

ARTICLE 1.00

Rules of Construction and Definitions

Section 1.01 Short Title

This Ordinance shall be known as the "Williamstown Township Zoning Ordinance." Within the following text, it may be referred to as the "Ordinance" or the "Zoning Ordinance."

Section 1.02 Rules of Construction

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future, unless the context clearly indicates the contrary.
- C. Words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- D. Terms referred to in the masculine gender include the feminine and neuter.
- E. The word **shall** is always mandatory and not discretionary; the word **may** is permissive and discretionary.
- F. The word **build** includes the words **erect** and **construct**.
- G. The word **building** includes the word **structure**. A **building** or **structure** includes any part thereof.
- H. The words **include** or **including** shall mean **including but not limited to**.
- I. The phrase **such as** shall mean **such as but not limited to**.
- J. The phrase **used for** includes **arranged for, designed for, intended for, occupied for, and maintained for**.
- K. The word **person** includes an individual, firm, association, organization, public or private corporation, partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust, or any other entity recognizable as a person under the laws of the State of Michigan.
- L. 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, 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 that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - (3) **Either/or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- M. All measurements shall be to the nearest integer, unless otherwise specified herein.
- N. Unless otherwise stated, the word **day** shall mean a calendar day; **month** shall mean any consecutive period of 30 calendar days; and **year** shall mean any consecutive period of 365 calendar days.
- O. Unless the context clearly indicates the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustration.
- P. The term **residential districts** includes the R-1, R-1-S, RR, RE, AG-SF, RM-1, and MHP districts, unless otherwise noted.

Section 1.03 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Words or terms not herein defined shall have the meaning customarily assigned to them.

A

Accessory Use, Accessory Building, or Accessory Structure: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot (unless otherwise specifically permitted) as the principal use to which it is related. This definition of "Accessory " does not include PODs, semi-trailers, shipping containers, fabric structures and any comparable unit which are of short-term duration. (See "Temporary Storage Structures".) (*Amended 1/8/20*)

Adult Foster Care Facility: See *State-licensed residential facility*.

Adult Regulated Uses: As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- A. Adult Book or Supply Store: An establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- B. Group "A" Cabaret: An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
- C. Adult Motion Picture Theater or Adult Live Stage Performing Theater: An enclosed building with a capacity of twenty-five (25) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons therein. Such an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- D. Adult Model Studio: Any place where models who display **specified anatomical areas** are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational setting.
- E. Adult Motel: A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.
- F. Adult Motion Picture Arcade: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.
- G. Massage Parlor or Massage Establishment: A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed **hospitals, medical clinics, or nursing homes**, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- H. Adult Outdoor Motion Picture Theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons of the theater. Such establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- I. Specified Anatomical Areas: Portions of the human body defined as follows:

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

J. Specified Sexual Activities: The explicit display of one or more of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast. *(revised 12/1/98)*

Agricultural Tourism (also known as Agritourism and Agtourism): The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation; and for the purpose of preserving agriculture and the rural open space environment of the Township. Agricultural Tourism uses not covered under the Michigan Department of Agriculture's Generally Accepted Agricultural and Management Practices (GAAMPs) such as, but not limited to wineries and event barns, are considered special uses in specified zoning districts.

Aircraft: As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air. *(added 7/1/97)*

Airport: As defined in the Michigan Aeronautics Code, any location, either on land or water, which is used for the landing or take-off of aircraft, which provides facilities for the shelter, supply or care of **aircraft**, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. *(added 7/1/97)*

- A. Airport, Public Use: An **airport** for public use is licensed as such by the State of Michigan and is available for use by the general public.
- B. Airport, Private Use: An **airport** for private use is not licensed and is available for the sole use of the person who owns or maintains the airport and his/her invited guests.

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.

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**.

Animal Hospital: See *Clinic, Veterinary*.

Antiques Mall: A retail building containing a co-operative or group of antiques dealers with each individual dealer having a separate display/sales area. *(added 7/6/04)*

Apartment: See *Dwelling, Multiple-Family*.

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

Assisted Living Facility: See *Dependent Living (for Seniors)*.

Attached Wireless Communications Facilities: **Wireless communication facilities** that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A **wireless communication support structure** proposed to be newly established is not included in this definition. *(revised 6/3/97)*

Auction:

Auction – An establishment operated for compensation and profit as a public or private market where items are offered for sale through competitive bidding. An auction can be operated on-line or on-site.

An **auction house** is a type of auction that is enclosed. The term "auction house" shall not include flea markets and yard sales.

Permanent Auction – A live or on-line auction that is intended to reoccur over an indefinite period of time. A permanent auction may be single purpose (e. g., an agricultural auction, a vehicle auction) or it may exist for the sale of a variety of goods.

- a. **Permanent Agricultural Auction** – A type of permanent auction that exists for the purpose of auctioning livestock and/or agricultural implements.
- b. **Permanent Vehicle Auction** – A type of permanent auction that is designed and licensed to accommodate the auctioning of five (5) or more vehicles on a regular basis.
- c. **Permanent General Purpose Auction** – A type of permanent auction that exists for the sale of a variety of goods, which may include agricultural implements and vehicles on an occasional basis.

Temporary Auction – An auction that occurs once only, not to exceed three (3) contiguous days.

- a. **Temporary Real Estate Auction** – An auction held for the sole purpose of offering a particular parcel of property for sale.
- b. **Temporary General Auction** – An auction event that is held once only to facilitate the sale of unwanted goods. An estate auction is an example of a Temporary General Auction.

Automobile: Unless specifically indicated otherwise, 'automobile' shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile Filling Station: A place used 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. 'Automobile filling stations' may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted.

Automobile Repair: Major or minor repair of automobiles, defined as follows:

- A. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning 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.
- B. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

Automobile Repair Garage: An enclosed building where **minor** or **major automobile repair** services may be carried out.

Automobile Service Station: A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and **minor repair** of motor vehicles.

Automobile Dealership or **Vehicle Dealership:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

Automobile Wash or **Car Wash Establishment:** A commercial establishment contained within a building or premises or portion thereof where automobiles are washed.

B

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement: That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to **earth-sheltered homes**. A 'basement' shall not be counted as a **story**.

Bed-And-Breakfast Establishment: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Bedroom: A room designed or used in whole or part for sleeping purposes.

Berm: See **Landscaping**.

Block: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

Boarding House: A building, other than a **hotel**, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A **rooming house** shall be deemed a 'boarding house' for the purposes of this Ordinance.

