dwellings:** Permanent signs on a lot on which the principal use is one (1) or more dwelling units shall comply with the following:

1. **Single and Two-Family Dwellings:** One (1) sign may be erected for each dwelling unit on a lot where such lot is used for single-family or two-family dwelling purposes, each not to exceed two (2) sq. ft. in area and shall comply with the setback standards of Table 9-1.
2. **Multiple Family Dwelling:** One (1) sign may be erected within ten (10) feet of a building entrance within a multiple family dwelling development. Such sign shall not exceed six (6) ft. in height and six (6) sq. ft. in area, and shall comply with the setback standards of Table 9-1.
3. **Postal Address:** The limitations of subsections (a) and (b) shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, to facilitate identification of the property for postal, emergency, and other vehicles. Such sign shall not exceed one (1) sq. ft. in area.

**C. Driveway/Entrance Signs:** The following permanent signs are permitted, excluding on lots used for single and two-family dwelling purposes:

1. One (1) sign is permitted at the intersection area of a public road and an access drive to a parking lot. Such sign shall not exceed four (4) sq. ft. in area and three (3) feet in height and shall be located within ten (10) feet of the edge of the driveway and road right-of-way.
2. One (1) sign is permitted at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes. Such sign shall not exceed thirty-two (32) sq. ft. in area and six (6) feet in height, and shall comply with the setback standards of Table 9-1.
3. One (1) sign is permitted at a door of a building. Such sign shall have a maximum height of six (6) feet and shall not exceed six (6) sq. ft. in area. The sign shall not be farther than ten (10) feet from such door and shall comply with the setback standards of Table 9-1.

**D. Drive-In/Drive-Through Signs:** One (1) sign, with a maximum height of eight (8) feet and a maximum area of thirty-two (32) sq. ft., is permitted per drive-through lane and/or drive-in station and shall be oriented to drivers within such lane or station. Such sign shall comply with the setback standards of Table 9-1 except that no such sign shall be located within thirty (30) feet of a road right-

of-way. If such sign is legible from a road right-of-way, the area of such sign shall be included in the computation of total wall or freestanding sign area for the lot, as applicable.

### **Section 9.9 Off-Premises Advertising Signs**

**A. Off-Premises Signs:** Off-premises advertising signs are permitted in compliance with the Highway Advertising Act, P.A. 106 of 1972, as amended, the Highway Advertising Program of the Michigan Department of Transportation, and the following additional limitations:

1. Off-premises advertising signs are permitted only on a lot in a Commercial or Industrial District and where such lot has frontage along Interstate 96.
2. Off-premises advertising signs shall be set back from all lot lines according to the setback standards for principal buildings in Table 3-4 of Article 3, but in no case shall such a sign be located within of three hundred (300) feet of a park, school, church, hospital, cemetery, or government building, or any dwelling existing at the time of erection of the sign.
3. There shall be a minimum of one thousand five hundred (1,500) feet between any two (2) off-premises advertising signs along the same side of the highway. A double-face or V-type sign shall be construed as a single sign.
4. There shall be a minimum of one hundred (100) feet between any off-premises advertising sign and any other sign on the same lot.
5. An off-premises advertising sign's total sign area facing any single direction shall not exceed three-hundred (300) sq. ft.
6. An off-premises advertising sign shall not exceed a height of twenty-five (25) feet above the average grade. Average grade shall be determined by the ground on which the sign sits or the grade of the abutting segment of Interstate 96, whichever is higher.
7. An off-premises advertising sign shall comply with the lighting standards of Section 9.10(A)(3).

### **Section 9.10 Additional Provisions for Specific Signs**

**A. Applicability:** The following provisions shall apply in addition to the other provisions of this Article:

1. **Window Signs:** Temporary and permanent window signs shall be permitted in Commercial Districts only, and only on the inside of first story windows. The total combined area of such signs shall not exceed thirty percent (30%) of the total window area.
  - a. The total sign area of permanent window signs shall not exceed ten percent (10%) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signage on the lot.
  - b. Temporary window signs shall not exceed twenty percent (20%) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs.
2. **Underhanging Signs:** One (1) sign that hangs above a sidewalk from the underside of a roof or other structure shall be permitted for each business in a business center, subject to the following conditions:
  - a. A minimum vertical clearance of eight (8) feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
  - b. Underhanging signs shall be designed to serve pedestrians rather than vehicular traffic.
  - c. Underhanging signs shall not exceed five (5) square feet in area.
3. **Electronic Message Center (EMC) Signs:**
  - a. An EMC sign shall be an integral part of a larger freestanding or wall sign, and no more than sixty percent (60%) of the freestanding or wall sign area shall be comprised of the EMC sign area, but in no case shall an EMC sign exceed eighteen (18) sq. ft. in area.
  - b. That portion of a sign comprised of an EMC sign shall not exceed a height of eight (8) feet.
  - c. One (1) EMC sign may be erected on a lot, irrespective of the number of road frontages the lot may have.

d. Lighting:

- 1) An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of fifteen (15) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages, including animation and animation-like imaging, are prohibited.
- 2) Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
- 3) An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:

$$\sqrt{\text{of the product of } (12 \times 100) = 34.6 \text{ feet measuring distance}}$$

- 4) The measure of light emitted from an internally illuminated sign at its surface shall not exceed 500 nits from dusk to dawn and 2,000 nits during all other times of a day.

4. Marquee Signs: Marquee signs shall be permitted according to the following provisions:

- a. Marquee signs shall be permitted only for theaters located in Commercial Districts.
- b. Marquee signs shall be constructed of hard noncombustible materials.
- c. The written message shall be affixed flat to the vertical face of the marquee structure.
- d. A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee structure.
- e. Marquee signs shall comply with the setback requirements for the district in which they are located.
- f. No portion of a marquee sign shall be higher than the roof.
- g. One (1) marquee sign shall be permitted per road frontage.
- h. The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the lot according to Table 9-1.

5. Awning/Canopy Signs: Awning/canopy signs shall be permitted according to the following provisions:

- a. Awning/canopy signs are only permitted in Agricultural, Commercial and Industrial Districts.
- b. The total area of the sign shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from beyond the lot.
- c. The area of awning/canopy signs shall be counted in determining compliance with the standards for total area of wall signs permitted on the lot according to Table 9-1.
- d. Awning/canopy signs shall comply with the setback requirements for the district in which they are located according to Table 9-1.

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**End of Article 9**

**Article 10**  
**OFF-STREET PARKING and LOADING**

**Section 10.1 Purpose**

It is the purpose of this Article to establish standards and requirements to ensure that parking spaces shall be adequately provided and maintained on each lot in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons, ingress, egress and circulation, and the receiving and distribution of goods, to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety and welfare.

**Section 10.2 General Requirements**

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

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

**C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be expressly authorized during site plan approval proceedings.

**D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity according to Section 10.4.

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same District as the use they are intended to serve, but in no case shall such off-street parking areas be located more than 300' from the uses the parking areas are intended to serve except upon a finding by the site plan approving body that, within the context of the specific use and anticipated vehicle and pedestrian patterns, no practical alternative is available and a greater distance shall not encourage excessive traffic in nearby residential areas or otherwise undermine public safety for pedestrians or motorists. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements where the multiple uses are operational at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities number of required parking spaces for joint or collective use may be reduced below the sum total of the individual space requirements as determined appropriate by the site plan approving body.
2. **Record of Agreement:** A copy of a proposed agreement between joint users, when the joint uses are located on separate lots, shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement. No such joint use shall be approved if vehicular access between the two lots requires the use of a public or private road.

**F. Decrease in Parking Areas:** No off-street parking area that exists on the date of adoption of this Ordinance, or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance or approved site plan unless additional parking area or space is provided sufficient to meet the requirements of this Article or approved site plan.

**G. Barrier-Free Parking Spaces:** Each parking lot that serves a building, except single and two-family dwelling units, shall provide reserved parking spaces for physically handicapped persons. The design, number and signage for such spaces and access to such spaces shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, but in no case shall a barrier-free parking space have more than a nominal three percent (3%) grade, or be less than twelve (12) feet in width or less than eight (8) feet in width when adjacent to an access aisle not less than five (5) feet in width, and the total number of such spaces shall not be less than one (1) for each twenty-five (25) total parking spaces provided for up to the first one hundred (100) total parking spaces provided or portion thereof. Such spaces shall be placed in the most convenient locations to facilitate access into a building and shall be clearly identified by both adequate paint striping and wall or post signs.

### **Section 10.3 Site Development Requirements for Off-Street Parking**

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

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

**B. Driveways:**

1. Adequate ingress and egress to the parking area by means of clearly defined drives shall be provided.
2. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and shall be no greater than thirty-five (35) feet wide, and all turning radii shall comfortably accommodate vehicle turning patterns.
3. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any lot line, fifty (50) from another driveway, and seventy-five (75) feet from an intersection. The site plan approving body may modify these standards as applied to a specific site plan based on review comments by the Ingham County Transportation Department.
4. Access to off-street parking that serves a non-residential use shall not cross another lot zoned for residential purposes.

**C. Surface:** All required off-street parking areas, including aisles and driveways, intended to accommodate four (4) or more spaces, shall be paved with concrete, bituminous asphalt or similar material approved by the site plan approval body. The site plan approval body may waive this requirement in the case of a lot outside of a Commercial or Industrial District upon its determination that such paving is not in character with the surrounding and intended land use pattern, the lack of paving will not cause a dust or noise nuisance to current and future residents, and the nature of the use generates comparatively low traffic volumes. Paved parking spaces shall be marked with striping.

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

**E. Location/Setback:**

1. Yard and Lot Line Setbacks: Off-street parking shall be located only in a side or rear yard and not within ten (10) feet of the respective lot line, or in a front yard but beyond the required front yard building setback.



2. **Other Setbacks:** Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang. Wheel chocks, or similar measure, shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas and walkways.

**F. Lighting:** All parking lot lighting shall comply with Article 12, Environmental Protection. Parking areas, entrances, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with Article 12.

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

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	11 ft.	24 ft.	9 ft.	23 ft.
Up to 45°	13 ft.	22 ft.	9 ft.	20 ft.
46° to 60°	16 ft.	22 ft.	9 ft.	20 ft.
61° to 75°	18 ft.	22 ft.	9 ft.	20 ft.
75° to 90°	18 ft.	24 ft.	9 ft.	20 ft.

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

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

**I. Number of Spaces:** See Section 10.4.

**J. Signs:** Parking and directional signs are permitted according to Article 9.

**K. Landscaping and Screening:** See Article 11.

**Section 10.4 Parking Space Requirements**

**A. Compliance with Required Number of Parking Spaces:**

1. **Required Spaces:** This Section identifies the number of required off-street parking spaces in all Districts, by land use type. Such parking spaces shall be located on the lot upon which the land use is located unless joint use of parking areas is permitted according to Section 10.2. The site plan approving body may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable because of the particular operational features or character of the use to be served by the off-street parking.
2. **Waivers:** In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the site plan approving body may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the site plan approving body may subsequently require the applicant to construct such parking spaces upon a determination by the site plan approving body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public

safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

**B. Residential Uses:**

1. One and Two Family Dwellings: Two (2) spaces for each dwelling unit.
2. Multiple Family Dwellings: Two (2) spaces for each dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. Manufactured Housing Community: Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. Assisted Living Facilities and Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional space shall be provided for each employee of the largest work shift.
5. Fraternities, Sororities, and Dormitories: One (1) space for every two (2) persons that may legally occupy the premises at one time, based on the occupancy load restrictions of the local building code.

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

1. Care Facilities:
  - a. **Hospitals and Medical Centers**: Three (3) spaces for each one (1) bed.
  - b. **Medical Clinics**: One (1) space for each one hundred twenty-five (125) sq. ft. of useable floor area.
  - c. **Day Care Centers, Child Care Center, Nursery School, School of Special Education**: One (1) parking space for each 400 sq. ft. of usable floor space or one (1) space for each seven children, whichever is greater.
  - d. **Nursing Facility, Convalescent Home, and Home for the Aged**: One (1) space for each three (3) beds.
2. Recreation:
  - a. **Par 3 Golf Courses**: Three (3) spaces for each hole.
  - b. **Par 4 or Greater Golf Courses**: Four (4) spaces for each hole.
  - c. **Miniature Golf Courses**: Two (2) spaces for each hole.
  - d. **Roller Skating Rinks and Pool and Billiard Rooms**: One (1) space for every three (3) persons allowed based on the occupancy load restrictions of the local building code.
  - e. **Bowling Alleys**: Three (3) spaces for each lane.
  - f. **Athletic Clubs, Physical Exercise Establishments, Health Studios, and Self-Defense Clubs**: One (1) parking space per two (2) patrons based on the occupancy load restrictions of the local building code.
  - f. **Arcade**: One (1) parking space per video, pinball, or other machine.
  - f. **Archery Facilities**: Two (2) parking spaces per target.
  - i. **Swimming Pools**: One (1) parking space per four (4) persons permitted in the pool at one time, based on the occupancy load restrictions of the local building code.
3. Retail Sales and Restaurants:
  - a. **Automobile or Machinery Sales**: One (1) space for each 200 sq. ft. of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
  - b. **Clothing, Furniture, Appliance, and Hardware**. One (1) space per six hundred (600) square feet of gross floor area.
  - c. **Service Stations**: Two (2) spaces for each repair and service stall plus one (1) space for

every two hundred (200) sq. ft. of useable floor area exclusive of stall areas. A service stall shall not be considered a parking space.

- d. **Supermarket, Self-Service Food Store:** One (1) space for every two-hundred (200) sq. ft. of useable floor area.
  - e. **Standard Restaurants, Taverns, and Bars:** One (1) space for every three (3) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to customers.
  - f. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats, plus one (1) additional space for each fifteen (15) sq. ft. of floor area devoted to placing orders, plus sufficient area for ten (10) stacking spaces for drive-through windows.
  - g. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 sq. ft. of usable floor area plus sufficient area for ten (10) stacking spaces for drive-through windows.
  - h. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) sq. ft. of usable floor area, provided a minimum of ten (10) spaces are provided.
  - i. **Ice Cream Parlor:** One (1) space for every seventy-five (75) sq. ft. of gross floor area, but not less than eight (8) spaces.
  - j. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) sq. ft. of useable floor area.
4. Services:
- a. **Banks and Financial Institutions:** One (1) parking space for every 250 sq. ft. of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
  - b. **Barber Shops and Beauty Parlors:** Three (3) spaces for each chair for the first two (2) chairs, and one and one-half (1.5) spaces for each additional chair.
  - c. **Vehicle Service/Repair:** Two (2) spaces for each service stall, provided at least six (6) spaces are provided.
  - d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, there shall be provided one (1) or more queuing lanes to accommodate vehicles waiting to enter the system. The queuing lane shall be configured to accommodate a minimum of eighty (80) percent of the number of vehicles capable of moving through the system according to the manufacture's hourly rated capacity for the system. A linear dimension of twenty (20) feet per vehicle shall be used for determining the required queuing lane(s) length.
  - e. **Car Wash, Self-Service:** For those systems that require the vehicle occupant to wash the vehicle, there shall be provided one (1) or more queuing lanes to accommodate vehicles waiting to be washed. The queuing lane(s) shall be configured to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time. A linear dimension of twenty (20) feet per vehicle shall be used for determining the required queuing lane(s) length.
  - f. **Funeral Homes and Mortuaries:** One (1) space for every twenty-five (25) sq. ft. of floor area of chapels and assembly rooms.
  - g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity but not less than six (6) spaces.
  - h. **Laundromat:** One (1) space for every three (3) washing or drying machines.
  - i. **General and Professional Offices:** One (1) space for every two hundred (200) sq. ft. of useable floor area.
  - j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.
  - k. **Mini-Warehouses and Mini-Storage:** One (1) space for each 10 storage units, equally distributed throughout the storage area.
  - l. **Motels and Hotels:** One (1) space for each sleeping unit, plus spaces required by this

Section for accompanying bars, restaurants, banquet rooms, and other associated facilities.

- m. **Banquet Halls:** One (1) parking space per four (4) persons permitted in the banquet hall according to the occupancy load restrictions of the building code.

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

- 1. **Industrial or Manufacturing Establishments:** One (1) space for every one thousand (1,000) sq. ft. of gross floor area.
- 2. **Warehouses and Wholesale Stores:** One (1) space for every fifteen hundred (1,500) sq. ft. of gross floor area.

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

- 1. **Religious Institutions:** One (1) space for each three (3) seats or six (6) linear feet of pew or bench seating in the main unit of worship.
- 2. **Non-School Auditorium, Theater, Assembly Hall, Stadium and Sports Arena:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load restrictions of the local building code, whichever is greater.
- 3. **Private Civic Club or Lodge:** One (1) space for each two (2) occupants, based on the occupancy load restrictions of the local building code.
- 4. **Elementary and Middle Schools:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load restrictions of the local building code, whichever is greater.
- 5. **High Schools:** One (1) space for each ten (10) students, plus one (1) space for every four (4) seats where the school contains an auditorium, stadium and/or gym, based on the occupancy load restrictions of the local building code.
- 6. **Libraries, Museums, Post Offices:** One (1) space for every three hundred (300) sq. ft. of useable floor area.
- 7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats or five (5) linear feet of bench seating, plus one (1) additional space for each one hundred (100) sq. ft. available to accommodate additional attendees not otherwise restricted to a fixed seating area.
- 8. **Periods of Construction:** Temporary off-street parking, paved or unpaved, shall be provided for workers during construction at a rate of one (1) space per worker.

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**Section 10.5 Loading and Unloading Space Requirements**

**A. Additional Space:** Loading and unloading space required under this Section shall be provided on the same lot as the use it is to serve, and as area additional to off-street parking space required under Section 10.4.

**B. Size and Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of ten (10) feet in width and twenty-five (25) feet in length, and fourteen (14) feet in vertical clearance, open or enclosed, and shall be of such pavement design to accommodate the anticipated truck traffic. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as delineated by the ratio standards below. Any change in use, or increase in the gross floor area or any portion of a lot dedicated to the use, shall be accompanied by additional loading and unloading space according to the ratio standards below.

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

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

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

**E. Location**

1. Loading-unloading spaces shall not be located in any front yard.
2. Loading-unloading spaces shall not be located in a required side or rear yard setback except where such yard adjoins a Commercial or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line.
3. In no case shall loading-unloading spaces be located closer than fifty (50) feet to a lot used principally for residential purposes.
4. Loading and unloading operations shall not interfere with traffic on roads or other off-street parking areas.

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**End of Article 10**

## **Article 11**

# **LANDSCAPING and SCREENING**

### **Section 11.1 Purpose**

It is the purpose of this Article to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

### **Section 11.2 Uses Subject to This Article**

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 14, Site Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved that is not consistent with the provisions of this Article. This Article shall not apply to single family and two-family dwellings.

### **Section 11.3 Landscape Plan Required**

**A.** A landscape plan is required to be submitted as part of a site plan according to Article 14. The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer and landscape areas.

The landscape plan shall include the following minimum information:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed topographic contours.
4. Existing trees that are located in the portions of the site that will be built upon or otherwise altered, and extending a minimum of twenty (20) feet beyond, which are five (5) inches or greater in caliper as measured twelve (12) inches above grade.
5. Identification of existing trees and vegetative cover to be preserved. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan.
6. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions such as tree wells to preserve existing trees.

### **Section 11.4 Buffer Areas**

**A. Side and Rear Yard Buffer Areas:** A buffer area shall be established along all side and rear lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of a buffer.