Brewpub: An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale on the same premises of not more than five thousand (5,000) barrels per year. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

Buildable Area: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

Buildable Area, Net: The net buildable area is that portion of a site that is not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

Building: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures. (revised 1/12/2010)

- A. **Building, Permanent:** A **building** which is permanently affixed to the ground with footings or a foundation and/or is permitted to exist for an indefinite period of time exceeding six (6) months. (added 1/12/2010)
- B. **Building, Temporary:** A **building** which is not permanently affixed to the ground and is permitted to exist for a specific reason for a specific period of time, such as during a construction project. (revised 1/12/2010)

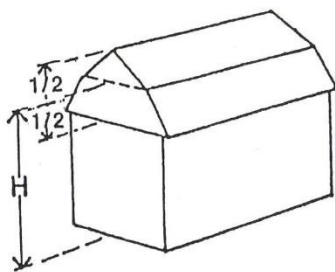
Building, Accessory: See **Accessory use, building, or structure.**

Building, Principal: A **permanent building** or, where the context so indicates, a group of permanent buildings (such as a school or office campus) which are built, used, designed or intended for the shelter or enclosure of the **principal use** of the parcel.

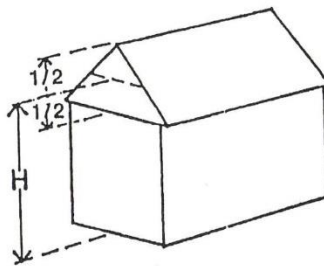
Building Envelope: See **Buildable area.**

Building Height: The vertical distance measured from the established grade to:

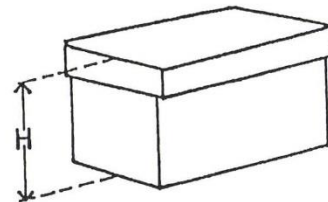
- (1) The highest point of the coping of a flat roof;
- (2) The deck line of a mansard roof; or,
- (3) The average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- (4) Seventy-five percent of the height of an A-frame.



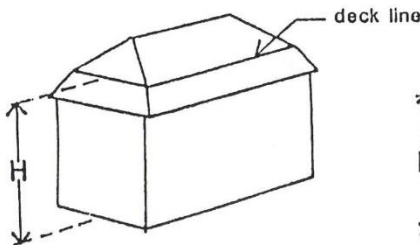
gambrel roof



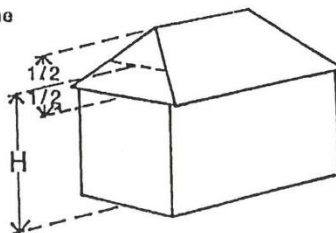
gable roof



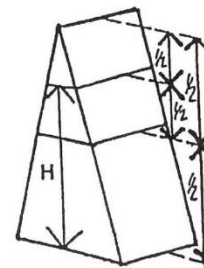
flat roof



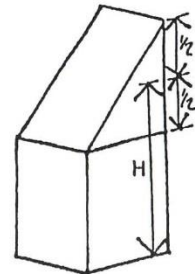
mansard roof



hip roof

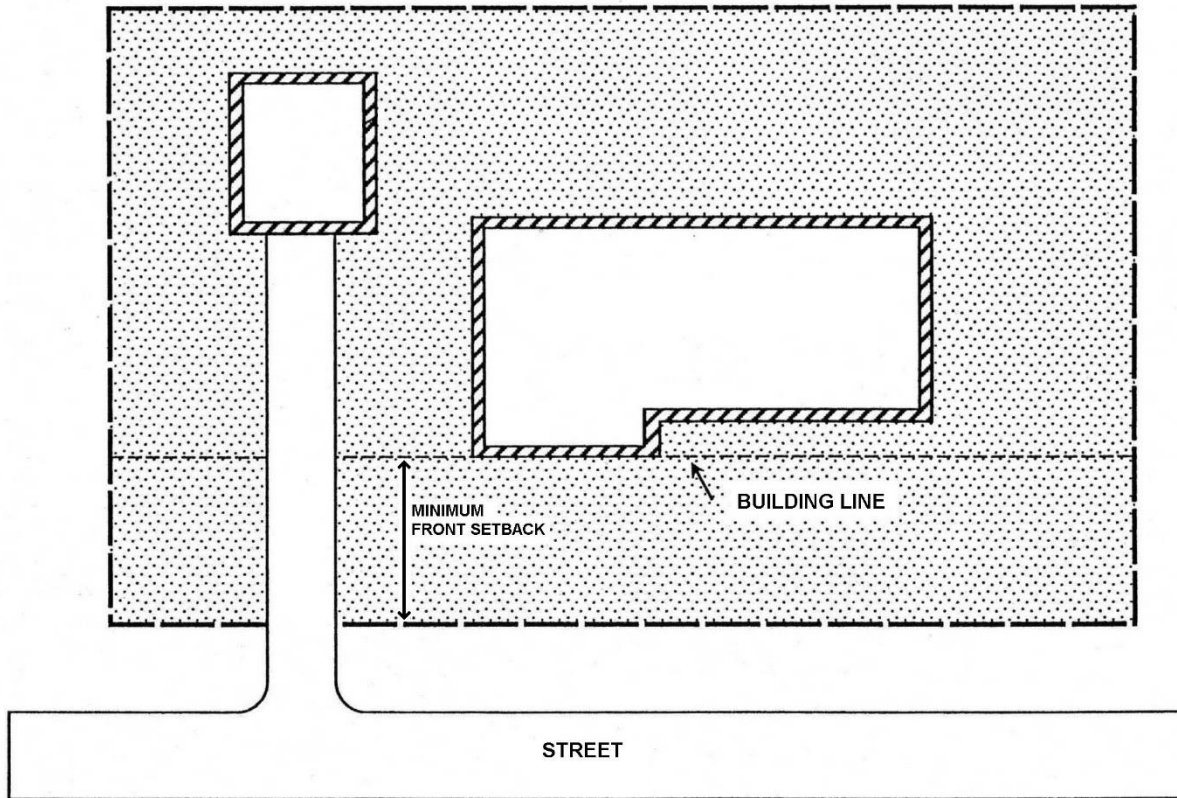


'A' frame



studio roof

Building Height



Building Line

Building Line: A line parallel to the front lot line at the minimum required front setback line.

Building Official: The officer or other authority designated by the Township Board to administer and enforce the Building Code.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

C

Caretaker Living Quarters: An accessory dwelling on a non-residential premises, occupied by the person who oversees the non-residential operation 24 hours per day, and his or her family.

Cemetery: Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child Care Center or Day Care Center: A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Church: See *Religious institution*.

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

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

Club or Fraternal Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. Also, the facilities owned or used by such an organization.

Clustering: A development design technique in which uses are grouped or clustered in specific areas on a site.

Cluster Housing: A housing development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

Coal, Coke, or Fuel Yard: A parcel, or a portion of a parcel, that is used as a storage, loading, and dispatch center by a business engaged in the sale of coke, coal, fuel or similar products.

Colocation. The location by two or more wireless communication providers of **wireless communication facilities** on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the Township. *(revised 6/3/97)*

College or University: A school of higher learning, consisting of a building or buildings and other facilities for teaching and research, and that grants bachelor's and master's degrees and doctorates.

Commercial Livestock Operations: The use of land for the growing and/or raising of **livestock** for income. 'Commercial livestock operations' may include the processing of livestock products for income.

Commercial Radio Tower: A tower used to transmit or receive electromagnetic waves, where such activity is undertaken for the purpose of generating income.

Commercial Use: The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance, 'commercial use' shall not include industrial, manufacturing, or wholesale businesses.

Commercial Vehicles and Equipment: All power vehicles and equipment constructed or used for transportation of goods, wares, materials, passengers, merchandise, and/or all other power vehicles and equipment designed and used for drawing other vehicles or used in construction or landscaping, including dump truck, **stake truck**, tank truck, flatbed truck, step van, panel truck, wrecker, car hauler, **truck tractor**, construction and landscaping vehicles and equipment, sprayers, excavating equipment, logging vehicle, bulldozer, backhoe, front loader, bus, hearse, ambulance, or limousine. The determination whether other vehicles or equipment not specifically listed satisfy the definition of 'commercial vehicles and equipment' shall be made on a case by case basis by the Township Board. *(revised 2/3/04)*

Composting Center: A location where organic matter is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

Concrete Plant: An industrial facility where cement, water, and other products are mixed to produce concrete for delivery to a job site.

Condominium: A condominium is 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:

- A. Condominium Act: Shall mean Public Act 59 of 1978, as amended.
- B. 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 the Schedule of Regulations (Section 26.02).
- C. 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.

- D. 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.
- E. Common Elements: Portions of the condominium project other than the condominium units.
- F. Detached Condominium: A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.
- G. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- H. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- I. 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.
- J. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Confined Animal Feeding Operation (CAFO): A lot or facility where 300 or more farm **animal unit equivalents** are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. CAFOs are sometimes referred to as **feedlots**. (*definition added 9/11/07*)

Conservation Easement: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights (e.g., the right to develop) to a land conservation organization or a public body.

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.

Convalescent Home: See **Nursing Home**.

Convenience Store: Any retail establishment offering for sale convenience goods, such as pre-packaged food items, tobacco, periodicals, limited grocery items, and other household goods.

Co-Op (Cooperative) Housing: A multiple-unit dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

Corporate Retreat Centers: See **Retreat Center**.

Courtyard: In the case of a single family detached home, a courtyard is an open space in front of the home that is surrounded by at least two sides of the building. Typically, at least a portion of a courtyard is paved to allow movement of vehicles. (*added 1/12/2010*)

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private road or highway.

D

Deck: A raised platform, commonly constructed of wood, which is typically attached to a house and used for outdoor leisure activities.

Density (Residential): The number of dwelling units per acre of land.

- A. Gross Density: The number of units per acre of total land being developed.
- B. Net Density: The number of units per acre of land not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures, lots, or other existing or proposed features that would prevent construction of a building or use of the site for a residential dwelling. (*revised 1/12/2010*)

Dependent Living (for Seniors): A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities, but must contain sanitary facilities. One type of dependent living facility is 'assisted living', which is a special combination of dependent housing, with personalized supportive services, and health care designed to meet the needs of those who need help with activities of daily living. Services provided in 'assisted living' residences may include:

- Three meals per day served in a common dining area
- Housekeeping services
- Transportation
- Assistance with eating, bathing, dressing, toileting, and/or walking
- Emergency call systems for each unit
- Health promotion and exercise programs
- Medication management
- Personal laundry services
- Social and recreational activities. *(added 1/12/2010)*

Detention Basin: A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events. See also **Retention Basin**. *(revised 1/12/2010)*

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Distribution Center: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, Zoning: A portion of the unincorporated area of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Donation Bin: A donation bin is a closed container, typically constructed of metal, in which clothing, shoes, books, and/or other goods are placed by the public to be donated to charitable organizations or for recycling in other ways.

Drive-In: A business establishment so designed that its operation involves providing service to patrons while they are in their car, rather than within a building or structure.

Drive-In Theater: An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term 'drive-in theater' shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

Driveway: A private lane, designed primarily for use by vehicles, which connects a house, garage, or other buildings with the road.

Dwelling: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by a single **family**. In no case shall a detached or attached garage, travel trailer, motor home, **automobile**, tent, or other structure or vehicle not defined as a **recreational vehicle** be considered a 'dwelling'. In the case of a building occupied in part as a dwelling unit ("mixed occupancy"), the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

Dwelling, Accessory Apartment: A dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An 'accessory apartment' commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; *and*
- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; *and*
- (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile Home: A type of manufactured housing that is transportable in one or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. **Recreational vehicles** as regulated herein shall not be considered 'mobile homes' for the purposes of this Ordinance.

Dwelling, Multiple-Family: A building designed for and occupied by three or more **families** living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings include:

- A. **Apartment:** An attached **dwelling unit** with party walls contained in a building with other apartment units which are typically accessed from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments may also be known as garden apartments or flats.
- B. **Efficiency Unit:** A type of **apartment** consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, One-Family or Single-Family: A detached residential **dwelling** designed for and used or held ready for use by one **family** only.

Dwelling, Two-Family or Duplex: A detached building designed exclusively for and occupied by two **families** living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

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

Dwelling Unit, Single-Family Attached or Townhouse: An attached dwelling unit with party walls, designed as part of a series of three or more dwellings, each with its own front door which opens to the outdoors at ground level; its own basement; and typically, its own utility connections and front and rear yards. Townhouses are sometimes known as "row houses".

E

Earth-Sheltered Home: A complete building partially below grade that is designed to conserve energy and is intended to be used as a **single-family dwelling**.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Engineer, Township: The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

Enforcement Official: The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Planning Official, Public Safety Official, Engineering Official or their agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

Erected: Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of 'erection'.

Essential Services: The term 'essential services' shall mean the erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments of underground, surface, or overhead electrical, gas, steam, fuel or water systems, for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment which are necessary for the furnishing of adequate service to Township residents by such utilities or municipal departments for the general health, safety, and welfare of the public; but not including storage yards, sales or business offices, commercial buildings or activities, school bus yards, and wireless communication facilities. *(revised 6/3/97)*

Event: As used in the context of Event Barn regulations, an **Event** is a scheduled private gathering (i.e., not open to the general public), at which the proprietors of the Event Barn are paid for making the premises available for the purposes of celebration or conducting business.