1. Width: The buffer area shall be a minimum of ten (10) feet in width.
2. Required Plant Material: The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees. Trees shall be provided at a rate of at least one (1) evergreen tree per thirty (30) linear feet and one (1) deciduous tree per fifty (50) linear feet. Plantings may be uniformly spaced, clustered, and/or randomly scattered. In the case of a proposed non-residential use adjacent to another non-residential use, the preceding minimum required rate of plantings shall be reduced to one (1) evergreen tree per forty-five (45) linear feet and one (1) deciduous tree per sixty (60) linear feet.
  - a. The normally required buffer area plantings along the side and rear lot lines may be relocated elsewhere along and/or around the proposed developed portion of the site upon a determination by the site plan approving body that repositioning the plantings shall provide equal or better mitigation of negative impacts and result in the accommodation of

the proposed use in a manner more harmonious with the surrounding landscape. However, the approval of such repositioning of buffer measures shall not waive the requirement for the reservation of the ten (10) foot buffer area along side and rear property lines.

- b. Where determined necessary to adequately mitigate negative impacts upon the adjacent or other nearby lots, the site plan approving body may require that the buffer area include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. Heights of berms, fences and walls shall be measured on the side of the proposed berms, fences and walls having the higher grade. In the case where a solid wall or fence is required by the site plan approving body, the normally required plant material quantities may be reduced by twenty-five percent (25%) and a minimum of fifty percent (50%) of the plant material shall be located on the exterior side of the berm, wall or fence.

**B. Front Yard Buffer Areas:** A buffer area shall be established along the front lot line. The buffer area shall not be used for storage or used in any other manner except for the purposes of a buffer.

1. The buffer area shall be a minimum of ten (10) feet in width.
2. The buffer area shall be landscaped with a minimum of one (1) tree for each forty (40) lineal feet, or portion thereof, of frontage adjoining the road right-of-way, and a minimum of eight (8) shrubs for each forty (40) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. Plantings may be uniformly spaced, clustered, and/or randomly scattered. Access ways through required buffer areas shall be permitted but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required plantings. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover.
  - a. The normally required buffer area plantings along the front lot line may be relocated elsewhere within the front yard upon a determination by the site plan approving body that positioning the plant material closer to the developed portion of the lot or elsewhere in the front yard shall provide equal or better mitigation of negative impacts and result in the accommodation of the proposed use in a manner equally or more harmonious with the surrounding landscape and intended character of the immediate area. However, the approval of such repositioning of buffer measures shall not waive the requirement for the reservation of the ten (10) foot buffer area along the front lot line.

## **Section 11.5 Parking Lot Landscaping and Screening**

**A. Parking Lot Landscaping:** In addition to the other landscaping and screening requirements of this Article, parking lots shall be landscaped and screened as follows:

1. Landscaping Ratio and Areas: Off-street parking areas containing greater than ten (10) parking spaces shall be provided with at least twenty (20) square feet of interior landscaping per space. Individual landscaped areas in parking lots shall be no less than five (5) feet in any single dimension and no less than two hundred (200) square feet in area.
2. Required Plantings: A minimum of one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees.
3. Design Considerations: Plantings within parking lots shall comply with the requirements for unobstructed sight distance set forth in Article 13, and whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

**B. Parking Lot Screening:** In addition to the other landscaping and screening requirements of this Article, and where a parking lot contains ten (10) or more parking spaces and is within one hundred (100) feet of an Agricultural or Residential District, or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berms and plant material, either individually or in combination, shall be of such height and spacing to provide a minimum fifty percent



(50%) screen along the parking lot border to a minimum height of three and one-half (3.5) feet at the time of berm and plant material installation. Shrub materials shall be of evergreen or otherwise densely-branched screening character.

### **Section 11.6 Additional General Landscaping and Screening**

**A. General Landscaping:** In addition to the other landscaping and screening required by this Article, a minimum of one (1) additional tree shall be planted for each three thousand (3,000) square feet of impervious surface to be established on the lot including paved surfaces and buildings. Plantings may be uniformly spaced, clustered, and/or randomly scattered. Any remaining unpaved areas within the developed portion of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge.

**B. Multiple-Family Dwelling Units:** In addition to the other landscaping and screening required by this Article, multiple-family dwelling units shall each be provided a minimum of two (2) deciduous or evergreen trees and four (4) shrubs. Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public road, a landscaped privacy screen shall be provided and shall consist of berms, fences and/or plant material, subject to review by the site plan approval body.

**C. Road Right of Ways:** Public road rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or ground cover shall be permitted closer than three (3) feet to the edge of the road pavement or gravel shoulder. Nothing in this subsection shall require non-compliance with County Transportation Department rules and regulations.

**D. Equipment:** Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, air conditioners, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting. A three (3) foot open area should be maintained around such equipment to facilitate repairs, if necessary.

**E. Utility Protection and Setbacks:** In no case shall landscape material be planted in a way that shall interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines a minimum distance equal to the anticipated height of the tree according to published characteristics.

**F. Landscaping of Divider Medians:** Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.

**G. Clear Vision:** All landscaping and screening shall comply with the clear vision provisions of Article 13.

## **Section 11.7 Minimum Standards of Landscape Elements**

**A. Quality and Composition:** Required plant material shall be living, free of insects and diseases, and hardy to the central Michigan climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, poplar, silver maple and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

**B. Plant Material Size:** Unless specified otherwise in this Ordinance, required plant material shall comply with the following size standards:

1. **Deciduous Shade Trees:** Minimum of two and one-half (2.5) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
2. **Deciduous Ornamental Trees:** Minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade, with a minimum height of four (4) feet above grade when planted.
3. **Evergreen Trees:** Minimum of five (5) feet in height when planted, a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
4. **Shrubs:** Two (2) feet in height when planted except that intentional low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.
5. **Hedges:** Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of three (3) feet in height when planted.

**C. Ground Covers:** Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after two (2) complete growing seasons.

**D. Grasses:** Grass areas shall be planted using species normally grown as permanent lawns in central Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

**E. Berms:** Berms shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of berms shall be three (3) feet. A berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion and to retain its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the site plan approving body. Berms shall be constructed to ensure proper site drainage and the avoidance of ponding.

**F. Mulch:** Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.

**G. Manufactured Landscape Elements:** All required or otherwise proposed fencing, walls and other manufactured landscape elements shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement. The finished side of fencing and walls shall face abutting properties. All manufactured landscape elements, including benches, retaining walls, and edging, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced.

## **Section 11.8 Installation, Maintenance and Completion**

### **A. Installation and Timing**

1. **General:** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. Trees, shrubs, hedges, and vines shall be mulched to a minimum depth of four inches (4") at the time of planting.
2. **Perimeter Landscaping:** Landscaping along the site perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.
3. **Seeding or Sodding:** Lots shall be seeded or sodded within ninety (90) days after occupancy.
4. **Off-Season Planting Requirements:** If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 2.6.

**B. Protection from Vehicles:** Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

**C. Maintenance:** Landscaping required by this Ordinance, including berms, shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) month of notice by the Zoning Administrator unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. All plant material shall be watered as necessary to ensure health and disease resistance. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced.

## **Section 11.9 Protection and Replacement of Existing Trees**

**A. Protection:** If existing plant material is labelled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

**B. Replacement:** In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

1. A damaged tree with a caliper less than six inches, measured twelve inches (12) above grade, shall be replaced with one (1) tree with a minimum caliper of two and one-half inches (2.5").
2. A damaged tree with a caliper greater than six inches, measured twelve inches (12) above grade, shall be replaced with one (1) tree with a minimum caliper of two and one-half inches (2.5") for each six inches (6") of caliper of the damaged tree.

**Section 11.10 Modifications of Landscape and Screening Provisions**

**A. Modifications Authorized:** In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the site plan approving body may modify the specific requirements outlined herein.

**B. Basis for Modifications:** Modifications may be granted where the site plan approving body finds that such modifications are in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the site plan approving body shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening or visual enhancement effect.
3. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

**End of Article 11**

## **Article 12**

# **ENVIRONMENTAL PROTECTION**

### **Section 12.1 Purpose**

The purpose of this Article is to promote a healthy environment as it relates to the Township's natural resources and sensitive ecosystems including the protection of the extent and integrity of its land, water and air resources and ensuring adequate sewage disposal and potable water.

### **Section 12.2 Natural Resources**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform to the provisions of this Ordinance and all local, county, state and federal rules and regulations including:

1. Michigan Department of Environmental Quality and U.S. Environmental Protection Agency rules and regulations regarding air and water quality protection including radiation, smoke, soot, dirt, and fly ash; wetlands, stream crossings, fills in or near water bodies or in flood plains; discharges into the air, surface or ground waters and land and waste disposal; and the loading/unloading, transport, storage, use and/or disposal of hazardous substances including radioactive materials, fuels and other flammable liquids.
2. Ingham County Health Department rules and regulations regarding sewage disposal.
3. Ingham County Drain Commissioner rules and regulations regarding soil erosion and sedimentation control.

**B. Sensitive Lands:**

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

**C. Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation:** The excavation and removal of soil, sand, clay, gravel, and similar materials, for reasons other than in association with preparing the site for construction, shall comply with the regulations set forth for extraction operations according to Article 7.

**D. Fill Material:** All material used to fill excavations, depressions, or otherwise shape the earthen landscape shall be free of contamination from hazardous substances, debris, junk, or waste.

### **Section 12.3 Potable Water and Sewage Disposal**

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

### **Section 12.4 Vibration**

The operation of any land use including equipment and devices associated therewith, that creates vibrations discernible by human senses at or beyond the lot line of the source, is prohibited. For the purposes of this Section, “discernible by human senses” means vibrational motion of such character to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

### **Section 12.5 Glare and Heat**

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

### **Section 12.6 Drifting of Air-Borne Matter**

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, is prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

### **Section 12.7 Odors**

Offensive, noxious, or foul odors, including odors produced by gas wells, but excluding farms being operated in accordance with the standards associated with the Michigan Right-to-Farm Act, shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

### **Section 12.8 Topsoil, Grading and Storm Water Management**

**A. Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized as part of an approved site plan. “Disturbed areas” shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (A) shall not apply in the case of a single family dwelling for which a zoning permit and building permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed site improvements according to such permits.

#### **B. General Grading**

1. Temporary and permanent grades of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure.
2. It shall be prohibited to alter the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.

**C. Storm Water Management:** Uses subject to this Section (C) shall be limited to those uses subject to site plan approval according to Article 14 of this Ordinance unless expressly provided otherwise. All uses shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. In meeting these requirements, the following standards shall apply to the greatest extent practical and feasible:

1. All storm water drainage and erosion control plans shall meet the rules and regulations of the Ingham County Drain Commissioner and any additional regulations as this or other ordinance may provide, including standards pertaining to discharge volumes and the design of retention and detention areas. Compliance with such standards shall, to the maximum extent feasible,

utilize nonstructural control techniques including, but not limited to: limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, and grass or rock-lined swales; and use of infiltration devices.

2. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands, and watercourses on the site.
3. Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development for adjacent and downstream property owners.
4. Site development and storm water management systems shall maintain natural drainage patterns and watercourses.
5. The conveyance of storm water shall rely on swales and vegetated buffer strips to the greatest extent feasible and practical.
6. Drainage systems shall be designed to be visually attractive including the integration of storm water conveyance systems and retention and detention ponds into the overall landscape concept. Ponds shall be designed to be naturally contoured, rather than a square or rectangular design.
7. Where practical, permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation prior to removing the vegetative cover from an area, and permanent vegetation and soil erosion control devices shall be installed as soon as practical during development.
8. The smallest practical area of land shall be exposed at any one time during development, for the shortest practical period of time. Soils exposed during construction shall be protected with temporary vegetation, mulching, or other protection. Sediment basins, debris basins, desilting basins, and/or silt traps shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
9. It shall be prohibited to alter the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
10. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Township whether by written agreement or otherwise, that the landowner will bear the responsibility for providing and maintaining such methods or facilities.

## **Section 12.9 Flood Hazard Overlay District**

**A. Establishment and Boundary:** A Flood Hazard Overlay District is established as an overlay district over the zoning districts delineated on the official Wheatfield Township District Map. The boundaries of the Flood Hazard Overlay District shall coincide with the boundaries of the areas of special flood hazards (Zone A and Zone AE) designated by the Federal Insurance Administration in the Flood Hazard Boundary Maps, which are hereby adopted by reference, and declared to be part of this ordinance.

**B. Issuance of Zoning Permits:** No new construction in areas of special flood hazards, including the erection of structures and the placement of mobile homes and prefabricated buildings, shall occur except upon issuance of a zoning permit in accordance with the requirements of Article 2 of this ordinance and the following standards:

1. Supporting Permits: No zoning permit shall be issued prior to the applicant demonstrating receipt of all other required permits including but not limited to the following:
  - a. Flood Plain Permit from the Michigan Department of Environmental Quality and U.S Army Corps of Engineers.
  - b. Soil Erosion and Sedimentation Control Permit from the Ingham County Drain

Commissioner pursuant to Act 347 of the Public Acts of 1972 as amended.

c. Inland Lakes and Streams Act pursuant to Public Act 346 of 1972 as amended.

**C. General Standards:**

1. Residential: All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above base flood level where such level has been established.
  - a. All mobile homes shall be placed on a lot which is elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above base flood level where such level has been established.
2. Non-Residential: All new construction and substantial improvements of non-residential structures comply with one (1) or more of the following:
  - a. The lowest floor, including basement, shall be elevated to or above the base of flood level where such level has been established.
  - b. The structure shall be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall indicate the elevation to which the structure is flood proofed.

**D. Public Utilities:** Public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

**End of Article 12**



## **Article 13 ACCESS**

### **Section 13.1 Purpose**

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

### **Section 13.2 Lots to Have Access**

All lots hereinafter created in the Township shall have frontage on a public road and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. This Section shall not apply to buildings and activities associated with a farm operation except in the case of dwellings on agriculturally used lots.

### **Section 13.3 Driveways**

**A. Approval Required:** All plans for structures to be erected, altered, moved or reconstructed, and use of premises, shall contain a plan for the proposed driveway access to the premises which shall be part of the required plot plan or site plan.

**B. Standards:** Driveways shall meet the following minimum standards:

1. Driveways shall be within ten (10) degrees of perpendicular to the road at their point of intersection.
2. No driveway shall serve more than one (1) single family dwelling unless specifically approved otherwise.
3. Residential driveways shall be a minimum of ten (10) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet, and have a sand, gravel, stone, or paved surface to facilitate emergency access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to an adjacent driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.

### **Section 13.4 Clear Vision Zone**

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and eight (8) feet above road grade on any corner lot, within forty (40) feet of the intersecting road right-of-way lines. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and eight (8) feet above road grade within ten (10) feet of a driveway edge and the intersecting road right-of-way line.

**End of Article 13**

## **Article 14 SITE PLAN REVIEW**

### **Section 14.1 Purpose**

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

### **Section 14.2 Site Plan Approval Required**

**A. Uses Requiring Site Plan Approval:** Except as provided in subsection (B) or elsewhere in this Ordinance, site plan approval is required by the Township Board prior to the establishment or alteration of, or issuance of a zoning permit for, any use, building or structure including commercial, industrial, office, and public uses and facilities, and including support facilities for such uses such as access ways, parking, fences, walls and signage; platted subdivisions, site condominium projects and multiple family developments; and special land uses. For the purpose of this Section 14.2(A), “the establishment or alteration of” shall be construed to also include “the initiation of,” “the expansion of,” and “the relocation of.”

**B. Exceptions:**

1. Single family and two-family dwellings, and alterations and accessory structures and buildings thereto, shall be subject to plot plan approval by the Zoning Administrator according to Section 2.4(B).
2. Buildings used for agriculture and part of a farm shall be subject to plot plan review.

### **Section 14.3 Review Procedures**

**A. Optional Preliminary Site Plan:** Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (B) – (E) below.

1. Level of Detail: The preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, storm water management including flow direction and preliminary location of detention/retention basins; general grading including limits of clearing and proposed contours; vehicular circulation including general road alignments, parking spaces and parking circulation; approximate lot areas and approximate lot lines; signage; and landscaping and screening measures.
  - a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
2. Approval Period: Approval of the preliminary site plan is valid for a period of eighteen (18) months except where this Ordinance expressly authorizes otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Township Board upon its finding that

no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the applicant submitting a wholly new application according to Section 14.3.

3. **Sketch Plan Option:** Prior to the submission of a preliminary or final site plan, an applicant may submit a sketch plan of the proposed development which identifies basic development features such as property location and lot lines and the general location of proposed buildings, roads, and parking areas. The purpose of such submittal is for the applicant to receive initial feedback from the Planning Commission regarding the appropriateness of the proposal prior to moving forward with the preparation of a more detailed preliminary site plan. Given that critical development information is not required for a sketch plan such as storm water management, grading, road design, and the limits of grading and clearing, comments offered in the course of reviewing a sketch plan shall not be legally binding nor be interpreted as assuring a specific action on any subsequent preliminary application submitted.

**B. Zoning Permit / Final Site Plan Application Submittal, Distribution and Data:** A minimum of fifteen (15) copies of a final site plan shall be submitted to the Zoning Administrator along with a zoning permit application for the proposed development for which site plan approval is being sought. Upon receipt of the zoning permit application and accompanying site plan, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such materials.

1. **Zoning Permit Application:** The following minimum information shall be provided as part of a zoning permit application for a structure or use subject to site plan approval:
  - a. Applicant's name and address, and signature attesting to the accuracy of the information presented.
  - b. Name, address and signature of property owner, if different from applicant.
  - c. Address of the subject property and a complete legal description including acreage and the Tax Identification number(s).
  - d. Existing zoning classification and use of applicant's parcel.
  - e. Proposed use of land and name of proposed development.
  - f. Proof of property ownership.
  - g. Review comments and/or approvals from County, State, and Federal agencies.
  - h. Narrative description of the proposed use including the service and/or sales to be offered; hours of operation; anticipated truck traffic; anticipated largest employee shift; source of potable water and means of sewage and garbage disposal; total useable floor area in the case of non-residential uses; total number of dwelling units; and the acreage and nature of any open spaces and recreation amenities to be provided.
2. **Site Plan Preparation:** The site plan shall be provided on a professional quality drawing of scale not less than 1" = 50' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project. Sheet size shall not exceed 24 inches by 36 inches. The following information shall be included on a site plan. Each site plan sheet shall include the following information in addition to the information required under subsection (3) and (4):
  - a. The applicant's full name, address and phone number.
  - b. The name, address and phone number of the person and firm responsible for the site plan sheet's preparation; and the name of the proposed development.
  - c. Bar/graphic scale and north arrow.
  - d. The most current revision date.