Event Barn: A permanent building originally constructed for bona fide agricultural purposes, or a new permanent building whose character emulates the architectural features of an historic agricultural building, that is now used for business meetings, banquets, weddings and wedding receptions, reunions, and similar gatherings. An event barn facility may include ancillary buildings that are used for purposes that are complementary to the use of the main building.

Excavation: The removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

Exception: An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A **variance** is not required for uses or structures which are permitted because of an exception.

F

Family: For the purposes of this Ordinance, a 'family' shall consist of an individual or a group of two or more persons residing together as a single, domestic, housekeeping unit whose relationship is of a continuous, non-transient character. (revised 1/12/2010)

- (1) Live-in domestic workers employed by a 'family' shall be considered as part of that family.
- (2) A 'family' shall not include any association, **club**, fraternity, sorority, lodge, organization, society, or other group of persons whose common living arrangement is transitory, seasonal, or for an anticipated limited duration, such as a school term.

Family Day Care Home: See *State-licensed residential facility*.

Farm: The land, plants, animals, buildings, structures (including ponds used for agricultural or aquacultural activities), machinery, equipment and other appurtenances used in the production of **farm products**. For the purposes of this Ordinance, farms shall not include **private stables**, commercial dog **kennels** or **plant nurseries**, unless such establishments are combined with other bona fide farm operations listed above and located on the same continuous tract of land. A 'farm' permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repair and/or sales, contractor's yards, stump removal and/or processing, snow removal and/or lawn maintenance businesses, or any other activities other than those incidental to the farm.

- A. **Farm, Commercial:** The use of a **farm** for the growing and/or production of **farm products** where the intent is to generate income. A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos", "model farms", "**demonstration farms**", or "**interpretive farms**." (revised 1/12/2010)
- B. **Farm, Demonstration or Interpretive:** A **farm** that exists for the principal purpose of educating people about farming and farm life. Such a farm typically has barns, silos, paddocks, pastures, fields, farm implements, and other buildings and tools that are commonly found on a working farm, along with displays, workshops, classrooms and other facilities necessary to carry out the educational function of the demonstration farm. (revised 6/29/99)

Farm Animals: Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, and poultry. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment. (revised 3/6/01)

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 on that type of farm.

Farm Operation: As stated in the Michigan Right to Farm Act, a farm operation is the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands and farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operation on the roadway as authorized by the Michigan vehicle code.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

Farm Products: Plants and animals useful to human beings produced by agriculture and includes, but is 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 that incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Feedlot: see **Confined Animal Feeding Operation.** (revised 9/11/07)

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

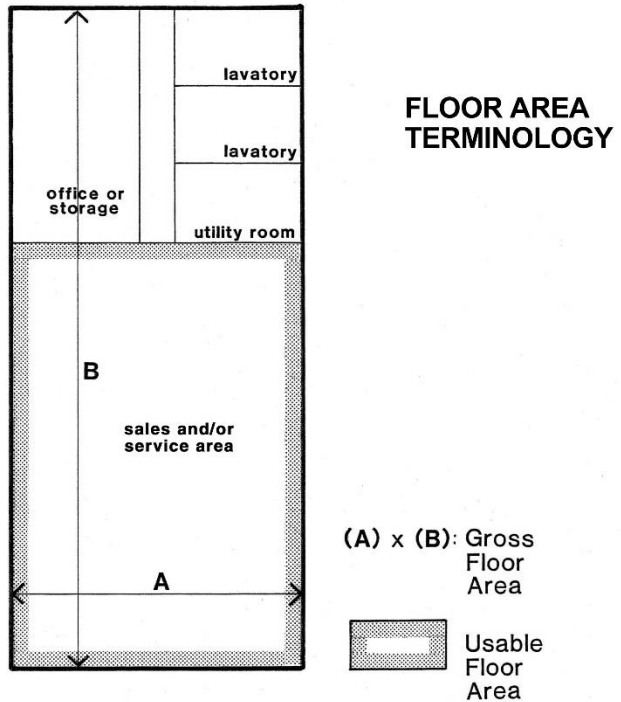
Fill, Filling: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

Flag Lot: See **Lot, Flag.** (revised 2/3/98)

Floodplain: Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. (revised 1/12/2010)

Floodway: The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.

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, Net: See **Floor Area, Usable Residential,** and **Floor Area, Usable Nonresidential.**

Floor Area, Usable Residential: The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

Floor Area, Usable Nonresidential: The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area (see illustration).

Foster Family Home or Foster Family Group Home: See **State-licensed residential facility.**

Fraternal Organization: See **Club.**

G

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.

Garage, Public: See *Automobile Repair Garage*.

Gas Station: See *Automobile Filling Station* and *Automobile Service Station*.

Generally Accepted Agricultural and Management Practices (GAAMPs): Agricultural practices defined by the Michigan Commission of Agriculture, pursuant to the Michigan Right to Farm Act, Public Act 93 of 1981, as amended. (*revised 9/11/07*)

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.

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

Greenbelt: See *Landscaping*.

Group Day Care Home: See *State-licensed residential facility*.

Gym or Gymnasium: A room or building equipped for gymnastics, exercise or sport.

H

Hard Cider Producer: An establishment that manufactures an alcoholic beverage from the fermented juice of fruit.

Hazardous Uses: Any activity which is or may become injurious to public health, safety, or welfare or the environment. Hazardous uses include but are not limited to all uses which involve the storage, sale, manufacture, or processing of materials which are dangerous or combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed the State Building Code, as amended.

Hazardous Substance: Pursuant to Michigan Public Act 451 of 1994, as amended, 'hazardous substance' shall include one or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with **Generally Accepted Agricultural and Management Practices** developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended, being sections 286.471 to 286.474 of the Michigan Compiled Laws:

- (1) Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- (2) "Hazardous substance" as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.
- (3) "Hazardous waste" as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.
- (4) "Petroleum" as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws. (*revised 2/3/98*)

Height of Building: See *Building Height*.

Highway: See *Road, Principal Arterial*.

Home-based Business: A commercial use of greater intensity than a home occupation and that is undertaken by the resident occupants of the dwelling unit, plus not more than one full-time equivalent non-resident employee or independent contractor. A 'home-based business' must be clearly secondary to the use of the dwelling unit for residential purposes. (*added 1/12/2010*)

Home for the Aged: A facility, other than an **adult foster care facility, hotel, hospital, nursing home,** or other **state-licensed residential facility** that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 60 years of age or older. *(added 1/12/2010)*

Home Occupation: An occupation or profession undertaken entirely within a dwelling unit by one or more resident occupants of that dwelling unit. A 'home occupation' must be clearly secondary to the use of the dwelling unit for residential purposes. *(revised 1/12/2010)*

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

Hospital, Veterinary: See *Clinic, Veterinary.*

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

I

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.