3. Site Plan / Existing Conditions Information: The site plan shall identify the existing conditions on the subject property and shall portray the following minimum information:
  - a. Location map with north point, including all roads and road names within one (1) mile.
  - b. A property line survey, correlated with a legal description, showing property line dimensions and bearings and lot area.
  - c. Zoning classification of the subject property and all abutting lots.
  - d. Distance from lot frontage corners to nearest driveways along both sides of such frontage.
  - e. Notation of any variances that have been granted.
  - f. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.
  - g. Buildings and structures including dimensions, height, and setbacks from lot lines, with a designation as to which are to be retained, removed, or otherwise altered.
  - h. Roads, drives and alleys including surface materials and surface and right-of-way widths.
  - i. Parking space and aisle dimensions and the total number of spaces.
  - j. Natural features including soil types and soil unit boundaries; topography at minimum two (2) foot contour intervals, referenced to a U.S.G.S. benchmark and extending a minimum distance of fifty (50) feet from all lot lines; lakes, ponds, continuous and intermittent drainage courses; floodplains; and wetlands including the source of wetland delineation information.
  - k. Non-motorized travel ways including trails, paths, and sidewalks, and the widths of each.
  - l. Utilities including sanitary sewer, potable water, electricity, communication and gas service.
  - m. Location, width and purpose of all easements and rights-of-way including for utilities, access, and drainage.
4. Site Plan / Proposed Modifications: The site plan shall identify proposed modifications to the subject property including the following minimum information:
  - a. Buildings and structures including location, height, outside dimensions, floor area of each and in total, floor plans and elevations, and required setbacks. Elevations shall indicate type and color of exterior materials, roof design, projections, canopies, awnings, overhangs, screen walls, and outdoor or roof-located mechanical equipment such as air conditioning units, heating units, and transformers.
  - b. Accessory structures including the location, dimensions, and construction details for signage; location and height of lighting fixtures including specifications to ensure compliance with Section 20.20; location, dimensions and construction details for fences and walls;
  - c. Roads, drives and other access and circulation features including sidewalks and trails; driveway entrances; centerlines; surface materials; surface and right-of-way widths; inside radii of all curves including driveway curb returns; acceleration, deceleration, passing and fire lanes; typical cross-section of roads and driveways; loading and unloading areas; and parking lots including configurations, parking space and aisle dimensions, location of handicap parking spaces, total number of parking spaces, and the basis for calculating the required number of parking spaces. Proposed traffic control measures (including signs) shall also be indicated.
  - d. Landscape plan prepared according to and identifying the information required by Article 11.
  - e. Exterior lighting locations and method of shielding lights from adjacent properties.
  - f. Trash receptacle locations and method of screening.
  - g. Transformer pad location and method of screening.
  - h. The location of any outdoor storage and the manner by which it shall be screened.
  - i. Proposed source and location of all public and private utilities including gas, electric, and telephone service; potable water and sewage disposal including sewer and water mains, septic field facilities, well sites, water service leads and hydrants; and the necessary easements that exist or are to be established for installation, repair and maintenance of such utilities.

- j. Storm water management plans including storm sewers and drainage facilities; location and capacity of retention/detention facilities; soil erosion and sedimentation control measures; points of discharge; and invert elevations.
- k. Proposed grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades, and proposed topography at minimum one (1) foot contours. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
- l. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any flammable, toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
- m. Location and description of all easements and rights-of-way for utilities, access, and drainage.
- n. Intended schedule for completing the project, including the timing of project phases.
- o. Assessment of potential impact on groundwater, including but not limited to quality, quantity, and recharge.
- p. A statement identifying all federal, state and local permits required, if any.
- q. In the case of a platted subdivision, site condominium project, multiple family development or similar residential development, the number, type and location of each type of residential unit; density and lot coverage calculations; garage and carport locations; road alignments, widths, names and intersection details; community building locations, dimensions, floor plans, and facade elevations; the location, size and purpose of open space and recreation areas including swimming pool deck and fencing details. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.
- r. Any additional information that may be determined necessary to enable township officials to determine compliance with the standards of this Ordinance.

**C. Review for Completeness:** Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

1. A site plan shall include, at a minimum, the information required by this Section except where the Planning Commission determines that the waiving of specific submittal items, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare. The Planning Commission or Township Board may subsequently void this waiver should deliberations reveal the need for additional information.

**D. Planning Commission Recommendation on Final Site Plan:** Upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall recommend denial, approval, or conditional approval of the final site plan. A site plan shall be recommended for approval or conditional approval if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. See Sec. 20.2 regarding conditional approvals.

**E. Township Board Action on Final Site Plan:** Upon receipt of a recommendation from the Planning Commission, the Township Board shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Township Board shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant (see Sec. 20.2 regarding conditional approvals). The Township Board may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised set of documents is necessary before an approval action can be granted.

1. Issuance of Zoning Permit: Upon approval or conditional approval of the site plan by the Township Board, the Zoning Administrator shall issue a Zoning Permit authorizing the use and construction subject to the approved application. Where a conditional approval expressly provides for the delay of the issuance of a Zoning Permit until a specific condition has first been met, the Zoning Administrator shall delay the issuance of the permit until the condition has been met.
2. Building Permit Required: Upon issuance of a Zoning Permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

**F. Approved Site Plans:** Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each of the three approved copies shall be signed and dated with the date of approval specified, by the Township Supervisor and Township Clerk.

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

## **Section 14.4 Site Plan Approval Standards**

**A. Specific Site Development Standards:** Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 7, Standards for Specific Land Uses
2. Article 9, Signs
3. Article 10, Off-Street Parking and Loading
4. Article 11, Landscaping and Screening
5. Article 12, Environmental Protection
6. Article 13, Access
7. Article 20, Supplemental Provisions

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

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and roads.
2. The site plan shall be of a character that supports the purpose of the District in which the development is to be located, as described in the Purpose tables of Article 3.
3. The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking. Landscaping measures shall be employed to enhance the development's character and encourage compatibility with existing and planned development and uses in the area.
4. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space, shall be coordinated with adjacent properties.
5. The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
6. The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns where practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.
7. The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points, including minimizing congestion and conflicting turning patterns, minimizes negative impacts upon abutting properties and roads including coordination with the existing and planned public circulation system and improvements thereto and the avoidance of unnecessary curb cuts, and ensures adequate sight distances and that all buildings are so arranged as to permit emergency access by some practical means to all sides.
8. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent feasible.
9. Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
10. Site plans shall conform to all applicable Township planning documents including the goals and objectives of the Wheatfield Township Master Plan, other applicable ordinances, and state and federal statutes.

#### **Section 14.5 Conformity to Approved Site Plans**

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved Zoning Permit shall be subject to revocation pursuant to Section 2.4(C).



## **Section 14.6 Changes to Approved Site Plan**

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

1. **Major Changes:** Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A “major change” shall include the following:
  - a. a change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
  - b. a change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
  - c. a reduction or increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
  - d. an increase in the number of dwelling units or the realignment of lot lines in a platted subdivision or site condominium project where such realignment exceeds five (5) feet at any single point.
  - e. an increase of more than five (5) feet in building height.
  - f. the addition of a building.
  - g. the relocation of outdoor storage areas or other outdoor use areas.
  - h. the re-occupancy of a vacant building.
2. **Minor Changes:** Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Planning Commission or, in the case of a Special Land Use, to the Township Board.
  - a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) above including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Township Engineer has approved such changes.

## **Section 14.7 Pre-Existing Site Plans Under Review**

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

## **Section 14.8 Expiration of Site Plan Approval**

Unless expressly authorized otherwise by this Ordinance, an approved site plan shall become null and void at the time the Zoning Permit issued for the approval site plan becomes null and void according to Section 2.4(C). In the case of a multi-phased project, site plan approval for each approved phase shall become null and void when such Zoning Permits have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan.

**End of Article 14**

## **Article 15 SPECIAL LAND USES**

### **Section 15.1 Purpose**

It is the purpose of this Article to specify the process that shall be followed in the review and approval of “Special Land Uses” as authorized by the Use Tables of Article 3 and elsewhere in this Ordinance, including the standards by which such applications shall be evaluated to ensure conformance with this Ordinance and encourage public health, safety and welfare.

### **Section 15.2 Review Procedure**

- A. Application:** An application for a Zoning Permit for a Special Land Use shall consist of:
1. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
  2. A preliminary plan or site plan prepared according to Sec. 14.3.
  3. A detailed description of the proposed project, in narrative form.
- B. Planning Commission Action / Public Hearing:**
1. Application for a Zoning Permit for a Special Land Use shall follow the same general procedures as delineated for site plan review according to Section 14.3 except that upon finding that the application materials are complete, the Planning Commission shall hold a public hearing on such application before forwarding a recommendation on the application to the Township Board for final action. Notice of the hearing shall comply with Section 2.11.
  2. When evaluating the application, the Planning Commission and Township Board shall refer to the approval standards set forth in Section 15.6 in addition to those specified for site plan approval (Section 14.4). Action on the application by the Planning Commission shall be incorporated in a statement of findings and conclusions relative to the Special Land Use application which specifies the basis for the decision and any conditions of approval.
  3. An application for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property, and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion of approval, conditional approval or denial. See Section 20.2 regarding conditional approvals.

### **Section 15.3 Changes**

**A. Site Plan:** Changes to an approved site plan that are classified as “minor” according to Section 14.6 shall be acted upon as provided in Section 14.6. In the case where such change constitutes a “major” change, such change shall be subject to the same review and approval provisions as specified in Section 15.2.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another Special Land Use; the expansion or reduction of the land area comprising the original approved application; and the expansion or increase in intensity of use including but not necessarily limited to the erection of additional buildings, the extension of authorized hours of operation, the addition of more than twenty (20) parking spaces, or the addition of four-hundred (400) square feet or more of floor area.

### **Section 15.4 Appeals**

A person aggrieved in association with a Special Land Use decision may appeal the decision to the circuit court only. This limitation shall not prohibit an applicant from seeking a variance from a specific site development standard of this Ordinance according to Article 17.

**Section 15.5 Reapplication**

No application for a Zoning Permit for a Special Land Use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Planning Commission. A reapplication shall require a new fee and the process shall follow the provisions of Section 15.2.

**Section 15.6 Approval Standards**

**A. General Standards:** No Special Land Use application shall be approved except where the application complies with the following standards:

1. Shall be consistent with the Wheatfield Township Master Plan.
2. Shall be consistent with the purpose of the zoning district in which it is located.
3. Shall be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed structures, open space areas, lighting, and landscaping and screening of parking and circulation areas, and hours of operation.
4. Shall be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimizes the impact of traffic generated by the proposed development on adjacent properties.
5. Shall not require excessive additional public facilities and services requirements at public cost.
6. Shall not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns, vehicular and pedestrian safety, the intensity and character of traffic and parking conditions, hours of operation, and the production of noise, glare, vibration, odors, or other external impacts.
7. Shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
8. Shall be in compliance with the site plan approval standards of Section 14.4.

**B. Specific Standards:** In addition to compliance with the above standards in subsection (A), Special Land Uses shall comply with the standards and regulations applicable to each specific land use as may be identified in this Ordinance including Article 7.

**Section 15.7 Expiration of Special Land Use Approval**

A Zoning Permit issued for a Special Land Use shall not expire except according to Section 2.4(C) and in the case where the Special Land Use has been abandoned or has been otherwise inactive for a period of more than five (5) years. Where such a permit has expired, the use shall not be reinitiated except upon approval of a newly submitted application including site plan approval and a public hearing. In the case of a multi-phased project, Special Land Use approval for each approved phase shall become null and void when such Zoning Permits have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan for the Special Land Use.

**End of Article 15**

## Article 16 ZONING BOARD of APPEALS (ZBA)

### **Section 16.1 Purpose**

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

### **Section 16.2 Creation and Membership**

**A. Establishment and Appointment of Members:** The ZBA previously created under the Wheatfield Township Zoning Ordinance adopted on October 8, 1996, shall continue to function under this Ordinance, and each member shall remain in office until such time that the member is not reappointed or otherwise no longer eligible to serve. The ZBA is retained in accordance with Public Act 110 of 2006 as amended. The ZBA shall consist of five (5) members, appointed by the Township Board by majority vote. One (1) of the members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

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

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

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

### **Section 16.3 Organization**

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

**B. Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act (P.A. 267 of 1976, as amended).

**C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of witnesses.

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

**E. Legal Counsel:** The Township Attorney shall act as legal counsel for the ZBA.

## **Section 16.4 Jurisdiction**

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

## **Section 16.5 Appeals for Administrative Reviews**

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

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

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

**C. Procedures:**

1. **Application Requirements:** A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven (7) copies of the application shall be submitted along with any required application fees.
2. **Stay:** An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would, in the opinion of the officer or body, cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
3. **Record of Facts / Transmission of Record:** Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the

administrative decision being appealed.

- a. The ZBA shall not consider new information which had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
4. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the ZBA's findings and determination, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## **Section 16.6 Interpretations**

**A. Authority:** The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking and loading requirements for a specific use, and whether a particular use is authorized in a particular district.

**B. Standards:** In deciding on an interpretation, the ZBA shall be guided by the following:

1. An interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
2. A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
3. A zoning district boundary interpretation shall be guided by Section 3.4.
4. All interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

**C. Procedures:**

1. **Application Requirements:** A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of five (5) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the ZBA's findings and determination, and basis for such determination, and shall be made

part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation.

- a. A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

## **Section 16.7 Variances**

**A. Authority:** The ZBA shall have the power to authorize specific variances from specific site development standards contained in this Ordinance, such as lot area and width requirements, building height and setback requirements, yard width and depth requirements, lot depth to width ratio requirements, off-street parking and loading space requirements, and sign requirements. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land in a District.

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

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

### **C. Procedures**

1. **Application Requirements:** Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, or similar drawing prepared by a professional surveyor that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may chose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of a complete application, the ZBA chairperson shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.



3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the ZBA's findings and determination, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
  - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to Section 2.6. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Article 20 (Supplemental Provisions) regarding conditional approvals.
  - b. A variance shall become null and void unless the construction authorized by such variance has been commenced within one (1) year after the granting of the variance, and there is a continuous good faith intention to continue construction to completion. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
  - c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

### **Section 16.8 Review by Circuit Court**

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

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

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**End of Article 16**

## **Article 17**

### **ZONING MAP and TEXT AMENDMENTS**

#### **Section 17.1 Purpose**

This Article establishes procedures for the review and action on amendment petitions. Amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error; to address changed or changing conditions including in a particular area in the Township; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Master Plan and/or other ordinances of the Township; and to meet a public need for new or additional land uses in appropriate locations.

#### **Section 17.2 Initiation of Amendments**

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

#### **Section 17.3 Procedures**

**A. Application, Distribution and Data:** A petitioner shall submit twelve (12) copies of a completed zoning amendment application to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such petitions including but not necessarily limited to Township departments and staff, consultants, and the Ingham County Road Department.

1. When the petition involves a change in the Zoning Map, a separate application shall be submitted for each parcel of land that is not contiguous to any parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
  - a. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing the property's location, right-of-ways and easements within and adjacent to the property, and north orientation.
  - b. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
  - c. A description of the site's features including acreage and road frontage; adjacent road right-of-ways; easements including their location, purpose and width; utility services to or adjacent to the property and their location; existing structures and buildings; topographic conditions; and the presence of wetlands, water bodies, and drainage courses.
  - d. The desired change and reasons for such change.
  - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

#### **B. Planning Commission Action**

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the public hearing shall comply with Section 2.11. Any application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review for Text Amendments:** If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
  - a. Is the amendment petition supported by documentation, such as from the Zoning Board of

Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?

- b. Is the amendment petition supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively address certain zoning issues?
  - c. Is the amendment petition supported by significant case law?
  - d. Will the amendment petition correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
  - e. Is the amendment petition in accordance with the purpose of this Ordinance?
3. Planning Commission Review for Map Amendments: If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
- a. What, if any, identifiable conditions related to the petition have changed which justify the proposed zoning district change including trends in land development in the vicinity?
  - b. What is the impact of the zoning district change on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed zoning district change is adopted?
  - c. Will the petitioned district change adversely affect the value of the surrounding land?
  - d. Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
  - e. Can the subject parcel comply with all requirements of the proposed zoning district?
  - f. Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?
  - g. Is the proposed district consistent with the zoning classification of surrounding land?
  - h. Does the proposed district change generally comply with the Master Plan?
    - i. Is the proposed district change in accordance with the purpose of this Ordinance?
    - j. Will the proposed district change correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
  - k. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
4. Planning Commission Recommendation: Following the hearing, the Planning Commission shall transmit a summary of comments received at the hearing to the Township Board, along with its recommended action on the petition.

### **C. Township Board Action**

1. After receiving the findings and recommendations of the Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board, and may direct the Planning Commission to hold a public hearing on any proposed changes identified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
  - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (b) is not subject to the notice requirements of Section 2.11, except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

**D. Publication of Notice of Ordinance Amendments:** Following adoption of amendments by ordinance by the Township Board, the amendment ordinance shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment ordinance by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving such notices. The adoption notice shall provide either a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the effective date of the amendment ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. **Effective Date:** The effective date of an amendment ordinance shall be the expiration of eight (8) days after publication of the notice of adoption as provided in (D) above except where the Township Board expressly provides a greater number of days.

### **Section 17.4 Resubmittal**

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

### **Section 17.5 Conditional Rezoning**

**A. Intent:** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, as amended, by which a property owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

**B. Offer of Conditions and Application Process:** A property owner may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time in writing during the rezoning process. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section 17.5.

1. A property owner shall not be required to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a property owner's rights under this ordinance.
2. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the property owner. A property owner may withdraw all or part of the offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

### **C. Limitations on Conditions**

1. No use or structure may be authorized in association with a conditional rezoning that is otherwise prohibited in the respective district or classified as a special land use.
2. No conditional rezoning shall serve as plot plan or site plan approval, and no construction shall be initiated following a conditional approval except upon the approval of a plot plan or site plan and the issuance of a zoning permit.
3. No conditional rezoning shall constitute an approval of a variance from the standards of this Ordinance. Development that relies on the issuance of one or more variances shall be subject to Zoning Board of Appeals action prior to the seeking of plot plan or site plan approval.

#### **D. Planning Commission and Township Board Review and Action**

The Planning Commission and the Township Board shall review and act on the conditional rezoning according to Section 17.03. Approval of a conditional rezoning shall comply with subsection (E).

#### **E. Approval**

1. Statement of Conditions. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the property owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. The Statement of Conditions shall:
  - a. Be in a form recordable with the Ingham County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the property owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the property owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Ingham County Register of Deeds.
  - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
2. Zoning Map. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
3. Filing with the Register of Deeds. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
4. Effect of Approval. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new district as modified by any more restrictive provisions contained in the Statement of Conditions.

#### **F. Compliance with Conditions**

1. Failure to Comply. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. Permits. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**G. Time Period for Establishing Development or Use:** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if, (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other districts or uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**H. Reversion of Zoning:** If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection G above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

**I. Subsequent Rezoning of Land:** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the property owner's written request, the Township Clerk shall record with the Ingham County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

**J. Amendment of Conditions:** During the time period for commencement of an approved development or use specified pursuant to subsection (G) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended only after a public hearing on such proposed amendments and according to the same procedures specified in this Section 17.5 for the original rezoning and Statement of Conditions.

**K. Township Right to Rezone:** Nothing in the Statement of Conditions or in the provisions of this Section 17.5 shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance.

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**End of Article 17**



## **Article 18**

### **Reserved for Future Use**

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**End of Article 18**

## **Article 19**

### **Reserved for Future Use**

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**End of Article 19**

## **Article 20**

### **SUPPLEMENTAL PROVISIONS**

#### **Section 20.1 Purpose**

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

#### **Section 20.2 Conditional Approvals**

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

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

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

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

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

**D. Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 2.6.

#### **Section 20.3 Moving Buildings**

No existing building or structure within or outside of the Township shall be relocated on any lot in the Township unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code and a zoning permit has been issued for such relocation.

#### **Section 20.4 Essential Services**

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

**Section 20.5 One Dwelling Unit / Principal Use per Lot**

**A. Dwellings:** No more than one (1) dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Table 3-2 of Article 3 authorizes two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 20.7, Temporary Dwellings).

**B. Principal Uses:** No more than one (1) principal use shall be established on a lot except as may be authorized in a Commercial or Industrial District and according to an approved site plan pursuant to Article 14.

**Section 20.6 Single Family Dwelling Standards**

**A.** All single family dwellings and modifications thereto, including manufactured housing, shall comply with the requirements of this Ordinance and the following standards, provided that the foregoing standards shall not apply to temporary dwellings and mobile homes located in a licensed manufactured housing community except to the extent required by State and Federal law.

1. The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and building codes of the Township including minimum heights for habitable rooms. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
2. The dwelling shall have a minimum floor area of one thousand (1,000) square feet except that a single-family dwelling with more than one (1) story shall have at least seven hundred fifty (750) square feet on the lower story and at least two hundred fifty (250) square feet on the story above.
3. The dwelling shall have a minimum width across its front elevation of thirty-four (34) feet and a minimum width across its side and rear elevation of twenty-four (24) feet, The dwelling shall have pitched roof that has a minimum slope of one (1) foot of vertical rise for each four (4) feet of horizontal run over a minimum of seventy-five percent (75%) of the roof surface. The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction in the vicinity.
4. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling.
  - a. In the case of a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Manufactured Housing Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Manufactured Home Construction and Safety Standards". No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
5. The dwelling shall have a roof overhang of a minimum of six (6) inches and exterior doors on a minimum of two (2) sides of the dwelling, and shall have steps connected to exterior door areas or to porches connected to exterior door areas where the difference in elevation exceeds twelve (12) inches.
6. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
7. The dwelling shall contain storage area equal to 10% of the square footage of the dwelling or

100 square feet, whichever shall be less, and shall be located in a basement under the building, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the principal dwelling.

8. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Ingham County Health Department.
9. The exterior siding of a mobile home or manufactured dwelling shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

## **Section 20.7 Temporary Dwellings**

**A. Authorization/Application:** Temporary dwellings are prohibited except as approved by the Zoning Administrator according to this Section. Application for and authorization of such a temporary dwelling shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 3.4(B). A temporary dwelling may be authorized for the following purposes only:

1. **Emergency Housing:** To allow a recreational vehicle or mobile home to be placed on the lot while the permanent dwelling on the same lot is under repair for which a zoning permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
2. **New Home Under Construction:** To allow a recreational vehicle or mobile home to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a zoning permit and building permit has been issued.

### **B. Standards**

1. A temporary dwelling shall comply with the District's setback standards according to Table 3-4 of Article 3.
2. A temporary dwelling shall comply with the setback standards of the District for the permanent dwelling unless the Zoning Administrator determines that the location of the permanent dwelling, or other features of the lot, prohibit compliance with such setbacks, in which case the Zoning Administrator may approve a reduction of up to fifty percent (50%) of the normally required setback.
3. A temporary dwelling shall comply with county health department rules and regulations for potable water and sewage disposal. The temporary dwelling shall be connected to a county-approved on-site septic system, or sewer system, where such temporary dwelling is to be occupied for more than sixty (60) days unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.
4. In the case where the temporary dwelling is a mobile home, such mobile home shall comply with the State Construction Code and shall not be occupied prior to inspection and approval by the building inspector.

**C. Permit Duration and Removal:** No permit issued under this Section shall be issued for a duration exceeding one hundred eighty (180) days. A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within thirty (30) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first. The Zoning Administrator may renew a temporary dwelling permit once and for a period not to exceed one hundred eighty (180) days upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner.

**D. Performance Guarantee:** The applicant shall furnish the Township with a performance guarantee in an amount determined by the Township Board to assure removal of the temporary structure.

**E. Farm Labor:** Nothing in this Section shall be construed to prohibit the temporary housing of farm laborers on a farm, as authorized and regulated by state agencies.

## **Section 20.8 Temporary Non-Residential Buildings and Uses**

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

**B. Application:** An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

**C. Review and Action:** The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses, except that the Township Board shall be the approving body for temporary conditions associated with a special land use and any events anticipated to attract more than one-hundred (100) persons during any single twenty-four (24) hour period. The Zoning Administrator may also refer an application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The approving body may require the submittal of additional information to adequately evaluate the merits of the request.

**D. Permit Duration, Performance Guarantee and Removal:** The permit shall specify the date by which the removal of the temporary use and associated facilities shall occur, and the approving body may require a performance guarantee according to Section 2.6. A Certificate of Occupancy shall be required for buildings as may be required by the State Construction Code.

1. No permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the approving body that the nature of the temporary building or use requires a longer duration, such as in the case of a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a six (6) month period and in no case shall more than one (1) additional authorization period be granted not to exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.

**E. Approval Standards:** Temporary buildings and uses shall comply with the site plan approval standards of Article 14, including setbacks, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses. In ensuring the public health, safety and welfare, the approving body shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, can be adequately provided. Costs for providing such services, to the extent they exceed the normal operating costs of the Township, shall be the responsibility of the owner or operator. The following additional provisions shall apply:

1. Carnival or Circus: The area of the lot on which any temporary activities shall occur, including access drives, parking, restroom facilities, and lighting, shall not be located within three-hundred (300) feet of a dwelling, and the permit shall not exceed ten (10) days in duration.
2. Christmas Tree Sales: The area of the lot on which any temporary activities shall occur, including access drives, parking, restroom facilities, and lighting, shall not be located within three-hundred (300) feet of a dwelling, and the permit shall not exceed forty-five (45) days in



duration.

3. Roadside Stands: See Section 7.3.
4. Garage Sales
  - a. Maximum number of sales per year: Two (2).
  - b. Maximum duration: Ten (10) days for each sale.
  - c. Location: Residential districts only.
  - d. Purpose: For sale of items belonging to members of the household living on the premises where the sale is being conducted.
  - e. Permit: A permit shall not be required for garage sales.

## **Section 20.9 Accessory Buildings and Structures**

### **A. Scope:**

1. Accessory buildings and structures shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. No provisions of this Section shall be interpreted as authorizing accessory buildings or structures that do not conform to the definitions of Article 21 pertaining to “accessory building or structure.”
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor. Unless otherwise specified in this Section, accessory buildings or structures that are attached to the principal building, such as an attached garage, shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and lot coverage standards.

**B. Permit Required:** No accessory building or structure shall be erected prior to the issuance of a zoning permit for such building or structure, provided however that a permit is not required in the case of a building or structure that is no more than two-hundred (200) square feet in area. Such building or structure shall comply with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14).

### **C. Setbacks/Yard Restrictions:**

1. Detached accessory buildings shall not be located in a front yard except that the following may be located in a front yard, including a required setback area where so designated:
  - a. Buildings for parking attendants, guard shelters, gate houses, and transformer and utility pads, in commercial or industrial districts and including in a required setback area within such districts, subject to site plan approval.
  - b. Road-side stands and school bus shelters, including in a required setback area.
  - c. Buildings in Agricultural Districts provided such buildings shall be setback a minimum distance of one-hundred (100) feet from the front lot line.
2. Detached accessory buildings shall comply with the side yard setbacks applicable to the principal structure according to Table 3-4 of Article 3, except for buildings for parking attendants, guard shelters, gate houses, and transformer and utility pads, in commercial or industrial districts and including in a required setback area within such districts, subject to site plan approval.
3. Detached accessory buildings shall comply with the rear yard setbacks applicable to the principal structure according to Table 3-4 of Article 3.
4. Accessory structures not comprising buildings, such as in the case of swimming pools, tennis courts, wind generators, antennae, shall be located in a rear yard only and shall comply with height, setback, and lot coverage requirements for accessory buildings unless otherwise provided in this Ordinance.
5. Accessory buildings and structures shall not be located within a dedicated easement or right-of-way unless the terms of the easement or right-of-way specifically permit such buildings or structures.
6. See additional setback provisions in subsection (E).

**D. Height:** Detached accessory buildings and structures in Residential Districts shall not exceed fifteen (15) feet in height. Detached accessory buildings in all other districts shall comply with the maximum height standard for the district in which they are located according to Table 3-4.

**E. Size and Lot Coverage:**

1. The total floor area of all detached accessory buildings and structures shall not exceed two (2) times the floor area of the principal structure provided the minimum setback from each lot line for such building shall be increased by ten (10) feet for each one thousand (1,000) sq. ft. or portion thereof in excess of the first two thousand (2,000) sq. ft. of floor area comprising the accessory building.
2. The total floor area of all accessory buildings occupying a side or rear yard shall not exceed thirty percent (30%) of the area of such yard.
3. Compliance with Table 3-4: In no case shall any accessory building or structure be erected that results in noncompliance with the lot coverage standards of Table 3-4 of Article 3, except during the period when a temporary dwelling or use is authorized.

**F. Use of Accessory Buildings or Structures:** No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.7, Temporary Dwellings. No accessory building or structure shall be used or occupied as an office or other business purpose except as may be authorized as part of an approved site plan.

**G. Prior to a Principal Structure:** Buildings and structures that customarily function as accessory to a principal structure or use such as, by example, garages and storage buildings, are prohibited prior to the establishment of the principal structure unless authorized pursuant to Section 20.7, Temporary Dwellings, or Section 20.8, Temporary Structures and Uses for Non-Residential Purposes.

**H. Applicability of Other Codes and Ordinances:** Accessory buildings and structures shall be subject to all other codes and ordinances regarding construction, installation, and operation.

**I. Accessory Agricultural Buildings:** Size, height, and location regulations in this Section shall not apply to accessory buildings in association with agriculture, as defined in Article 21, except that such buildings shall comply with the setback requirements for the district in which they are located.

**Section 20.10 Home Occupations**

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

1. Home Occupation: An occupation or profession conducted on the same lot as a dwelling, accessory to and incidental to the principal residential use of the premises, and complies with the standards of this Section.
  - a. Class 1 Home Occupation: A home occupation that is conducted entirely within a dwelling, including an attached garage, and complies with the provisions of this Section.
  - b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part outdoors or in an accessory building and complies with the provisions of this Section. Examples of a Class 2 home occupation may include, but are not limited to, the use of a building accessory to a residence as an office of a contractor, as a storage facility for construction vehicles used in association with such business, or used to provide educational services such as crafts and music lessons.

**B. Authorization/Standards:** The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot, and shall comply with the standards of subsection (C) below.
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and permitted in the A-1, A-2 and R-1 Districts only, and shall be subject to the provisions of Article 15 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the

information required by Article 16, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

**C. Standards:** Class 1 and 2 home occupations shall comply with the following standards:

1. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations, except for a sign as permitted by Article 9.
2. The occupation shall not produce any noise, odors, vibration, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation. Refuse generated by the occupation shall be safely and properly disposed of.
5. A Class 1 home occupation shall not occupy an area greater than twenty-five percent (25%) of the gross floor area of the dwelling, excluding a basement. A Class 2 home occupation shall not occupy an area of an accessory building greater than the gross first floor area of the dwelling.
6. In the case of a Class 1 home occupation, no employees shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than four (4) employees shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. This provision shall not prohibit the arrival of up to two (2) additional employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere, provided there is compliance with subsection (7) below.
7. All traffic to and from a home occupation in a Residential District shall not result in more than ten (10) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors, unless approved otherwise in the case of a Class 2 home occupation.
8. No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors except as may be expressly authorized as part of an approved site plan, where the site plan approving body determines adequate screening measures are to be in place to minimize its visual and audile impacts on nearby roads and lots.
9. In no case shall any home occupation be comprised of automobile repair facilities, automotive salvage yards, junkyards, and new and used vehicle sales.

### **Section 20.11 Prohibited Vehicles**

**A. Vehicles Prohibited:** The following vehicles shall not be stored or otherwise parked overnight in a Residential District unless upon a lot currently under construction and such construction requires the use of such vehicles, or such vehicles are otherwise part of an approved home occupation.

1. Tow-trucks and semi-tractors or trailers.
2. Sand and gravel hauling truck, bulldozer, grader, and similar earth equipment.
3. Commercially-licensed vehicles and other vehicles used principally for cargo or equipment transportation, in excess of a gross vehicle weight rating of eight (8) tons, in excess of thirty (30) feet in length, or in excess of ten (10) feet in height.

**B. Accessory Equipment Prohibited:** This Section's allowance of a vehicle to be stored or otherwise parked overnight in a Residential District not otherwise prohibited by subsection (A) shall not extend to trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.

**C. Exemptions:** This Section shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot devoted to agriculture for which the vehicles and/or machinery is used, nor shall this Section prohibit the storing of buses for school or church use on lots upon which the school or church is located.

### **Section 20.12 Setbacks for Residential Outdoor Living Areas (Patios, Decks, Porches, Etc.)**

**A. Definition:** For the purpose of this Section, "residential outdoor living area" shall be defined as an area designed or used for outdoor gathering, lounging, dining, and/or similar use, in association with a dwelling, constructed of wood, concrete, brick, stone, or similar surface. An outdoor living area may be commonly referred to as a terrace, patio, deck, or porch.

**B. Standards:** Outdoor living areas shall comply with the setback requirements of the District in which the dwelling is located according to Table 3-4 except that an outdoor living area may be set back a minimum distance of ten (10) feet from a side or rear lot line when there is compliance with all of the following conditions:

1. The outdoor living area is unroofed.
2. The outdoor living area has a walking surface no greater than thirty (30) inches above the surrounding ground elevation.
3. No fixed feature of an outdoor living area, including railings, shall exceed five and one-half (5.5) feet above the surrounding ground elevation.

### **Section 20.13 Parking and Storing of Recreational Vehicles and Equipment**

**A. Authorization and Limitations:** The keeping of recreational vehicles and recreational equipment, including travel trailers, campers, snowmobiles, boats and similar items, are prohibited on a lot in an Agricultural or Residential District except according to the following limitations:

1. There shall be a dwelling on the lot on which the recreational vehicles are parked or stored.
2. Recreational vehicles parked or stored shall have current licenses and registrations as may be required by law, and owned by one or more persons residing in a dwelling on the lot.
3. Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
4. At no time shall a recreational vehicle be used for living or housekeeping purposes.
5. Recreational vehicles not parked in a building shall conform to the minimum front yard setback and shall not be located closer than ten (10) feet to a side or rear lot line, except that such setback limitations shall not apply during the fourteen (14) days prior to and after loading and unloading of the vehicle.
6. The provisions of this Section may be waived for a period of up to two weeks to permit repair of a recreational vehicle or the parking of a recreational vehicle of a guest. A permit from the Zoning Administrator shall be required for such a waiver, and no more than two (2) permits

shall be issued for each lot during a calendar year.

7. Nothing in this Section shall be construed as authorizing the parking or storage of a mobile home on a lot used for residential purposes.
8. The parking and storage of recreational vehicles in association with multiple family developments shall be screened as deemed appropriate by the site plan approving body according to Article 11.

## **Section 20.14 Keeping of Animals as Accessory Residential Use**

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

1. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Household pets" shall be defined to include dogs, cats, fish, birds, hamsters and other types of animals commonly maintained in a residence.
3. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.
4. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon reaching maturity.
5. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity.

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

**C. Keeping of Household Pets:** The keeping of household pets as an accessory use in association with any residentially-used lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance.

**D. Keeping of Livestock:** The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted in all Agricultural and Residential Districts. The following regulations shall apply to the keeping of such livestock in Residential Districts:

1. Small Livestock:
  - a. The keeping of small livestock shall occur only on parcels of one (1) acre or greater.
  - b. No more than six (6) small livestock shall be present on a lot at any time.
  - c. At no time shall a rooster be present on a lot.
  - d. Any building or structure housing small livestock shall be set back no less than fifty (50) feet from a lot line.
2. Medium Livestock:
  - a. The keeping of medium livestock shall occur only on parcels of two (2) acres or greater but in no case shall such livestock be kept within a platted subdivision, site condominium project or multiple family development.
  - b. At no time shall the density of such livestock exceed one (1) animal per one (1) acre comprising the lot.
  - c. Any building or structure housing medium livestock shall be set back no less than seventy-five (75) feet from a lot line.
3. Large Livestock:
  - a. The keeping of large livestock shall occur only on lots of three (3) acres or greater but in no case shall such livestock be kept within a platted subdivision, site condominium project or multiple family development, except where the development is approved as an equestrian community.
  - b. At no time shall the density of such livestock exceed one (1) animal for the first three (3)

- acres and one (1) animal for each additional acre comprising the lot.
- c. Any building or structure housing large livestock shall be set back no less than one-hundred (100) feet from a lot line.
4. **Regulations Applicable to All Livestock:**
- a. Livestock shall be managed by the occupants of the premises, and shall be maintained in a healthy condition.
  - b. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said lot for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
  - c. All livestock shall be completely enclosed by a fence at least thirty-nine (39) inches in height and of adequate design and construction to contain the animals.
  - d. All facilities shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.
  - e. No living quarters shall be located in any stable.

## **Section 20.15 Fences and Walls**

- A. General Provisions:** All fences and walls shall comply with the following:
1. No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection. See also Section 13.4 regarding clear vision zones.
  2. Construction Materials
    - a. Walls shall be constructed of masonry material, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns, that is architecturally compatible with the materials used on the facade of the principal structure on the lot. The subsection (a) shall not apply in the case of a lot used for single-family dwelling or two-family dwelling purposes.
    - b. Fences shall be constructed of materials commonly used in conventional fence construction, such as wood, plastic or metal. Wood fences shall be constructed of redwood, cedar, or pressure-treated wood. Razor wire shall not be permitted. Fences that carry electric current shall be permitted only in conjunction with agriculture. Barbed wire may be permitted for non-residential uses provided that the barbed wire is used only at the top of the fence and at least six (6) feet above the ground, except that these restrictions shall not apply to agriculture.
    - c. In no case shall a fence or wall be constructed of tires, vehicle parts, rotting lumber, pallets, discarded materials, glare-producing materials, trash or any materials capable of providing habitat for pests or vermin.
  3. Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required according to industry standards, surfaces shall be painted, stained, or similarly treated.
  4. No fence or wall shall restrict emergency vehicle access. The minimum entrance way width shall be twenty (20) feet, and the minimum vertical clearance shall be sixteen (16) feet.
  5. In the case where a proposed fence or wall is within ten (10) feet of a lot line, the finished side of the fence or wall shall face the abutting lot.
  6. All fence and wall height standards presented in this Section shall be measured from the ground surface to the upper most part of the fence or wall. The use of fill for the purpose of achieving a higher fence or wall is prohibited.

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

1. Fences and walls shall not exceed six feet (6') in height when located in a side or rear yard. Fences shall not exceed six feet (6') in height when located in a front yard except that any portion of a fence located in the dwelling's required front yard and is within one-hundred (100) feet of a road right-of-way shall not exceed three and one-half (3.5) feet in height. Fences used for the confinement of farm animals need not comply with this height limitation.
2. Any fence or wall located in a required front yard setback or otherwise within one-hundred (100) feet of a road right-of-way shall be of open construction with no greater than fifty percent (50%) percent of the vertical surface of such fence or wall being be opaque, measured across any one (1) square foot portion of such fence or wall.
3. On corner lots, walls shall not be permitted to extend closer to the road than any portion of the principal building.
4. Entry Fences and Walls.
  - a. In the case of fences and walls that are intended to highlight or enhance an entranceway into a platted subdivision, site condominium project, or multiple family development, are exempt from the height and location standards of subsection (1), (2) and (3) above, but shall not exceed eight (8) feet in height and forty-eight (48) square feet in size, and shall not be located in an existing or planned right-of-way or easement.
  - b. In the case of fences and walls that are intended to highlight or enhance an entranceway to an individual lot are exempt from the height and location standards of subsection (1), (2) and (3) above, but shall not exceed four (4) feet in height and eight (8) feet in length and shall not be located in an existing or planned right-of-way or easement. Entranceway structures may include a gate which shall not exceed six (6) feet in height.
5. Above-ground electrified fences are prohibited except for the purpose of farm animal confinement or to prohibit access by animals such as in the case of the protection of a garden.