Independent Living (for Seniors): An independent living setting for senior adults who lead an independent lifestyle that requires minimal or no extra assistance. Although minimal or no extra assistance may be required, some independent facilities may provide hospitality or supportive services, including meals served in a common dining area, transportation, and social and recreational activities. *(added 1/12/2010)*

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.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Ingress and Egress: As used in this Ordinance, 'ingress and egress' generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

J

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. *(revised 1/12/2010)*

Junk Yard or Salvage Yard: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: **junk**, scrap iron, metals, paper, rags, tires, bottles and automobiles. A 'junkyard' includes automobile wrecking yards and includes any open area of more than 200 square feet for the storage, keeping, or abandonment of **junk**.

K

Kennel, Boarding: Any lot or premises where three or more dogs or cats over six months of age are boarded and/or trained for compensation. *(added 1/12/2010)*

Kennel, Breeding: Any lot or premises where three or more dogs or cats are owned, kept, or harbored for the purpose of breeding for commercial gain. *(added 1/12/2010)*

Kennel, Non-Commercial: Any lot or premises, except where accessory to a **farm**, where more than three dogs or cats are owned or kept for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective. (*added 1/12/2010*)

L

Lake: Any body of water, natural or artificial, that has definite banks, a bed, and visible evidence of a continued occurrence of water.

Landfill: A tract of land that is used to collect and dispose of 'solid waste' as defined and regulated in Michigan Public Act 451 of 1994, as amended.

Landing Area: An area of an **airport** used or intended for use in landing, taking off or taxiing of aircraft, excluding area and facilities for shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo. (*added 7/1/97*)

Landing Field: Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, but which is not equipped with facilities for shelter, supply and repair of aircraft. (*added 7/1/97*)

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, **grass, ground cover, trees, shrubs, vines,** and other live plant material. In addition, a landscape design may include decorative non-living materials, such as wood chips, crushed stone, boulders, or **mulch**. Structural features such as fountains, pools, statues, and benches shall also be considered a part of 'landscaping,' but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping- related terms are defined as follows:

- A. **Berm:** A continuous, raised earthen mound, with flattened top and sloped sides, capable of supporting live plant materials.
- B. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Ingham County, Michigan.
- C. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- D. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season and which tend to prevent weeds and soil erosion.
- E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- F. **Hydro-seeding:** A method of planting grass where a mixture of seed, water, and mulch is mechanically sprayed over the surface of the ground.
- G. **Interior Parking Lot Landscaping:** A landscaped area located in the interior of a parking lot and with the objectives of improving pedestrian and vehicular traffic safety, guiding traffic movement, and enhancing the appearance of the parking lot.
- H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and/or aid plant growth.
- I. **Nurse Grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- J. **Screen or Screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building.
- K. **Shrub:** A self-supporting, deciduous or evergreen, woody plant normally branched near the base, bushy, and less than 15 feet in height.
- L. **Sod:** An area of grass-covered surface soil held together by matted roots.
- M. **Tree:** A self-supporting, deciduous or evergreen woody plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Ingham County, Michigan.
 - (1) *Deciduous Tree:* A variety of tree that has foliage that is shed at the end of the growing season.
 - (2) *Evergreen Tree:* A variety of tree that has foliage that persists and remains green throughout the year.

- (3) *Ornamental Tree*: A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
- (4) *Shade Tree*: For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Ingham County, Michigan, and has a trunk with at least five feet of clear stem at maturity.

N. *Vine*: A plant with a flexible stem supported by climbing, twining, or creeping along a surface, and which may require physical support to reach maturity.

Landscaping Contractor's Operation: A business engaged in the practice of improving building sites or other grounds by contouring the land; planting flowers, shrubs, and trees; and lawn mowing. A 'landscaping contractor's operation' typically consists of equipment, tools, vehicles, and materials used in or associated with such a business. (*revised 12/1/98*)

Livestock: As defined in the Site Selection GAAMPs, livestock means those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids (e.g., camels, llamas), goats, bison, privately owned cervids (e.g., moose, deer, caribou, elk), ratites (e.g., ostriches, emus), swine, equine, poultry, and rabbits. Livestock does not include dogs and cats. Site Selection GAAMPs do not apply to aquaculture and bees.

Livestock Facility: Any place where livestock are kept or manure is stored regardless of the number of animals. This does not include pasture land.

Livestock Production Facility: Any place where livestock are kept with a capacity of fifty (50) animal units or greater and/or the associated manure storage structures. Sites such as loafing areas, confinement areas, or feedlots, which have livestock densities that preclude a predominance of desirable forage species as vegetation, are considered part of a livestock production facility. This does not include pasture land. Any livestock production facility within 1,000 feet of another livestock production facility, and under common ownership, constitutes a single livestock production facility.

Loading Space, Off-Street: An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A 'lot' may or may not be specifically designated as such on public records.

Lot Area, Net: The total horizontal area within the **lot lines** of a **lot**, exclusive of any abutting public road rights-of-way or private road easements, or the area of any **lake**. The 'net lot area' shall be used in determining compliance with Minimum Lot Area standards.

Lot Area, Gross: The **net lot area** plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot, Contiguous: Lots adjoining each other.

Lot, Corner: A **lot** abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than 135 degrees.

- (1) Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.
- (2) For the purposes of this definition, the 'street lot line' shall be the line separating the lot from the street or road right-of-way.

Lot Coverage: The part or percent of a **lot** that is occupied by buildings and structures.

Lot Depth: The horizontal distance between the **front lot line** and **rear lot line**, measured along the median between the **side lot lines**.

Lot, Double Frontage (or Through Lot): A **lot**, other than a **corner lot**, having frontage on two streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

Lot, Flag: A lot located behind other parcels or lots fronting on a public road, but which has a narrow extension providing access to the public road. For the purposes of this Ordinance, the extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

Lot, Interior: Any lot, other than a **corner lot**, with only one lot line fronting on a street.

Lot Lines: The lines bounding a lot as follows:

- A. **Front Lot Line:** The line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the 'front lot line' shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Building Official. On a flag lot, the 'front lot line' shall be the interior lot line most parallel to and nearest the street from which access is obtained.
- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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 registered and licensed in the State of Michigan and is recorded with the Ingham County Register of Deeds and Township Treasurer.

Lot Width: The straight line distance between the **side lot lines**, measured at the two points where the minimum front yard setback line intersects the side lot lines (*see illustration*).

Lot Split or Lot Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Ingham County Register of Deeds and the Township Treasurer.

M

Main Access Drive: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Marginal Access Road: See **Service drive**.