**C. Commercial, Industrial, Public, and Institutional:** The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 14, shall be reviewed according to the site plan review provisions of Article 14.

## **Section 20.16 Outdoor Residential Swimming Pools**

**A. Permit/Application:** No outdoor residential swimming pool constructed principally below the surrounding ground elevation, as in the case of what is commonly referred to as an "in-ground" swimming pool, and no accompanying decks, fencing and walls in association with such in-ground pool or any other pool, shall be erected prior to the issuance of a zoning permit from the Zoning Administrator and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan according to Section 2.4(B), which identifies the location of the pool, pool decks, adjacent buildings, fencing, walls, and gates.

**B. Standards.** The following standards apply to all swimming pools constructed principally below the surrounding ground elevation, as in the case of what is commonly referred to as an "in-ground" pool, in addition to any other pool that exceeds four (4) feet in height above the ground surface or ten (10) feet in diameter.

1. No pool or pool fencing shall be located in a front yard.
2. Pools shall comply with the minimum side and rear yard setbacks for the dwelling, as measured from the interior wall surface. Pool deck areas shall comply with Section 20.12.
3. No pool shall be located under electrical wires and similar utility devices.
4. Pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments, including fencing and other safety measures.

## **Section 20.17 Outdoor Display, Sales and Storage**

**A. Definition of Materials and Products:** For the purpose of this Section, “materials and products” shall include but shall not be limited to lumber, crates, boxes, building materials, discarded materials, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; motor vehicles; items intended for tow; landscape supply materials; and other items customarily requiring outdoor storage.

**B. Commercial and Industrial Display and Sales:** Outdoor display or sales of materials and products in association with a commercial or industrial use is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building according to Table 3-4. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of plant nursery stock, motor vehicles, items intended for tow, or other items customarily requiring outdoor display.

**C. Commercial and Industrial Storage:** The outdoor storage of materials and products in association with a commercial or industrial use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or enclosure of such storage area adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval. No outdoor storage of materials and products shall be located in a front yard.

## **Section 20.18 Condominiums**

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

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

### **C. Review and Approval Procedures:**

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
  - a. In addition to the preliminary and final site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. **Master Deed/Bylaws Approval Required:** The applicant shall include as part of the Zoning Permit application a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-



ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.

4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Zoning Administrator a recorded copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. **Changes:** Any changes to an approved condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township Board prior to such change.

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

**E. Public Utilities:** The condominium shall provide for the conveyance of easements to the appropriate agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing all public utility services.

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

**G. As-Built Plan and Occupancy:** Submission of recorded as-built plans of a condominium is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

**H. Monuments:** All condominium lots that are building sites shall be marked with monuments as if such lots were within a platted subdivision, and such monuments shall comply with the requirements of Public Act 288 of 1967, as amended, the Land Division Act.

## **Section 20.19 Outdoor Furnaces**

**A. Outdoor Furnace Defined:** For the purpose of this Section and Ordinance, "outdoor furnace" shall be defined as an accessory structure or appliance not intended to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings through the burning of fuel.

**B. Approval Procedure:** Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval according to Section 2.4. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and Ordinance.

**C. Standards:** An outdoor furnace shall be installed and used only in accordance with the following provisions:

1. **Construction:** An outdoor furnace shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies. An outdoor furnace shall meet the manufacture's specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so.
2. **Lot Area, Districts, Yards and Setbacks:** An outdoor furnace shall be located only on a lot of no less than two (2) acres in an A-1 or A-2 District, and shall not be located in a front yard. No outdoor furnace shall be located within one-hundred (100) feet of a lot line.
3. **Chimney Height:** The furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface and in no case shall the chimney be less than two (2) feet above the peak of all buildings on adjacent lots where the building is within one-hundred fifty feet (150') of the

furnace.

4. **Fuel:** No outdoor furnace shall rely on any fuel except wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt; plywood, composite wood or pressure treated woods; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products, and newspaper, corrugated cardboard, container board, office paper and other similar materials.

## **Section 20.20 Outdoor Lighting**

- A. No outdoor lighting shall in any way impair the safe movement of traffic on any road.
- B. Outdoor lighting associated with a commercial, industrial, or other non-residential use, or any other use subject to site plan approval according to Article 14, shall comply with the following:
  1. Outdoor lighting shall be designed and installed so that the surface of the source of light shall be located, hooded and/or louvered to the greatest extent practical to ensure that:
    - a. lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists.
    - b. all emitted light is directed downward onto the lot upon which the light source is located.
    - c. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
    - d. no more than one foot candle power of light shall cross a lot line five (5) feet above the ground.
  2. The site plan approving body may require a wall, fence, or berm be erected to prevent headlight glare from shining onto adjacent lots. Such screening shall not impair safe vertical or horizontal sight distances for moving vehicles.
  3. Light fixtures shall not exceed a height of twenty (20) feet, measured from the ground level to the top of the light source. The site plan approving body may modify this height standard in commercial and industrial districts, based on consideration of: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall a light fixture exceed the maximum permitted building height according to Table 3-4.
  4. During operational hours, a parking lot shall be provided a light intensity of a minimum of one (1) foot-candle across the parking lot, measured five (5) feet above the parking surface. Pedestrian areas shall be provided a light intensity of a minimum of two (2) foot-candles, measured five (5) feet above the ground surface.
  5. Subsections (1), (2) and (3) above shall not apply to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is located or otherwise designed to ensure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a Residential District, and such lighting is turned off during hours the facility is closed to the public.
- C. **Site Plan Requirements:** All lighting and light fixture specifications, including lighting that is intended to be primarily decorative in nature, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow.

## **Section 20.21 Sidewalks**

**A. Authorization:** The site plan approving body may require sidewalks as a condition of site plan approval of non-residential or multiple family developments where deemed necessary to facilitate safe pedestrian and non-motorized travel. Sidewalks shall be subject to the regulations of this Section.

**B. Standards:** Sidewalks shall comply with the following except that the site plan approving body may waive or otherwise modify the standards where it determines that the public health, safety and welfare shall not be undermined:

1. **Location:** Required sidewalks shall be located one (1) foot off the property line in the road right-of-way. The site plan approving body may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements and conditions.
2. **Design Standards:** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Township. In the absence of such established standards, sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick.
3. **Alignment with Adjacent Sidewalks:** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties.
4. **Signage:** The site plan approving body may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.
5. **Maintenance:** The owner of the lot that fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said lot owner has not properly maintained.
6. **Permits:** It shall be the responsibility of the owner or developer to secure any required permits from the Ingham County Department of Roads to allow sidewalk construction in the road right-of-way.

## **Section 20.22 Trash Removal and Collection**

**A. Authorization:** Dumpsters may be permitted or required by the site plan approving body as accessory to any use other than single and two-family residential uses, and agriculture.

**B. Standards:** Dumpsters shall comply with the following standards:

1. **Location:** Dumpsters shall be located in the rear yard, shall not encroach on a required parking area, shall be clearly accessible to servicing vehicles, and shall be located at least ten (10) feet from any building. Dumpsters shall comply with the principal building setback requirements for the District in which they are located, and shall be located as far as practicable from any adjoining Residential District.
2. **Concrete Pad:** Dumpsters shall be placed on a concrete pad. The concrete pad shall extend a minimum of three (3) feet in front of the dumpster enclosure.
3. **Screening:** Dumpsters shall be screened from view from adjoining property and public roads. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, wood fencing, or earth mound, not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
4. **Wood Screening Standards:** If wood fencing is selected as the desired dumpster screening alternative, only solid No. 1 pressure-treated wood shall be used only. Posts shall be set in concrete a minimum of 42 inches below grade level. Posts shall be comprised of six (6) inch by six (6) inch pressure-treated wood or three (3) inch diameter galvanized steel posts.
5. **Bollards:** Concrete filled metal posts or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.
6. **Site Plan Requirements:** The location and method of screening of dumpsters shall be shown on site plans and shall be subject to approval.

**Section 20.23 Impact Assessments**

**A. Intent:** The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the standards of this Ordinance.

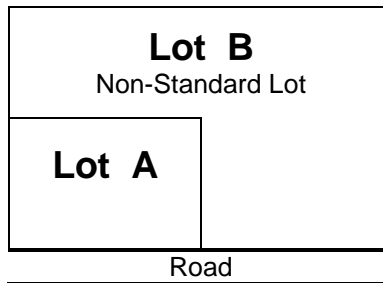
**B. Applicability:** An Impact Assessment is required only for those uses specifically noted in this Ordinance, or where the site plan approving body finds that the proposed use is of such a character that information is necessary in more detail than that required under Article 14 (Site Plan Review) or Article 15 (Special Land Uses). When an Impact Assessment is required, it shall be submitted as part of a site plan submittal.

**C. Preparation and Content:** The preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel to complete the Impact Assessment. The Impact Assessment shall address the following minimum issues except where the site plan approving body finds that a lesser scope of information is required based on the character of the proposal.

1. Operating characteristics and standards of the proposed use.
2. Effect of the proposed use on public utilities.
3. Historic and archeological significance of the site and adjacent properties.
4. Displacement of people and other land uses by the proposed use.
5. Alteration of the character of the area by the proposed use.
6. Effect of the proposed use on the Township's tax base and adjacent property values.
7. Compatibility of the proposed use with existing topography, and topographic alterations required.
8. Water, noise, and air pollution associated with the proposed use, in addition to any other impacts of the proposed use on surface and groundwater.
9. Proposed screening and other visual controls.
10. Impact of the proposed use on traffic.
11. Impact of the proposed use on flora and fauna.
12. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

**Section 20.24 Locational Requirements for Non-Standard Lots**

**A. Definition of Non-Standard Lot:** A non-standard lot shall be defined as a lot which extends along the side and rear lot lines of an adjacent lot in a manner that results in a portion of the non-standard lot to be located directly behind the adjacent lot, as illustrated below for example purposes only.



**B. Standards and Approvals:** A dwelling erected on non-standard Lot B shall comply with the normal setback standards of this Ordinance, including the standards of Table 3-4 (Article 3), and the following additional locational provisions:

1. The dwelling on non-standard Lot B shall not be erected in that portion of the lot directly behind Lot A unless no practical alternatives exist, as determined by the Zoning Administrator and based on such relevant factors as the shape and width of the lot, the location of water bodies and wetlands on the lot, surrounding land uses and structures, and access to the interior of such lot.

2. Where there are no alternative locations for a dwelling on non-standard Lot B except generally behind Lot A, the following additional provisions shall apply:
  - a. The dwelling on non-standard Lot B shall be located a minimum distance of 500 feet from the dwelling on Lot A or, in the case where no dwelling is present on Lot A, a minimum distance of four hundred (400) from the rear lot line of Lot A as measured perpendicular from such rear lot line. Where such a setback is not feasible due to the depth of non-standard Lot B or other practical limitations such as the presence of water bodies and wetlands on the lot, surrounding land uses and structures, and access to the interior of such lot, the location of such dwelling shall be subject to Planning Commission approval. Planning Commission approval shall be based upon minimizing conflicts between dwellings and the use and enjoyment of such lots, encouraging the protection of property values, and ensuring compatibility between the lots.
  - b. Where there are no practical alternatives except to locate the dwelling on Lot B within two-hundred (200) feet of an existing dwelling on Lot A, the Planning Commission may require the applicant to establish a vegetative buffer to screen views of the proposed dwelling. Such a requirement shall specify the number, size, species and location of the required plant material.
  - c. In no case shall a dwelling on Lot B and any accessory buildings be set back less than seventy-five (75) feet from any lot line that serves as Lot A's rear lot line.

**C. Ordinance's Standards Apply:** Nothing in this Section shall be interpreted as exempting Lot B from the lot area, lot frontage and width, lot depth, lot access, lot frontage and any other provisions of this Ordinance.

## **Section 20.25 Medical Marihuana**

- A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the following meanings:
  1. Marihuana: As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
  2. Primary caregiver: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the Medical Marihuana Act, MCL 333.26421 et seq, and who otherwise meets the definition of a primary caregiver under the Act.
  3. Qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the Medical Marihuana Act, MCL 333.26421 et seq, and who has been issued and possesses a registry identification card according to the Act.
- B. Authorization:** The growing, distribution and use of marihuana is prohibited except in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq, and as further provided and restricted by this Section. The growing and distribution of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq, and this Section, is permitted as an accessory use in association with a dwelling and may occur in the dwelling or in an accessory structure on the same lot as the dwelling.
  1. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to cultivate marihuana, except according to the requirements of this Section.
  2. Nothing in this Section shall be construed as authorizing any use of a lot for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.
  3. Nothing in this Section shall be construed as authorizing any use that is subject to licensing under the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, including a "grower," a "processor," a "secure transporter," a "provisioning center," or a

“safety compliance facility,” as defined in such Act.

- C. Standards and Conditions:** The following standards and conditions shall apply:
1. No medical marihuana shall be grown except in a dwelling or accessory structure thereto.
  2. No medical marihuana shall be grown and/or distributed except by a primary caregiver. Such primary caregiver shall reside in the dwelling on the lot where such activities may be occurring.
  3. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, according to the Medical Marihuana Act, MCL 333.26421 et seq., and such containment area shall be located within the dwelling or within an accessory structure on the same lot as the dwelling.
  4. No more than twelve (12) marihuana plants shall be grown on the lot for each registered qualifying patient served by the primary caregiver residing on the lot, and no more than a total of seventy-two (72) marihuana plants shall be grown on the lot at any one time for each one (1) primary care giver residing in the dwelling.
  5. There shall be no sign erected on the lot pertaining to the availability of marihuana or cannabis or any product containing marihuana or cannabis.
  6. All aspects of a medical marihuana growing and distribution shall comply at all times with the provisions and rules of the Michigan Department of Health and Human Services and the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

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**Section 20.26 Noise**

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

1. Noise: Any sound which annoys or disturbs a reasonable person with normal senses or which causes or tends to cause an adverse psychological or physiological effect on humans.
2. Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

**B. Exemptions:** This Section shall not apply to the following:

1. Registered Motor Vehicles: Motor vehicles registered for use on public roads
2. Agricultural Equipment/Operations: Equipment and operations used as part of agricultural operations.
3. Home Maintenance: Home landscape maintenance machines and snow blowers that meet their respective product requirements, between the hours of 7:00 a.m. and 10:00 p.m.
4. Emergency Sounds: The emission of sound for the purposes of alerting persons of an emergency or emergency vehicle.
5. Emergency Work: The emission of sound in the performance of emergency work by a public entity.
6. Trains/Airplanes: Trains and airplanes.

**C. Noise Restrictions:** The use of any lot shall not cause the emittance of sound from any source or combination of sources, which when measured in accordance with the procedure described herein, exceeds the sound level limits in Table 20.26-1 including in association with the loading and unloading of materials and construction and construction tools, between the hours of 8:00 p.m. and 7:00 a.m.

**Table 20.26-1**  
A-Weighted Sound Level Limits (Decibels)

Duration of Sound in any One Hour Period	<u>Districts</u> Agricultural and Residential		<u>Districts</u> Commercial and Industrial	
	10:00 pm - 7:00 am	7:00 am - 10:00 pm	6:00 pm - 7:00 am	7:00 am - 6:00 pm
30 minutes or more:	45	50	55	65
More than 5 minutes but less than 30 minutes:	50	55	60	70
5 minutes or less:	55	65	70	75
Maximum, any duration:	65	75	75	80

1. Measurements: Measurement of sound level shall be in decibels (dB) and made using a sound level meter set at a height of five (5) feet along the lot line on which the sound source being measured is located. All measurements shall be made using a sound level meter that meets the most current requirements of the American National Standards Institute "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network (dB(A)).
2. Violations: A violation shall not be deemed to exist unless the sound level measured is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.
3. Noise Sensitive Areas: Irrespective of compliance with Table 20.26-1, it shall be prohibited to create any sound that disrupts the fundamental purpose of another lot devoted to an activity that requires enhanced noise limitations such as schools, libraries, churches, hospitals, and nursing homes.

4. Modifications to Table 20.26-1:
  - a. The sound level limits of Table 20.26-1 for Commercial and Industrial Districts shall be reduced 5dB(A) along any lot line that is adjacent to a lot in an Agricultural or Residential District.
  - b. For any source of sound that can be distinctly heard as a single pitch or a set of single pitches, sometimes referred to as a pure tone sound, the maximum sound level limits in Table 20.26-1 shall be reduced by 5dB(A) where the adjacent lot is in an Agricultural or Residential District.
  - c. In the case of sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, such as explosions, drop forge impacts and the discharge of firearms, the maximum sound level limits in Table 20.26-1 shall be reduced by 5dB(A) where any adjacent lot is in an Agricultural or Residential District.

**End of Article 20**



## **Article 21 DEFINITIONS**

### **Section 21.1 Construction of Language**

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

- A.** Specific provisions addressing a matter shall control more general provisions.
- B.** Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.
- C.** The word "person" includes a corporation, limited liability company, association, partnership, trust, firm, or similar entity as well as an individual.
- D.** The word "building" includes the word "structure" and both include any part thereof.
- E.** The word "lot" includes the word "plot", "tract", or "parcel".
- F.** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- G.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- H.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- I.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- J.** The "Township" is the Township of Wheatfield in the County of Ingham, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- K.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- L.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.
- M.** Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- N.** Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

## **Section 21.2 Definitions**

**Abutting:** The sharing of a lot line between the subject lot and another lot, easement or other feature.

**Adjacent:** To abut or be nearby.

**Accessory Building or Structure:** A building or structure customarily incidental and subordinate to the principal building or structure located on the same lot as the principal building or structure, and is occupied by or devoted exclusively to an accessory use.

**Accessory Use:** A use which is clearly incidental and subordinate to, and customarily found in connection with the principal use, and located on the same zoning lot as the principal use except where this Ordinance expressly permits otherwise.

**Adult Foster Care Facility:** An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, nor a nursing home licensed under Public Act 139 of 1956, as amended.

- a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
- b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

**Agriculture:** The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products including but not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.. "Agriculture" shall not be interpreted to include kennels, commercial stables, and similar activities that do not comprise the commercial production of farm products.

**Agricultural Service Business:** A business whose principal function is performing agricultural or horticultural services in support of other agricultural enterprises. Agricultural Services Businesses include, but are not necessarily limited to: a) agricultural produce milling and processing, including but not limited to corn shelling, hay baling and threshing, grain cleaning, and similar operations; b) sorting, grading, and packing fruits and vegetables; c) Crop dusting and spraying; d) Contract farm services such as harvesting and plowing;. e) Farm equipment sales, service and repair; f) veterinary clinics; g) bulk feed, seed or fertilizer sales, storage or mixing; h) auction sales barns and yards; i) grain and feed elevators; j) greenhouses and nurseries, which may include accessory retail sales; k) livestock transport facilities; and l) sawmills.

**Airport:** A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

**Alley:** A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

**Alter/Alterations:** Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders, or any change which may be referred to herein as "altered" or "reconstructed".

**Arcade:** Any business within which are located more three (3) or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term shall not include vending machines used to dispense items, kiddie rides, jukeboxes,

bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

**Assisted Living Facilities:** Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

**Automobile:** Unless specifically indicated otherwise, "automobile" shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

**Basement:** That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average outdoor abutting ground elevation along the entire perimeter of the walls surrounding the floor, measured every ten (10) feet along the building wall, is greater than the vertical distance from such average elevation to the ceiling. A basement shall not be counted as a story. (See Figure 21-3 at end of Article)

**Bed and Breakfast:** A dwelling that is also used for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owner.

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

**Building:** Any structure having a roof or other covering supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. A building shall include tents, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include signs, fences or smokestacks, but shall include storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

**Building Code:** Codes adopted by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

**Building Height:** The vertical distance measured from the average finished grade along the front of the building where it abuts the front yard to the highest point of the roof surface, except that such measurement shall be made to the deck line of mansard roofs, to a point seventy-five percent (75%) of the height of an A-frame building, and to the average height between eaves and the ridge of all other gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be computed using the average ground elevation measured every twenty (20) feet along the building walls.

**Building Inspector:** An individual or entity retained by the Township to administer the Michigan Construction Code or which otherwise has the authority to administer such Code.

**Building Permit:** Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

**Campground:** A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

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

**Certificate of Occupancy:** A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

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

amended.

**Church or Synagogue:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church or Synagogue" shall not be construed to mean an undertaker's chapel or funeral home.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but does not operate for profit or be open to the general public, does not espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

**Composting Center:** Composting is the biological decomposition of organic matter under controlled conditions that are characterized by aerobic, elongated piles (windrows) that generate heat. A composting center is location where organic matter is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

**Concrete Plant:** A facility where products are mixed to produce concrete for delivery to construction sites other than on which the plant is located.

**Condominium:** A system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

**Condominium Act:** Shall mean Public Act 59 of 1978, as amended.

**Condominium Lot:** That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Ordinance.

**Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. A condominium unit is not a lot or condominium lot as those terms are used in this Ordinance.

**Common Elements:** Portions of the condominium project other than the condominium units.

**Detached Condominium:** A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision.

**General Common Elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.

**Limited Common Elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

**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.

**Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A site condominium project shall be considered as equivalent to a platted subdivision

**Contractor's Yard:** A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

**Convenience Store:** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

**Deck:** A platform, commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

**Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

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

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

**District:** See Section 3.1.

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

**Driveway:** A means of access for vehicles from a public road across a lot, to a parking or loading area, garage, dwelling or other structure or area on the same lot, and which is intended to principally serve the occupants of the lot. A driveway shall not be construed as a public or private road as defined in this Ordinance.

**Dwelling:** Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one (1) family. A detached or attached garage, automobile, recreational vehicle, tent or other portable space or device shall not be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling for the purposes of this Ordinance.

**Dwelling, Accessory Apartment:** A dwelling unit that is accessory to and contained within the principal single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

**Dwelling, Multiple Family:** A building containing three (3) or more dwelling units for three or more families living independently of each other.

**Dwelling, Single Family:** An independent detached dwelling used exclusively by one family for living, cooking and sleeping purposes, Single-family dwellings are commonly the only principal use on a parcel or lot when not otherwise located above a storefront.

**Dwelling, Two Family (Duplex):** An independent detached building containing two separate dwellings.

**Easement:** A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity.

**Erected:** Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, shall be considered a part of "erection."

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

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

**Extraction Operation:** The removal of more than fifty (50) cubic yards in any calendar year of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on another parcel, including mining, moving, crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to apply to excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

**Family:** Either of the following:

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

**Farm:** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products.

**Farm Buildings:** Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm. Farm buildings may also be referred to as agricultural buildings.

**Fence:** An accessory structure constructed of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, intended to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground except for common household gardening, farming, and general ground care.

**Floor Area, Gross:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**Floor Area, Dwelling:** The sum of the floor area of each story of a dwelling unit, measured from the interior faces of the exterior walls but excluding floor area associated with a basement, unfinished attic, attached garages, breezeways, and enclosed and unenclosed porches.

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

**Frontage:** The total continuous length of the front lot line. See definition for "lot lines."

**Funeral Home:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

**Garage, Private:** An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

**Golf Course Or Country Club:** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

**Habitable Space:** Space in a dwelling unit, or structure used for living, sleeping, eating, cooking, or otherwise conducting activities directly related to the structure's principal use, which is equipped with means of egress, light, and ventilation facilities in accordance with applicable construction codes. Bathrooms, toilet compartments, halls, and closets are not considered to be habitable space.

**Home Occupation:** See Section 20.10.

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

**Hotel/Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "hotel" shall include buildings designated as motels, auto courts, tourist cabins and courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A hotel shall not be construed as a multiple family dwelling. A hotel may include support services, including recreation facilities and the serving of meals, where approved for such.

**Impervious Surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**Indoor Recreation Center:** An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

**Industrial Park:** Multiple lots developed in a unified and coordinated manner that rely on an internal road network established to serve such lots.

**Junkyard:** Any outdoor area or building, of more than 200 sq. ft. in area, used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials, which may include but need not be limited to paper, rags, glass, cans, bottles, appliances, vehicles and construction materials; and/or 2) the abandonment,

demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard.

**Kennel:** Any lot or premises licensed as a Kennel by Ingham County Animal Control or where seven (7) or more dogs six (6) months or older are kept, whether such animals are being kept permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or as pets.

**Landscaping Services:** A lot used for office purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

**Livestock:** Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm. Wild, vicious, or exotic animals shall not be considered livestock.

**Lot:** A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance, and which is described as a platted lot or portion thereof or a tract of land described by metes and bounds or a portion of such parcel described by metes and bounds. A lot may or may not be specifically designated as such on public records. Within a site condominium project, a condominium lot shall be synonymous with a lot for the purposes of compliance with this Ordinance (*see Figure 21-1 at end of this Article*).

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. (*see Figure 21-1 at end of this Article*)

**Lot Coverage:** The amount of a lot, stated in terms of percentage, which is covered by impervious surfaces, limited to buildings and concrete, asphalt, brick, stone and similar hard-surfaced areas. Lot coverage shall not be deemed to include fences, walls, wooden decks or composite materials intended to serve the same purpose. In the case of a building, the coverage shall be measured from the building's exterior wall faces.

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

**Lot, Flag:** A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

**Lot, Interior:** Any lot other than a corner lot with only one (1) lot line fronting on a street.

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

- a. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the road right-of-way or easement from which it gains access. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road right-of-ways or easements unless designated otherwise on a recorded plat. In the case of a through lot, the front lot line shall be as designated on the plot plan or site plan, subject to approval of such plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained. See Figure 21-2 at end of this Article.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (*see Figure 21-2 at end of Article*).
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line (*see Figure 21-2 at end of Article*).

**Lot of Record:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Ingham County Register of Deeds and Township Treasurer, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor licensed in the State of Michigan and is recorded with the Ingham County Register of



Deeds and filed with the Township.

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot (*see Figure 21-1*).

**Lot Width:** The straight line horizontal distance between the side lot lines, extending from the front lot line toward the rear lot line to a minimum distance equal to the required front yard setback according to the District in which the lot is located.

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

**Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

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

**Master Plan:** The officially adopted policies of the Township addressing community growth, development, land use, and preservation, prepared pursuant to Public Act 33 of 2008, as amended, the Planning Enabling Act, and consisting of maps, charts and written material.

**Medical Clinic:** An establishment occupied by two (2) or more physicians, dentists, or similar professionals, where human patients are admitted for out-patient only examination and treatment, except where the primary physical ailment being monitored or treated is a sleep disorder. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients.

**Mezzanine:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

**Mini Storage:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, house trailers, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

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

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

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

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

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

**Nursing Home, Convalescent Home, or Rest Home:** A facility licensed by the State of Michigan, other than a hospital, for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care.

**Occupied:** Used in any way at the time in question.

**Off-Street Parking:** An area that provides vehicular parking spaces along with drives and aisles for maneuvering, so as to provide ingress, egress and parking.

**Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Oil or Gas Processing Plant:** A facility designed for separating, metering, holding and/or marketing of oil or gas production, including sweetening plants designed for the removal of sulfur or other compounds from natural gas, but not including oil refineries.

**Open Space:** Land that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, and may be established for recreation, resource protection, aesthetics, or other purposes.

**Ordinary High Water Mark:** The line between upland and bottomland which 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.

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

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

**Park:** Land set aside for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities, and may include accessory buildings and structures.

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

**Performance Guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

**Planned Unit Development:** A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

**Planning Commission:** The Planning Commission of the Township of Wheatfield.

**Plot Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

**Principal Building:** A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel..

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

**Private Landing Strip:** A facility designed for the take-off, landing, and storage of small aircraft which is not available to the public, is not shown on aeronautical charts, is not licensed by the Michigan Aeronautic Commission, and does not offer charter flight service, the sale of gasoline or oil, student instruction, flying lessons, aviation maintenance services or other commercial services to the public.

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

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

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

**Recreational Facilities:** Playgrounds, parks, picnic areas, golf courses, ball fields, camps, swimming pools, nature preserves or any other type of community space or equipment that is designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

**Recreation Land:** Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicing, hiking, nature trails, boating, and fishing.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, and may be commonly referred to as a travel trailer, pickup camper, or motor home.

**Recreational Vehicle Park:** A facility designed for either overnight or long-term use by travelers using recreational vehicles, and may include electrical hook-ups, restrooms and showers, and recreational facilities.

**Recycling Center:** A facility at which recyclable materials as defined in Michigan Public Act 641 of 1978, as amended, are separated and processed prior to shipment to others who will use the materials to manufacture new products. A recycling center is distinct from a junkyard or a salvage yard.

**Recycling Collection Station:** A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

**Restaurant, Class 1:** A restaurant whose principal method of operation includes one or more of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed, within a building.
- b. a cafeteria-type operation where food and beverage are consumed within a building.
- c. customers are served by a delivery service by the restaurant to the customer at another location.
- d. customers are served from a counter for consumption by the customer off-site, commonly referred to "take out."

**Restaurant, Class 2:** A restaurant whose principal method of operation includes one or both of the following characteristics:

- a. customers are served from a drive-through window in motor vehicles, commonly referred to as a "drive-through."
- b. customers are served by a delivery service from the restaurant building to the customer in the customer's vehicle other than by a drive-through window, for consumption in the vehicle on the restaurant property, commonly referred to as a "drive-in."

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

**Retreat Center:** A facility used for professional, educational, or religious conclaves, meetings,

conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

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

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

**Road:** A thoroughfare that affords the principal means of access to abutting property, whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. The term "road" also includes the term "street."

**Road, Private:** A private way or means of approach for use and operation of vehicular traffic that is not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners.

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Transportation Department, Michigan Department of Transportation, or Federal Highway Administration.

**Roadside stand:** A structure or space for the display or sale of agricultural products in compliance with the Generally Accepted Agricultural Management Practices adopted by the Michigan Commission on Agriculture and Rural Development.

**Sanitary Landfill:** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary and maintained in accordance with the provisions of Act 641 of 1978, as amended.

**Sanitary Sewer:** A system of underground pipes used to carry sanitary sewage from the point of origin (e.g., residential units, offices, etc.) to the point of discharge at a wastewater treatment facility.

**Sawmill:** A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot.

**Service Station:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items.

**Setback:** The minimum distance by which a specified building, structure, or use is separated from the centerline of the road right-of-way or the side or rear lot line, or other specified feature. A setback shall be measured to the nearest supporting member of the structure in question.

**Sexually Oriented Business:** Refer to Article 7, Section 7.31 for definitions pertaining to sexually oriented businesses.

**Shooting Range:** An outdoor or indoor facility designed for and devoted to the shooting of firearms, archery equipment, and/or paintball guns, including what are commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range.

**Sign:** See Article 9 for sign definitions.

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

**Slaughter House:** A facility where livestock, poultry and/or food are brought to be slaughtered, processed, and packaged.

**Solar Energy System (SES):** A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy. Related terms and definitions for solar energy systems are:

- a. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.
- b. Small Solar Energy System (Small SES): A solar energy system intended to principally serve a single residential unit or business and which relies on roof mounted and/or ground mounted collection systems that occupy, in total, no more than one-quarter (0.25) acre.
- c. Medium Solar Energy System (Medium SES): A solar energy system used to produce energy for use in association with the lot on which the system is located and/or for use by off-site properties and persons including in association with energy utility providers, and which relies on roof mounted and/or ground mounted collection systems that occupy, in total, more than one-quarter (0.25) but not more than five (5) acres.
- d. Large Solar Energy System (Large SES): A solar energy system of a utility-scale intended to principally serve property and persons not located on the lot on which the system is located, and which relies on roof mounted and/or ground mounted collection systems that occupy, in total, more than five (5) acres.

**Special Land Use:** Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing.

**Stable, Commercial:** A structure and/or land use where horses are kept and does not meet the definition requirements of a private stable, including the holding of horse shows, training exhibitions, or any other horse-based activity that may be characterized by the gathering of more than twenty (20) spectators and observers at any single time.

**Stable, Private:** An accessory structure and/or land use where horses are kept for private use and where no more than ten (10) additional horses may be boarded for remuneration, and where riding lessons, horse shows and training exhibitions, that are attended by no more than twenty (20) persons at any single time, may be held.

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

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor or ceiling next above. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is twenty-four (24) feet or more. (See Figure 21-3)

**Story, Half:** The uppermost story lying under a pitched roof, the usable floor area of which does not exceed one-half (1/2) of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.

**Story Height:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street:** See "Road."

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all principal and accessory buildings, independently supported decks, satellite dishes, fences, walls,

antennae, swimming pools, and free-standing signs, but excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as "essential services." "Structure" shall not be construed to include paved surfaces such as sidewalks and roads except where otherwise provided in this Ordinance.

**Swimming Pool:** Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

**Tavern:** An establishment, or portion thereof, serving alcoholic beverages for principal consumption on the premises.

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

**Truck Terminal:** A building or area in which freight other than raw or unprocessed agricultural products, natural mineral or other resources, is brought by truck and assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.

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

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when strict enforcement of the Zoning Ordinance would cause practical difficulties that meet the criteria of this Ordinance (See Article 16).

**Vehicle/Car Wash:** A building, or portion thereof, designed and used for the washing of two (2) or more vehicles irrespective of whether the washing process is automated or performed manually.

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

**Vehicle Repair Shop:** A state-licensed commercial establishment devoted to engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and/or vehicle painting.

**Wireless Communication Towers:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, and cellular telephone towers. Not included in the definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. Wireless communication facilities shall be specifically excluded from the definition of essential services.

**Wholesale Merchandizing/Sales:** The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 21-2 at end of this Article*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building or other feature as may be specified. See definition for “lot lines” as applied to corner lots and through lots. A corner lot shall be considered to have two (2) front yards.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or other feature as may be specified. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner at the time of plot plan approval. See definition for “lot lines” as applied to corner lots and through lots.
- c. **Side Yard:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or other feature as may be specified.

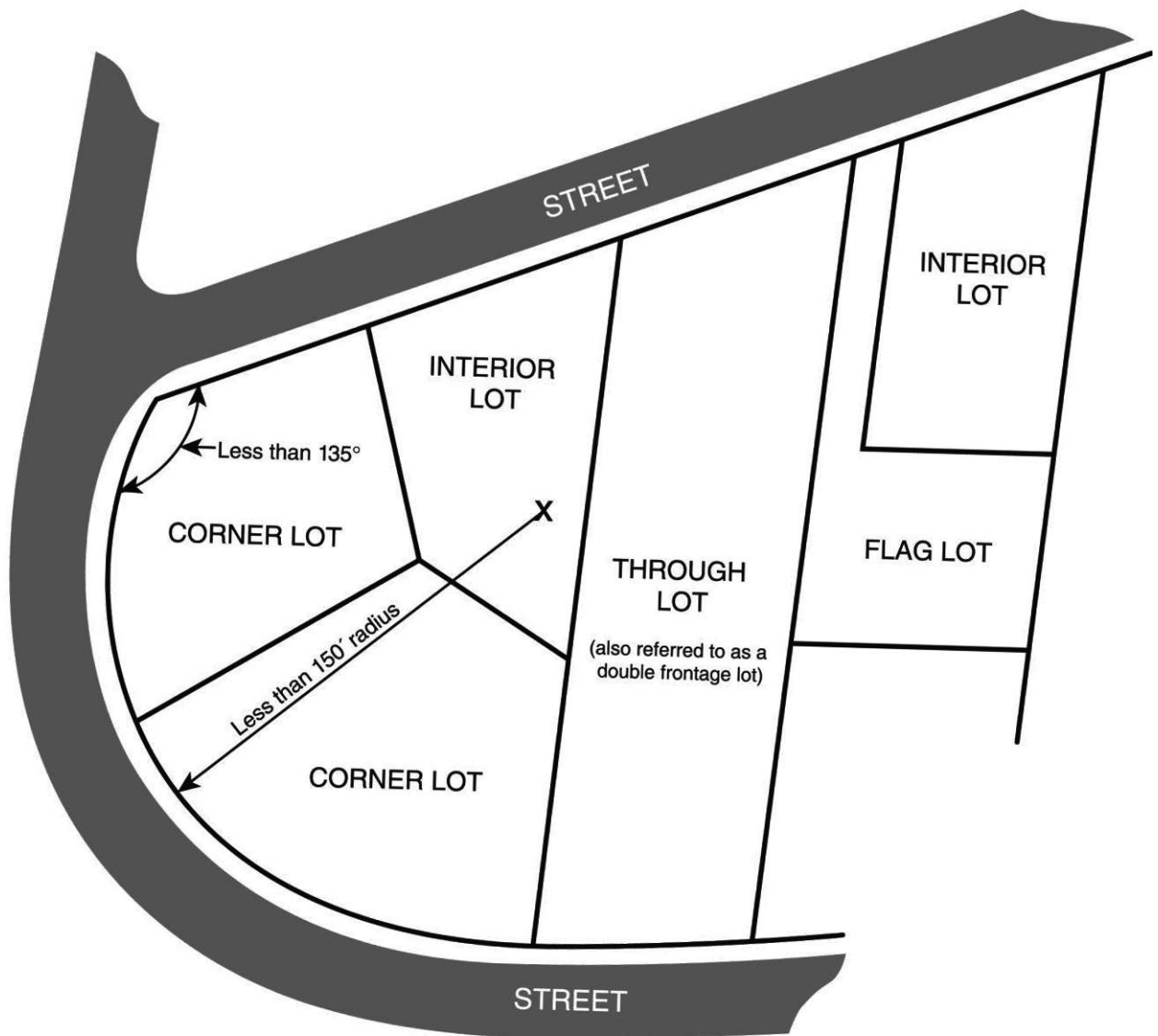
**Zoning Administrator:** An authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning District:** A district covering a specific geographic area or areas of the Township and that is subject to use and site development restrictions particular to such district. See Section 3.1.