Massage Therapist: A person trained in manipulation of the soft tissues of the body by rubbing, stroking, kneading, etc., for therapeutic or healing purposes. (*added 1/12/2010*)

Master Plan: A document prepared under the guidance of and adopted by the Planning Commission, consisting of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

Medical Marijuana Dispensary: Any site, facility, location, use, cooperative, or business where more than one registered primary caregiver intends to or does distribute, exchange, process, deliver or give away marijuana for medical purposes to qualifying patients.

Medical Marijuana Compassion Club: A facility that is typically operated with the intent of dispensing advice about the use of marijuana for medical purposes. Compassion Clubs vary in size, organizational structure, and the services they provide. Services may include, but are not necessarily limited to: provision of information about baked goods and other edibles containing marijuana, tinctures, oils, concentrates, capsules, smoking, and sprays.

Medical Marijuana Cooperative: An organization owned and/or operated by a group of individuals for its mutual benefit (such as the distribution, exchange, processing, delivery, or cultivation of marijuana).

Medical Marijuana Grow Facility: Any site, facility, or location where more than one primary caregiver grows marijuana for medical purposes.

Medical Use Of Marijuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with debilitating medical condition.

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.

Microbrewery: A brewery that produces less than thirty thousand (30,000) barrels of beer or ale per year, as allowed by state law. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

Mini-Warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Mobile Home: See *Dwelling, Mobile Home*.

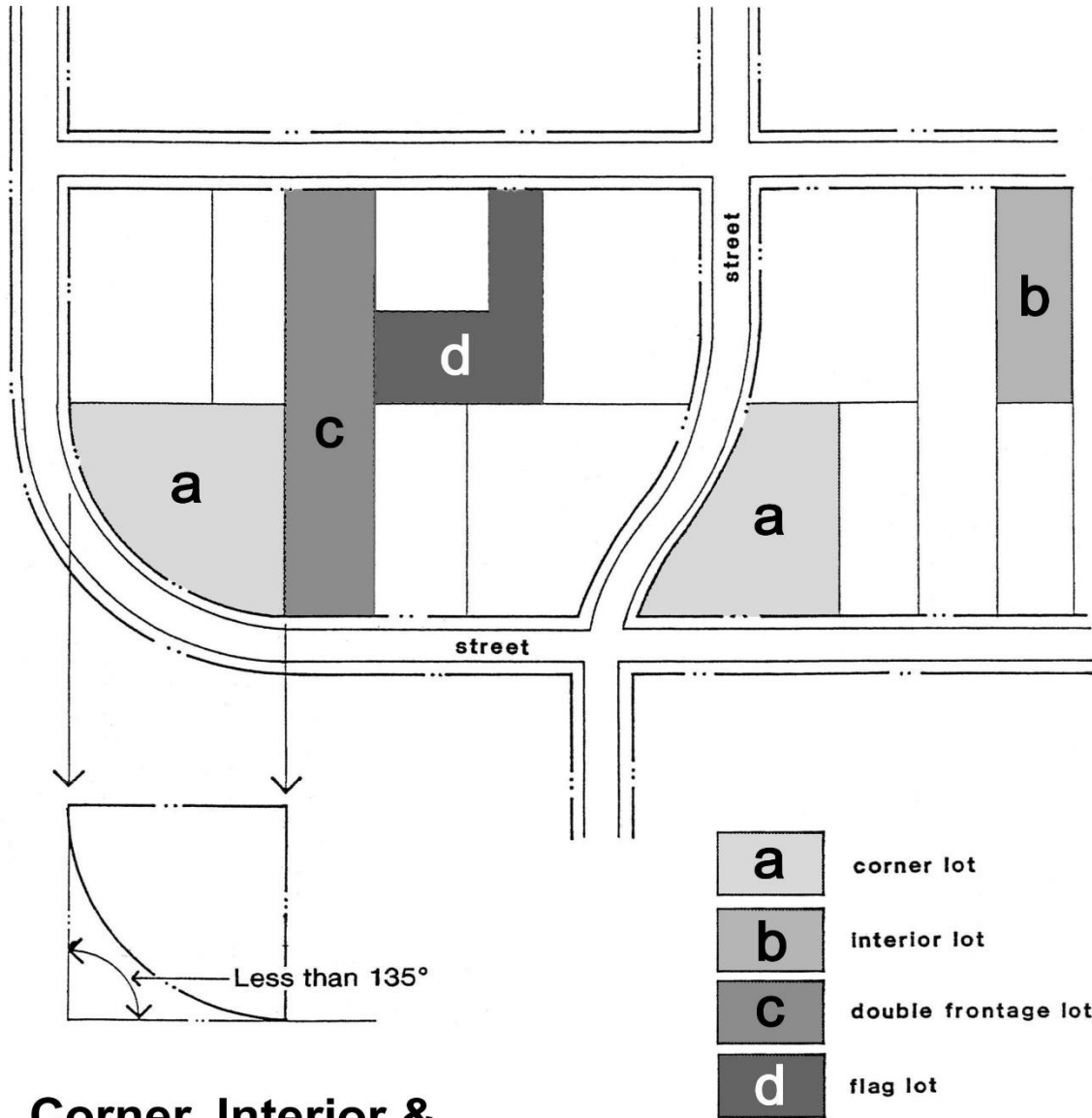
Mobile Home Park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

Mobile Home Lot: An area within a mobile home park which is designated for the exclusive use of a specific mobile home.

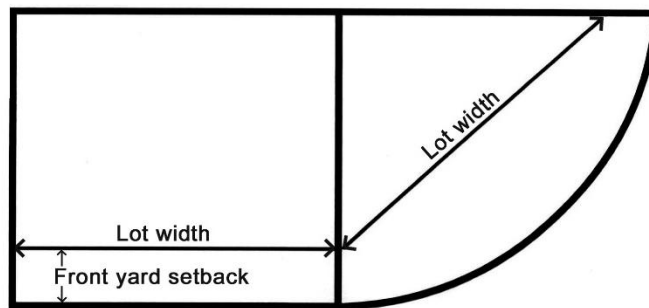
Mortuary or Funeral Home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

Motel: A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

Municipality: Williamstown Township, Ingham County, Michigan.



Corner, Interior & Double Frontage Lots



Lot Width

N

Natural Area: A land area or water body which is generally not occupied by structures, roads, or other artificial elements and which contains floral, faunal, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered 'natural' even though excavation, filling, or other similar activity may have previously occurred. *(revised 1/9/96)*

Natural Resources: Natural resources shall include land, soils, **wetlands, floodplains**, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as 'natural features' in this Ordinance. *(revised 1/9/96)*

Nature Center: A facility that exists for the principal purpose of educating people about and exposing them to **natural resources**. Such a facility typically has indoor and outdoor facilities and uses, including buildings which may contain classrooms, displays, workshops, offices, and similar uses; interpretive trails, outdoor displays, and other outdoor educational displays or facilities; and, accessory uses or facilities, such as parking, restrooms, etc. *(revised 6/29/99)*

Nonconformity: Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located *(see also definitions in Section 3.02)*.