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

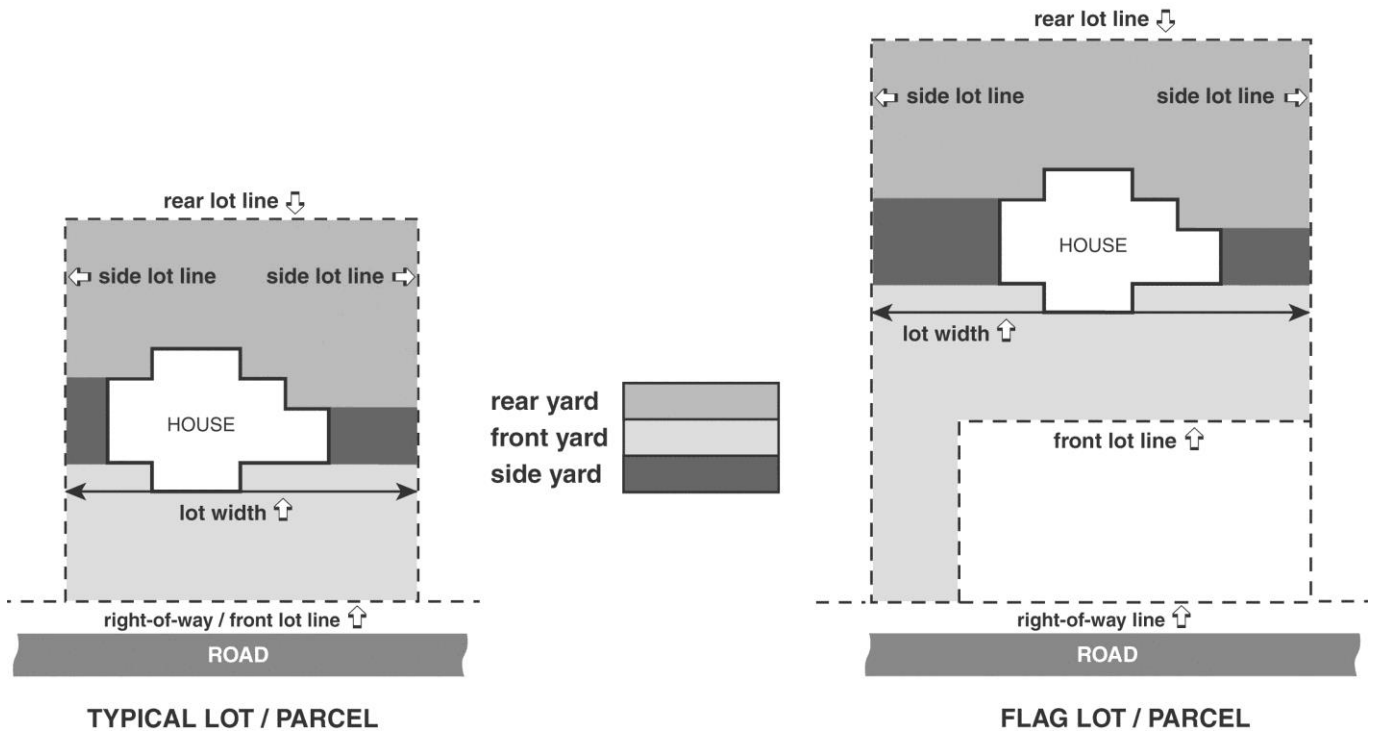
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**Figure 21-1  
LOT TYPES**

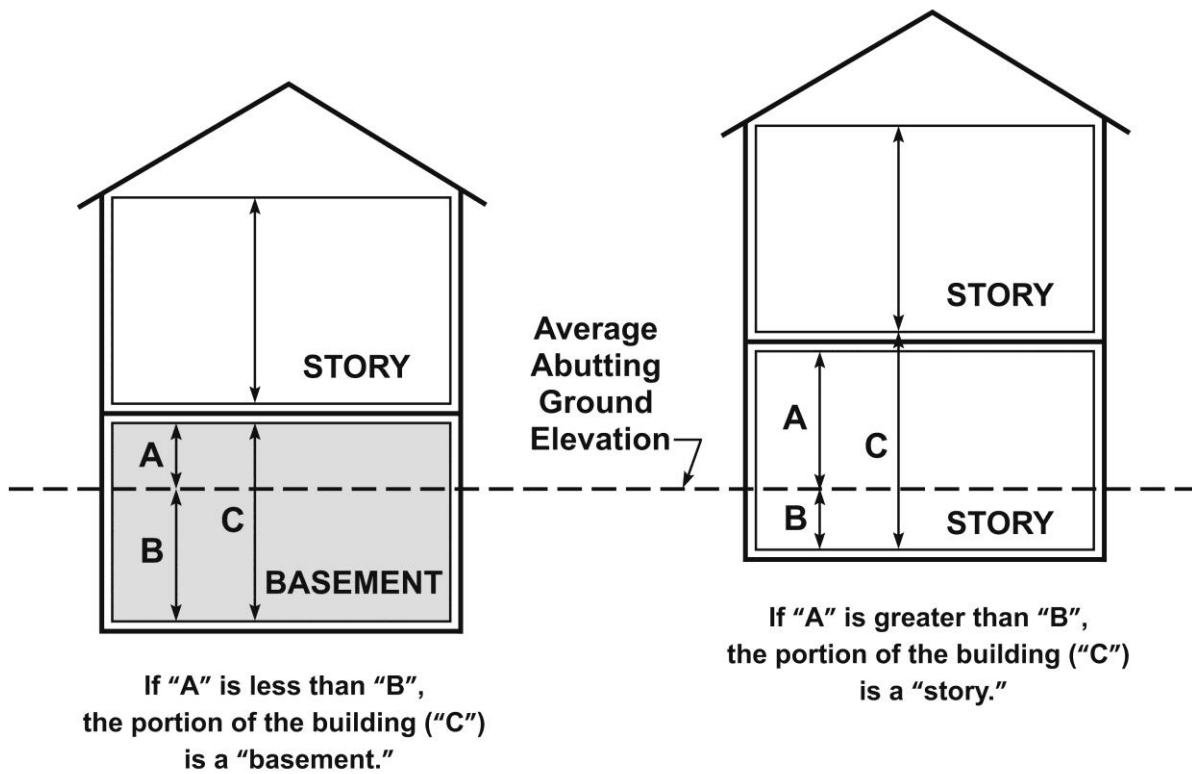




**Figure 21-2  
LOT LINES and YARDS**



**Figure 21-3  
BASEMENT and STORY**



**End of Article 21**

**Article 22**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,**  
**and EFFECTIVE DATE**

**Section 22.1 Interpretation**

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

**Section 22.2 Severance Clause**

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

**Section 22.3 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 6, Nonconforming Lots, Uses and Structures.

**Section 22.4 Repeal**

The Wheatfield Township Zoning Ordinance adopted on October 8, 1996, and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Section 22.5 Effective Date**

This Ordinance shall take effect eight (8) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Township Board of the Township of Wheatfield, Ingham County, Michigan, on January 9, 2018.

**End of Article 22**

# WHEATFIELD TOWNSHIP PLANNING COMMISSION

## Draft Zoning Ordinance Amendments

### Wind Energy Systems

Draft: August 17, 2023

#### **AMENDMENT #1**

Amend Table 3-2 of Article 3, Permitted Principal Uses in Agricultural and Residential Zoning Districts, to insert Line #18 under *Uses of a Primarily Commercial, Business, or Industrial Character*, and to insert Footnote #3, to read as follows:

		PRINCIPAL USES <sup>1</sup>		ZONING DISTRICTS						
				A-1	A-2	R-1	R-2	R-3	R-MF	R-MHC
		<b>Uses of a Primarily Commercial, Business or Industrial Character</b>								
18	Wind energy systems, large <sup>3</sup>	S	-	-	-	-	-	-	-	-

Footnote 3:

3. The authorization of Large WES in the A-1 District is restricted to Sections 25, 26, 27, 34, 35, and 36, and the south half of Sections 22, 23, and 24, and the east half of Sections 28 and 33. See Section 7.38 regarding wind energy system definitions and exceptions to the classification of wind energy systems as “special land uses” or “prohibited uses.”

#### **AMENDMENT #2**

Amend Article 21 to insert the following phrase and respective definition:

Wind Energy System (WES): See Section 7.38 regarding definitions pertaining to wind energy systems.

#### **AMENDMENT #3**

Delete Section 7.38, Wind Energy Systems, Private, and insert the following in its place:

#### **Section 7.38 Wind Energy Systems**

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

1. Ambient Sound: The all-encompassing sound associated with a given environment including sound emanating from near and far locations, as measured by ANSI S12.9 Part 3.
2. ANSI: American National Standards Institute.
3. dB(A): The sound pressure level in decibels, using the “A” weighted scale defined by ANSI.
4. dB(C): The sound pressure level in decibels using the “C” weighted scale defined by ANSI.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. Large Wind Energy System (Large WES): See definition for Wind Energy System (WES).
7. MET (Meteorological) Tower: The equipment and support structure used to provide present wind data for use in determining the viability of a potential wind energy system (WES).
8. Non-participating Parcel: Any parcel within the Township other than a participating parcel.
9. Participating Parcel: Any property or portion thereof owned or under the control of any person by lease, easement, or any other agreement, and proposed for the placement of a MET tower or wind energy system (WES) or portion thereof, or is otherwise subject to an agreement in association with the WES irrespective of whether any WES equipment is to be placed on the property.

10. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects.
11. Small Wind Energy System (Small WES): See definition for Wind Energy System (WES).
12. Sound Pressure/Sound Pressure Level: The difference at a given point between the pressure produced by sound energy and the atmospheric pressure, measured in decibels (dB).
13. Total Height: The vertical distance measured from the ground level at the base of a wind turbine tower or other support system to the uppermost vertical extension of any blade.
14. WES Rotor Diameter: The distance measured across the central potential swept area of a WES blade's pattern.
15. Wind Energy System (WES): A combination of equipment that converts and stores or transfers energy from the wind into electrical energy including wind turbine generators and related elements such as, foundations, support bases, blades, generators, nacelles, rotors, towers, transformers, converters, substations, and other components that may be part of the system. A wind energy system may be comprised of a one (1) wind turbine and supporting tower or may be comprised of multiple wind turbines and supporting towers.
  - a. Large Wind Energy System (Large WES): A wind energy system that is designed and constructed to principally provide electricity to users not located on the parcel on which the Large WES is located including the provision of electricity to the utility grid. A Large WES commonly relies on two (2) or more wind turbines and may occupy multiple participating parcels, all of which is under common ownership or operational control.
  - b. Small Wind Energy System (Small WES): A wind energy system that functions as an accessory structure and designed to principally provide electricity to users located on the participating parcel on which the Small WES is located, and which generates no greater than thirty (30) kilowatts total peak capacity. This definition shall not be construed to prohibit a Small WES from transmitting back to a public utility any excess generated electricity.
16. Wind Turbine: A group of component parts used to convert wind energy into electricity and commonly includes a support tower, base, rotor, nacelle, and blades.

**B. Authorization and Approval Procedures:**

1. Small WES: Small WES shall be construed as accessory structures, as defined in this Ordinance, and are permissible in all districts.
  - a. Zoning Administrator/Plot Plan Approval. A small WES that meets the conditions of subsection (1) below is subject to Zoning Administrator approval according to Section 2.4(B). The applicant shall submit a plot plan containing the information required by Section 2.4(B) and the information required by subsection (C). The Zoning Administrator shall approve such application upon finding that the Small WES application complies with the standards and regulations of this Section and Ordinance.
    - (1) A Small WES is subject to Zoning Administrator approval provided it has a total height of no greater than forty (40) feet and is to be located a minimum distance of one-hundred fifty (150) feet from existing buildings on a nonparticipating parcel and forty (40) feet from lot lines.
  - b. Planning Commission Approval. A Small WES that is not subject to Zoning Administrator approval according to subsection (a) above shall be subject to Township Board approval after receiving a recommendation from the Planning Commission. The applicant shall submit a plot plan containing the information required by Section 2.4(B) and any additional information necessary to demonstrate conformance with the standards of this Section 7.38. The Township Board shall approve such application upon finding that the Small WES application complies with the standards and regulations of this Section and Ordinance, and that the WES is sited to maximize compatibility with surrounding conditions to the greatest extent practical.
  - c. Exemption: Small WES that are attached to an existing structure, such as the roof of a dwelling or an existing accessory structure, are exempt from the regulations of this Section and the need for a zoning permit provided no part of the Small WES extends more than ten (10) feet above the point where it attaches to the existing structure and is setback from lot lines a minimum distance of twenty (20) feet as measured horizontally from the nearest

moving part to the lot line.

2. **Large WES:** Large WES constitute special land uses and are subject to the review and approval provisions of Article 15. See Table 3-2 of Article 3 regarding in what districts Large WES are permitted.
3. **Met Towers:** See subsection (H) regarding authorization and approval procedures for MET towers.

**C. Small WES – Application Information.** In addition to the information required by Section 2.4(B), the following additional application information shall be provided. See subsection (H) regarding application requirements for MET towers.

1. The location(s) of the proposed Small WES and the supporting electrical system's components including distances from existing structures, utility lines or any other structures and possibly impacted features of the participating parcel.
2. Proposed type, number, and total height of the Small WES turbine tower to be constructed including the manufacturer and model, product specifications regarding sound output (measured in decibels dB(A), total rated generating capacity, dimensions, rotor diameter, description of ancillary facilities including tower design, color and wiring, and Material Safety Data Sheets.
3. A map drawn to scale depicting all participating parcel's property lines, locations of existing roads and access drives, structures including above and below ground surface utility lines, public and private easements, and existing mature vegetation.

**D. Small WES – Design Standards.** The following standards and requirements shall apply in addition to all other provisions of this Ordinance. Where the provisions of this subsection (D) provide for additional or greater restrictions than Section 20.9, the provisions of this subsection (D) shall apply. See subsection (H) regarding design standards for MET towers.

1. **Visual Appearance**
  - a. A Small WES shall be a neutral, non-reflective, non-obtrusive color, which shall be maintained throughout the life of the product. Acceptable colors include white, black, and gray.
  - b. A Small WES shall not be artificially lighted except to comply with FAA or other federal, state, or local requirements, or to the extent necessary for the reasonable safety and security thereof as determined by the Township Board. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to FAA regulations, and must be shielded to reduce glare and visibility from the ground.
  - c. Advertising, and banners, streamers, flags, and other similar items are prohibited from being attached to a Small WES.
2. **Ground Clearance:** The lowest extension of any exposed blade or other exposed moving component of a Small WES shall be at least twenty (20) feet above the ground elevation as measured from the highest point of the ground elevation within twenty (20) feet of the WES base.
  - a. There shall be required no minimum clearance for any exposed blade or other moving component where the movement is of a horizontal nature, provided sufficient measures are in place to protect the safety of persons under or near the moving component.
3. **Sound:** Sound emanating from the operation of a Small WES shall not exceed the lowest ambient sound pressure level that is present between the hours of 9:00 p.m. and 9:00 a.m. at the lot lines of a lot within an Agricultural or Residential District and at the lot lines of a lot occupied by a park, school, hospital, or church, and shall not exceed the lowest ambient sound level pressure plus 5 dB(A) that is present during the same hours at any other lot line.
4. **Vibration:** Vibrations shall not be produced that are humanly perceptible beyond the participating parcel on which a wind turbine is located.
5. **Guy Wires:** Guy wires are prohibited.
6. **Electrical:** All electrical systems shall comply with all state, county, and National Electrical Codes. Any electrical system components, except necessary wiring from the base of a support structure to a turbine, shall be placed underground within the boundary of each participating

parcel, at a depth as to accommodate the existing use of the participating parcel to the maximum extent practical.

7. Height: No Small WES wind turbine shall exceed a total height of eighty (80) feet.
8. Setbacks: A Small WES shall be set back a minimum distance equal to the total height of the wind turbine, from all lot lines, public road right-of-ways, private access easements, occupied buildings, surface and overhead utility lines, utility easements, and other public infrastructure related items that may be present on the participating parcel, as measured horizontally from the nearest moving part to the lot line.
9. Shadow Flicker: A Small WES shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the Small WES on a daily basis or on the 21<sup>st</sup> day of March, June, September and December, specific to the Wheatfield Township area. The source and basis for such projections shall be provided.
10. Parcel Size and Number of Small WES
  - a. No Small WES shall be located on any parcel less than two (2) acres in size.
  - b. A participating parcel shall not be occupied by multiple wind turbines except where the parcel area is a minimum of five (5) acres and in no case shall more than two (2) wind turbines be erected.
11. Public Health, Safety and Welfare
  - a. A WES shall have a breaking, feathering, or other fail-safe system in order to mitigate and prevent uncontrolled rotation during adverse weather conditions.
  - b. A Small WES shall possess protection measures from lightning strikes.
  - c. On-Site WES shall comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act, both prior to and after installation. No facility shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.
12. Abandonment/Restoration: A Small SES wind turbine that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the turbine is inoperable and a timeline no longer than sixty (60) days to bring the turbine back into operation or compliance, or otherwise remove the SES within ninety (90) days of receipt of written notice from the Zoning Administrator. Should demolition be required, the SES shall be removed in its entirety including support structures, equipment, foundations and other features and the ground shall be restored to its preconstruction state, within ninety (90) days of notification of required demolition by the Zoning Administrator.

**E. Large WES – Application Information.** In addition to the information required by Article 14, Site Plan Review, and Article 15, Special Land Uses, the following additional application information shall be provided. See subsection (H) regarding application requirements for MET towers.

1. Electromagnetic Interference and Signal Degradation A report prepared by a third party qualified professional acceptable to the Township, addressing any anticipated adverse impacts to existing telephone, cellular, microwave, radio, television or navigational transmission or reception within the township. The report shall address, in part, the cumulative impact of all proposed and existing Large WES within ten (10) miles of the Township on such transmission and reception.
2. Soil Conditions: A report presenting an assessment of soils and geologic characteristics of participating parcels, certified by a professional engineer licensed in the State of Michigan.
3. Shadow Flicker: A report prepared by a third party qualified professional acceptable to the Township, addressing the extent to which shadow flicker will impact adjacent and other nearby buildings and residential properties. The report shall include elevation drawings, computer and/or photographic simulations, or other models and visual aids, illustrating the locations of potential shadow areas produced by the WES and shall include a summation of the impacts the



proposed WES may have upon adjacent and other nearby buildings and residential properties including the number of hours per year of impact and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.

4. **Sound:** A report of the existing and expected audible and low frequency sound conditions related to the WES participating parcels, to identify a baseline sound presence and expected compliance with the sound pressure level limits established by this Section. The report shall be produced by a qualified sound pressure level professional acceptable to the Township and in accordance with standards established by ANSI. The report shall include:
  - a. A description and map of the sound producing features of the WES including the range of sound pressure levels expected (to be measured in dB(A) and dB(C)), and the basis for the expectation.
  - b. A description and map of the existing land uses and structures including any sound receptors such as residences, hospitals, libraries, schools, places of worship, and parks within one (1) mile of the proposed WES participating parcels. The description shall include the location of the structure/land use, distances from the proposed wind turbines, and expected decibel readings for each receptor.
  - c. The pre-existing ambient sound pressure levels (including seasonal variation) and the affected sensitive receptors located within one (1) mile of the proposed participating parcels.
  - d. A description of the project's proposed sound pressure level control features including specific measures to mitigate sound impacts for sensitive receptors to a level consistent with this Section.
5. **Wind Resource Availability:** A wind resources report that indicates the viability of the proposed WES by assessing the potential participating parcels' wind resources according to the U.S. Department of Energy National Renewable Energy Laboratory classification system.
6. **Property Value Impacts:** A report addressing the anticipated impact of the project on local property values and proposed measures to minimize negative impacts on such values including any compensation program in the case of demonstrated reduced property sale values following installation of the facility.
7. **Technical Documentation:** The following information is to be assembled and submitted as part of the WES application, which is to be separate from the final site plan submittal.
  - a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, and foundation type/dimensions.
  - b. Typical tower and tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
  - c. Electrical schematic illustrating the proposed support infrastructure including wires, conduits, and the point of inter-connection with any other electrical transmission lines.
8. **Fire Prevention and Emergency Response Plan Requirements**
  - a. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
  - b. Designation of specific agencies that would respond to potential fire or other emergencies.
  - c. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.
9. **Environmental Impact Issues:** Documentation demonstrating the expected ability to comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
  - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.)
  - b. Part 55 Air Pollution Control (MCL 324.5501 et seq.)
  - c. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.)
  - d. Part 111 Hazardous Waste Management (MCL 324.11101 et seq.)
  - e. Part 115 Solid Waste Management (MCL 324.11501 et seq.)
  - f. Part 201 Environmental Remediation (MCL 324.20101 et seq.)
  - g. Part 211 Underground Storage Tank Regulations (MCL 324.21101 et seq.)
  - h. Part 213 Leaking Underground Storage Tanks (MCL 324.21301 et seq.)