Non-Farm Parcel or Lot: A non-farm parcel or lot is one that meets all of the following three criteria:

1. The principal use of the parcel or lot is single family residential.
2. The parcel or lot is not used for a Farm Operation, as defined in the Zoning Ordinance and the Michigan Right to Farm Act.
3. No commercial farm production or harvesting takes place on the parcel or lot.

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.

Nursery, Day Nursery, or Nursery School: See **Child Care Center**.

Nursery, Plant Material: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building or structure used principally for the sale of fruits, vegetables, or Christmas trees.

Nursing Home: A facility that provides organized nursing care and medical treatment to two or more unrelated individuals suffering or recovering from illness, injury, or infirmity. 'Nursing home' does not include a **hospital**, a veterans' facility, a correctional facility, a hospice, or a hospice residence.

O

Occupancy, Change of: A discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

Occupied: Used in any way at the time in question.

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 marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

Open Air Business: Any **commercial use** that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- (1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil trellises, and lawn furniture.
- (2) **Roadside stands** for the sale of agricultural products.
- (3) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- (4) Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

Open Porch: An exterior appendage to a building that serves as an approach or vestibule to a doorway. An 'open porch' is one that does not have a roof. *(added 1/12/2010)*

Open Space: Any **parcel** or area of land or water 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. 'Open space' may be required for recreation, resource protection, aesthetics, or other purposes.

- A. Open Space, Usable: **Open space** that is accessible to a majority of residents in a development for recreation or leisure activities. Examples of 'usable open space' include, but are not limited to, open fields and woodlands. Swamps or marshes are not generally considered usable open space, except as specifically exempted elsewhere in this Ordinance. *(revised 1/12/2010)*

Ordinary High Water: 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 soil and the vegetation.

Outdoor Storage: The keeping, in an unroofed area, of any goods, **junk**, material merchandise or vehicles in the same place for more than 24 hours.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals. *(added 1/12/2010)*

Outlot: A parcel of land which is designated as an 'outlot' on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

P

Parcel: A continuous area, tract, or acreage of land that has not been subdivided according to the provisions of the Subdivision Control Act and that has frontage on a public street.

Parking Lot, Off-Street: An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

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.

Paved Terrace: An open, flat paved surface, typically located adjacent to a house, that serves as an outdoor living area. *(added 1/12/2010)*

Perc Test or Percolation Test: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

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.

Personal Fitness Center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Planned 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.

Planner, Township: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Planning Commission: The Planning Commission of Williamstown Township, as authorized by Michigan Public Act 33 of 2008, as amended.

Plat, Subdivision: The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township. (*revised 1/9/96*)

Plot Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all salient features required to adequately evaluate whether the approvals sought by an applicant are in compliance with this Ordinance.

Primary Caregiver: A person who is at least 21 years old, has agreed to assist with a patient's medical use of marijuana, has never been convicted of a felony involving illegal drugs, and is licensed under the Michigan Medical Marijuana Act.

Principal Use: See *Use, Principal*.

Private Street or Private Road: See *Road*.

Property Line: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from adjacent parcels. See also *Lot line*.

Public Safety Official: The Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

Public Utility: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or local regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that: (1) because of the nature of its business, it has characteristics of a natural monopoly, and (2) it provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services. (*revised 6/3/97*)

Q

Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition for the purposes of receiving medical marijuana, pursuant to the Michigan Medical Marijuana Act.

R

Real Property: Includes the surface, whatever is attached to the surface (such as buildings or trees), whatever is beneath the surface (such as minerals), and the area above the surface, i.e., the sky.

Reception Antenna: An apparatus installed out-of-doors which is capable of receiving communications for radio and/or television purposes, including satellite reception antennas, but excluding such facilities that have been preempted from Township regulation by applicable state or federal laws or regulations.

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.

Recreation Land: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

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.

Recreational Vehicle: A class of vehicle which shall include the following:

- A. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.

- E. Boats, Boat Trailers: Boats, floats, rafts, canoes, etc., plus the normal equipment used to transport them on the highway.
- F. Other Recreational Equipment: Snowmobiles, all terrain or special terrain vehicles, utility trailers, etc., plus the normal equipment to transport them on the highway.

Recycling Center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Recycling Collection Station: A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

Religious Institution: Any structure primarily and regularly used for religious assembly and/or activity. *(added 1/12/2010)*

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. Restaurant, Carry-Out: A restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. Restaurant, Drive-In: A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. Restaurant, Drive-Through: A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- D. Restaurant, Fast-Food: A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. Restaurant, Standard: A restaurant whose method of operation involves either:
 - (1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 - (2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. Bar/Lounge: A type of restaurant operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retention Basin: A wet or dry stormwater holding area, either natural or artificial, which has no outlet other than an emergency spillway. *(revised 1/12/2010)*

Retreat Center: A use that is typically in a building located in a quiet, secluded area and which contains rooms for meetings, discussion, and contemplation.

Riding Arena: An area enclosed within a building or fence and which is intended to be used as a place to ride horses.

Right-of-Way: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

Road: Any public or private thoroughfare or **right-of-way**, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. Private Road: Any **road** which is to be privately maintained and has not been accepted for maintenance by the Ingham County Road Commission, the State of Michigan or the federal government, but which is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads are permitted in Williamstown Township.
- B. Public Road: Any **road** or portion of a road which has been dedicated to and accepted for maintenance by the Ingham County Road Commission, State of Michigan or the federal government.
- C. Collector Road: A **road** whose principal function is to carry traffic between local roads and arterial roads, but which may also provide direct access to abutting properties.

- D. Cul-de-sac: A **road** that terminates in a vehicular turnaround.
- E. Local or Minor Road: A **road** whose sole function is to provide access to abutting properties.
- F. Minor Arterial Road: A **road** which carries moderate volumes of traffic and serves as an avenue for circulation of traffic into, out of, or around the Township.
- G. Principal Arterial Road: An arterial **road** which is intended to service a large volume of traffic for both the immediate area and the region beyond.

Roadside Stand: A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rooming House: See **Boarding House**.

Rural Cluster Zoning: A technique that is intended to preserve the Rural Open Space Environment by grouping dwellings on some portions of the development site in order to preserve the remainder of the site as permanent open space in a natural state or for continued agricultural use. In areas not served by public sewers, units are typically clustered on the portions of the site where the soils are most capable of supporting septic systems. Rural Cluster Zoning is also known as "Open Space Zoning."