- i. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.)
  - j. Part 303 Wetlands (MCL 324.3030 1 et seq.)
  - k. Part 365 Endangered Species Protection (MCL 324.36501 et seq.)
10. Interconnection: Evidence that the Michigan Public Service Commission, the subject utility company, and regional transmission operator have been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved.
  11. Decommissioning and Reclamation Plan: A plan that addresses the anticipated life of the project, estimated decommissioning and reclamation costs in current dollars, methods of ensuring that funds will be available for decommissioning and reclamation, and the proposed phasing for the completion of decommissioning and reclamation. The plan shall provide for the removal of all buildings, electrical components, roads, structure foundations, and other associated components, except as may be expressly authorized otherwise by the Township Board. Reclamation of the site shall provide for the planting of grasses or cover crops to prohibit erosion. A detailed cost estimate prepared by a qualified independent professional engineer shall accompany the proposed reclamation plan. See also subsection (G)(1) regarding the posting of a performance guarantee to ensure proper decommissioning and reclamation.
  12. Site Plan: In addition to the information required by Article 14 for site plan review, the site plan documents, or other supporting documents, shall address the following:
    - a. Illustrate and describe mitigation measures to minimize impacts on the natural environment including, but not limited to wetlands, wildlife including migratory bird patterns and bat populations, and other fragile ecosystems.
    - b. A map drawn to scale depicting the participating parcel's property lines, locations of existing roads and access drives, structures including above and below ground surface utility lines, public and private easements and existing mature vegetation.
    - c. The required setbacks for components of the Large WES, including wind turbines, shall be displayed upon the participating parcel's site plan.
    - d. The supporting electrical system's components including connections to utility transmissions.
    - e. Identification and location of the participating parcels on which the proposed Large WES will be located, including distances from occupied structures on participating parcels. Written documentation that will be recorded at the Register of Deeds from all owners of participating parcels that provides evidence that such owners agree to be a participating parcel.
    - f. Identification and location of occupied structures on non-participating parcels and distances from property lines of non-participating parcels within a three-quarter (3/4) mile of each participating parcel property line.
    - g. Illustrations of the proposed Large WES including elevation drawings, computer and/or photographic simulations, or other models and visual aids, as it will appear from vantage points at various distances from north, south, east, and west.
    - h. Proof of the applicant's liability insurance for the subject property(s).
    - i. A written description of the decommissioning and reclamation plan.
    - j. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads caused by construction of the Large WES that is found to be acceptable by the Ingham County Road Department.
      - 1) The travel plan shall include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery, and maintenance purposes. Any necessary post construction road repairs and reconstruction shall be the responsibility of the owner/operator of the WES and such necessary repairs or reconstruction shall be performed in compliance all requirements of the Ingham County Road Department.
    - k. A statement indicating what hazardous material will be used and stored on the site.

- I. A statement certifying that every element of the WES shall be inspected on an annual basis to ensure that all equipment related to the facility is in proper working condition. The Township shall be provided with a copy of the inspections.
- m. Description of the proposed type, number, and total height of the Large WES to be constructed including the manufacturer and model, product specifications regarding sound pressure levels (measured in decibels dB(A), total rated generating capacity, dimensions, rotor diameter, description of ancillary facilities including tower design, color and wiring, and Material Safety Data Sheets.

**F. Large WES – Design and Operational Standards.** The following standards and requirements shall apply in addition to all other provisions of this Ordinance. See subsection (H) regarding design and operational requirements for MET towers.

1. Visual Appearance

- a. Large WES shall be required to be a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product to mitigate visible oxidation or corrosion.
- b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to FAA or other federal, state, or local requirements, or to the extent necessary for the reasonable safety and security thereof. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to FAA regulations, and must be shielded to reduce glare and visibility from the ground. Lighting shall be radar-activated except upon the applicant's demonstration that the FAA denied the applicant's request for such lighting activation.
- c. Advertising, and banners, streamers, flags, and other similar items are prohibited from being attached to a Large WES.

2. Ground Clearance: The lowest extension of any exposed blade or other exposed moving component of a Large WES shall be at least seventy-five (75) feet above the ground elevation as measured from the highest point of the ground elevation within fifty (50) feet of the wind turbine base.

3. Sound

- a. Sound pressure levels originating from the operation of any Large WES shall not exceed 40 dB(A) for more than five (5) minutes during a sixty (60) minute period, measured at the property line of any non-participating parcel, but in no case shall such sound pressure levels exceed 55 dB(A). If the ambient sound pressure levels exceed 40 dB(A), the sound pressure levels originating from any Large WES shall not exceed the ambient sound pressure level plus five (5) dB(A) but in no case shall sound pressure levels exceed 55 dB(A) when measured along the property lines of any non-participating parcel.
- b. The sound pressure level generated by the Large WES shall not exceed 35 dB(A) when measured at a habitable structure located on a non-participating parcel.
- c. The sound pressure level generated by the Large WES shall not exceed 50 dB(C) measured along the property lines of a non-participating parcel.
- d. A tonal noise condition generated by a Large WES shall result in the addition of 5 dB(A) to a recorded noise level for the determination of compliance with the noise level restrictions of this subsection (3). By example, the presence of tonal noise shall increase a recorded noise level of 40 dB(A) to 45 dB(A).
- e. No Large WES shall exceed a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA, or exceed an RMS acceleration level of 50 dB(unweighted) re 1 micro-g, measured along the property lines of a non-participating parcel.
- f. No Large WES shall result in any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is commonly perceivable by human sensation according to industry standards, or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g at any time and for any duration, measured along the property lines of a non-participating parcel.
- g. An annual report shall be required to ensure compliance with this ordinance. The report shall be prepared by a qualified sound pressure level professional acceptable to the Township Board. Testing shall be performed according to the procedures in the most current

version of ANSI S12.18 and ANSI S12.9 Part 3. All sound pressure levels shall be measured with a sound pressure level meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound pressure level meter. This report shall be at the cost and expense of the owner and shall be submitted to Township Clerk.

- h. The provisions of Section 20.26 shall apply except as otherwise provided by this subsection.
4. Vibration: Vibrations shall not be produced that are commonly humanly perceptible beyond the participating parcel on which a wind turbine is located.
5. Guy Wires: Guy wires are prohibited.
6. Electrical: All electrical systems shall comply with all state, county and National Electrical Codes. Any electrical system components, except necessary wiring from the base of a support structure to a turbine, shall be placed underground within the boundary of each participating parcel, at a depth as to accommodate the existing use of the participating parcel to the maximum extent practical.
7. Height: No Large WES turbine tower shall exceed a total height of five hundred (500) feet.
8. Setbacks: All setbacks required for a Large WES shall be measured from the outside edge of the base of the turbine tower to the property line, road right-of-way, or other designated feature, unless specified otherwise.
  - a. A Large WES turbine shall be set back from a habitable structure located on a participating parcel a minimum of one and one-half (1.5) times the total height. A Large WES turbine shall be set back from a habitable structure located on a non-participating parcel a minimum of three (3) times the total height.
  - b. A Large WES turbine shall be set back from lot lines of a non-participating parcel a minimum of two and one-half (2.5) times the total height. A Large WES turbine shall not be subject to lot line setbacks from shared lot lines between two (2) participating parcels.
  - c. A Large WES turbine shall be setback a minimum of one and one-half (1.5) times the total height of the Large WES from a public road right-of-way, communication tower, existing electrical lines or any other public utility, provided there is compliance with subsection (a) and (b) above. The required setbacks of this subsection from electrical lines and other public utilities shall not apply to the interconnection between the WES turbine and the transmission facilities of a public utility.
  - d. A Large WES shall have a minimum separation distance between turbines of not less than one and one-half (1.5) times the WES rotor diameter, the minimum industry standards, or minimum manufacturer's recommendations, whichever is less. The applicant shall provide documentation and rationale certified by a professional engineer licensed in the State of Michigan supporting the separation distance.
  - e. All other structures not otherwise addressed by this subsection shall be setback from all lot lines as provided by Section 20.9 for accessory buildings and structures, except that no building shall be within one hundred (100) feet from a lot line of a non-participating parcel, and a substation in excess of two thousand (2,000) sq. ft. shall be set back a minimum of four hundred (400) feet from a lot line of a non-participating parcel.
9. Shadow Flicker: A Large WES shall not be allowed to cast a shadow upon an adjacent or nearby non-participating parcel's dwelling or other building. Equipment and software such as "Shadow Impact Module SIM by NorthTec GMBH" or equivalent, with all necessary cabling and receptors that may be necessary, shall be installed and maintained to ensure compliance with this subsection.
10. Public Health, Safety and Welfare
  - a. A Large WES shall not be designed to be climbable on the exterior of the structure.
  - b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Large WES.
  - c. Appropriate warning signs shall be placed at the base of a Large WES tower and upon any associated electrical equipment and at every facility entrance.
  - d. Any access drives or roads remaining on the site shall be gated and locked at night or when not in use. Gates shall be located no closer than fifty (50) feet from the road right-of-way.
  - e. A Large WES shall possess protection measures from lightning strikes.

- f. A Large WES shall be equipped with both manual and automatic braking device capable of stopping the operation in high winds and adverse weather conditions.
  - g. Spills of any hazardous materials shall be reported to the Zoning Administrator and Michigan Department of Environment, Great Lakes, and Energy immediately upon discovery of release, and shall be removed and disposed of in accordance with applicable state and federal law including as provided by Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended.
  - h. The Township or any emergency service provider who services the Township has the authority to order any Large WES to cease its operation if they determine in good faith that there is an emergency situation involving the facility that may result in danger to life or property. The owner and/or operator shall provide the Township and emergency service providers with contact information for personnel with access to the braking device, who shall be available at all times in person or by phone with remote access. The owner and/or operator may be required to be available and present in such an emergency situation.
  - i. All Large WES shall comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act, both prior to and after installation. No Large WES shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.
11. Electromagnetic Interference and Signal Degradation: No Large WES shall be erected where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WES. Such replacement signal shall be provided within fourteen (14) days after written notification by the Zoning Administrator of documented interference. No Large WES shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WES is likely to produce electromagnetic interference in the link's operation.
12. Environmental Impact Issues: Large WES shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to those parts referenced in subsection (E)(9).
13. Avian and Wildlife Impact:
- a. The applicant shall have a third-party qualified professional, approved by the township, conduct an analysis to identify and assess any potential impacts on wildlife including endangered and protected species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species act and Michigan's Endangered Species Protection Law. The analysis shall be made part of the Large WES application.
  - b. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

## **G. Large WES – Additional Requirements**

### **1. Performance Guarantee**

- a. Prior to final approval of a Large WES application, the applicant shall engage a professional engineer licensed in the State of Michigan and acceptable to the Township to estimate the total cost of decommissioning the Large WES and reclamation to return affected land back to its original physical condition. The applicant shall pay for the costs of obtaining such estimate. The estimate shall be submitted to the Township Board for review.
- b. The applicant shall post a performance guarantee, in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. The initial performance guarantee shall be based on the inflation rate projected three (3) years after the year in which project approval is anticipated. Said bond shall be issued by a bonding company with an A.M. Best A+ rating of better, or with a federal or state-chartered lending institution chosen by the applicant and found acceptable to the Township.
  - 1) At intervals of no greater than three (3) years, the performance guarantee amount shall be reviewed and modified accordingly to ensure the value of the guarantee is equal to one hundred percent (100%) of the updated total estimated decommissioning and reclamation costs. The updated value of the performance guarantee shall be based on the inflation rate projected three (3) years from the year in which the updated guarantee is submitted.
- c. The applicant shall renew the performance guarantee annually with the lending institution of their choosing and acceptable to the Township. Until the Large WES is fully decommissioned and the property reclaimed, the applicant shall maintain a performance guarantee in accordance with this Section. In the event a performance guarantee is not maintained, the Township may take any action to revoke the Large WES permit, order a cessation of operation, and/or require the Large WES be removed and the land reclaimed.
- d. When decommissioning and site reclamation have been completed, written correspondence shall be provided to the Township Board requesting the release of the performance guarantee.

### **2. Abandonment: Any wind turbine of a Large WES that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the turbine is inoperable and a timeline no longer than sixty (60) days to bring the turbine back into operation or compliance, or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the Township.**

- a. If the owner(s) fail to provide explanation or apply for the necessary demolition permits as described above, the Township shall provide the owner(s) with written notice of the violation. If the owner(s) fail to cure the violation within sixty (60) days of the date of the notice, the Township may begin the process of removing the turbine and all associated equipment or appurtenances at the owner(s) expense. The Township may sell any salvageable material and if so, shall deduct any monies generated from said sales from the balance of the required performance guarantee. The remedies provided to the Township pursuant to this subsection shall be in addition to and not in place of any other remedy available to the Township by law or in equity to enforce the provisions of this Ordinance.

### **3. Post Construction Activities: To ensure compliance with the requirements of this ordinance, the following actions must be taken pending completion of any Large WES construction.**

- a. Following the completion of construction, the applicant shall provide the Township written certification that all construction has been completed pursuant to the zoning permit including the approved site plan and any conditions made part of the issued permit.
- b. The owner shall maintain with the Township up-to-date name and contact information for the person or organization responsible for construction of the WES facility, the general maintenance of the facility, the operators of the facility, and participating parcel owners.
- c. A sound pressure level analysis report shall be completed by the applicant for a sample of locations throughout the perimeter of the participating parcels, at locations most proximate

to occupied buildings. The report shall document the extent of compliance with the sound requirements of this Ordinance. The report shall be submitted to the Township within one hundred eighty (180) days of the date the WES facility becomes operational. Sound shall be measured by a third-party, qualified sound pressure level professional approved by the Township.

4. **Complaint Resolution:** During or after WES construction but prior to the operation of any one (1) or more turbines, the applicant shall deposit ten thousand (10,000) dollars into an escrow account established by the Township for the purpose of funding investigations by the Township into complaints of noncompliance with such permit such as in the case of sound levels and shadow flicker. At no time shall the Township permit the account to drop below a minimum of five thousand (5,000) dollars. The applicant shall bring the account balance to ten thousand (10,000) within ten (10) days of notification by the Township should account funds decrease to less than five thousand (5,000) dollars. Should an aggrieved property owner allege that a Large WES is not in compliance with the requirements of this ordinance, the procedure shall be as follows:
  - a. Complaints must be submitted to the Zoning Administrator in writing from the affected property owner including their name, address, and contact information.
  - b. Upon receiving a complaint, the Zoning Administrator shall present the complaint to the Township Board for review at its next regular meeting or a special meeting called for that purpose. If the Township Board deems the complaint sufficient to warrant an investigation, the Township Board shall advise the owner(s) and/or operator of the Large WES of the complaint and shall initiate further investigations. All such independent investigations and analyses shall be conducted by qualified professionals acceptable to the Township to determine compliance with the requirements of this Ordinance.
  - c. Following the conclusion of the investigation, the Township Board shall review the results of the investigation. Copies of the investigation results shall be provided to the complainant and operator/owner.
    - 1) In the event that no violations of the Zoning Ordinance and permit are documented, the complainant shall be contacted in writing and informed of no evidence of violations and that no further action is to be taken by the Township regarding the complaint.
    - 2) In the event that one (1) or more violations are documented, the Township Board shall direct the Zoning Administrator to inform the owner/operator of the violations, the measures that must be taken to correct the violations, and the date by which each violation must be corrected.
  - d. Except as provided by this subsection, the enforcement of this Ordinance and permit provisions shall be subject to Section 2.10.

#### **H. MET Towers for Small WES and Large WES**

##### **1. Authorization and Application Requirements**

- a. A MET tower for a prospective Small WES shall be construed as an accessory structure and is permissible in all districts. A MET tower for a prospective Large WES shall be construed as an accessory structure and is permissible in all districts that permit a Large WES. The Zoning Administrator shall be the approving body for a MET tower for a prospective Small WES. The Planning Commission shall be the approving body for a MET tower for a prospective Large WES.
- b. An application for a MET tower for a prospective Small WES or Large WES shall include the scope of information required for an accessory structure according to Section 2.4(B). The following additional information shall be provided for a MET tower application for a Small or Large WES.
  - 1) Description of the proposed type, number and total height of the MET towers to be constructed including the manufacturer and model, product specifications regarding sound pressure levels (measured in decibels dB(A), total rated generating capacity, dimensions, rotor diameter, description of ancillary facilities including tower design, color and wiring, Material Safety Data Sheets, the extent of topographic alterations for construction including the limits of clearing and grading, and tower setbacks from

existing structures, lot lines, utility lines and any other structures on the participating parcel and adjacent non-participating parcels.

- c. The approval of an application for a MET tower shall not be construed as a likely approval of a subsequent application for a WES on the same parcel.

## 2. Design Standards and Operational Requirements

- a. MET towers shall be a neutral, non-reflective, non-obtrusive color, which shall be maintained throughout the life of the product. Acceptable colors include white, black, and gray.
- b. MET towers shall not be artificially lighted except to comply with FAA or other federal, state, or local requirements, or to the extent necessary for the reasonable safety and security thereof as determined by the Township Board. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to FAA regulations, and must be shielded to reduce glare and visibility from the ground.
- c. Advertising, and banners, streamers, flags, and other similar items are prohibited from being attached to MET towers.
- d. Guy wires may be utilized in association with a MET tower provided guy wire anchors are set back from all lot lines a minimum distance of fifty (50) feet.
- e. A MET tower in association with a prospective Small WES shall not exceed eighty (80) feet in total height. A MET tower in association with a prospective Large WES shall not exceed five hundred (500) feet in total height.
- f. A MET tower shall be set back a minimum distance equal to the total height of the tower, from all lot lines, public road rights-of-way, private access and utility easements, occupied buildings, surface and overhead utility lines, and other public infrastructure related items that may be present on the participating parcel, as measured horizontally from the nearest moving part to the lot line.
- g. No MET tower shall be located on any parcel less than two (2) acres in size except that in the case of a MET tower for a prospective Large WES, the minimum parcel area shall be five (5) acres.
- h. No MET tower shall be in place for more than two (2) years irrespective of its operational status. See also Section 2.4(C) regarding permit expirations and extensions.
- i. A MET tower shall possess protection measures from lightning strikes.
- j. A MET tower shall comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act, both prior to and after installation. No MET tower shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.

*(End)*