Rural Open Space Environment: A type of development that preserves characteristics of the rural/town environment, such as agricultural use of farmlands, open fields, road front trees, woodlots, fence rows, wildlife habitats, historic farm buildings and sites, and wetlands. A development that preserves the rural open space environment typically minimizes large lot sprawl which results in the fragmentation of rural lands.

S

Semi-Trailer: a trailer, which may or may not be enclosed, having wheels generally only at the rear and supported in front by a truck tractor or towing vehicle.

Senior Housing: Any multiple-unit housing development intended for adults aged 55 or older. 'Senior housing' does not include an **adult foster care facility, home for the aged, hospital, hotel, nursing home, or other state-licensed residential facility.** (added 1/12/2010)

- A. Senior apartments: A **senior housing** development with self-contained living units intended for adults who are able to care for themselves.
- B. Senior congregate housing: A **senior housing** development that may provide supportive services such as meals, housekeeping, social activities, and/or transportation, but not **adult foster care** or continuous medical or nursing care.

Service Drive: A road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Service Truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: The distance between the front, side or rear lot line and the nearest part of a structure on a lot. The 'minimum required setback' is the minimum distance between a front, side or rear lot line and the nearest part of a structure in order to conform to the required yard setback provisions of this Ordinance (see **Yard**).

'Setback' shall also mean the distance between the high water mark of any lake, pond, or other body of water, or wetland and the nearest part of any structure. The 'minimum required setback' is the minimum distance from the high water mark of any lake, pond, or other body of water or wetland and the nearest part of a structure in order to conform to the required setback provisions of this Ordinance. (revised 2/3/98, 2/3/04)

Shopping Center: A grouping of retail businesses and service uses on a single site with common parking facilities.

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk alley, park, or public property, but not signs

which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in Article 7.00 of this Ordinance.

Slope, Steep: A slope with a moderate or high erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100. *(revised 1/9/96)*

Small Distiller: An establishment that manufactures not more than 60,000 gallons of spirits annually.

Small Wine Maker: An establishment that manufactures or bottles not more than 50,000 gallons of wine in one calendar year. A Small Wine Maker establishment may include a vineyard, orchard, or similar growing area. A Small Wine Maker may include ancillary facilities, such as a tasting room.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Williamstown Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Land Use/Special Use: Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval subject to the terms of this Ordinance. *(revised 1/9/96)*

Special Use Permit: See **Special Land Use/Special Use**. *(revised 1/9/96)*

Spirits: Any beverage that contains alcohol by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

Stable, Private: An enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

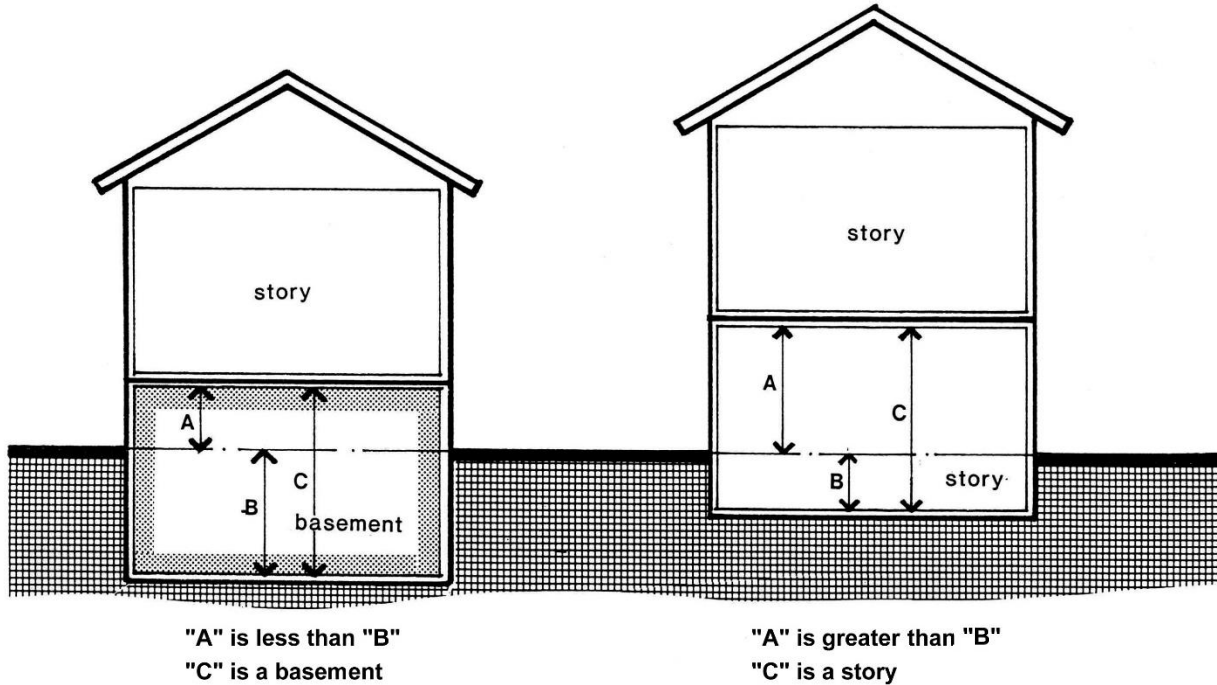
Stable, Public: An enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

Stake Truck: A truck having a platform with stakes inserted along the outside edges to retain the load. *(revised 2/3/04)*

State-licensed Residential Facility: Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including **adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes**. *(added 1/12/2010)*

- A. **Adult foster care:** The provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (1) **Adult foster care facility:** A residential structure that is licensed to provide **adult foster care**, but not continuous nursing care, for unrelated adults over the age of 17. An 'adult foster care facility' does not include any of the following: a licensed child caring institution, children's camp, **foster family home, or foster family group home**; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a **hotel** or rooming house that does not provide or offer to provide foster care; or a veterans' facility.
 - (2) **Adult foster care family home:** A **private home** with the approved capacity to receive not more than six adults to be provided with **adult foster care**.
 - (3) **Adult foster care small group home:** An **adult foster care facility** with the approved capacity to receive not more than 12 adults.
 - (4) **Adult foster care large group home:** An **adult foster care facility** with the approved capacity to receive at least 13 but not more than 20 adults.
 - (5) **Adult foster care congregate facility:** An **adult foster care facility** with the approved capacity to receive more than 20 adults.
- B. **Child day care.**

- (1) *Family day care home.* A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation 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 household by blood, marriage, or adoption. Pursuant to Public Act 116 of 1973, as amended, the Department of Licensing and Regulatory Affairs or its successor agency may find that a family day care home is eligible for increased capacity of one (1) additional child added to the total number of minor children received for care and supervision, subject to the criteria in said Act 116.
- (2) *Group child care home.* A private home in which more than six (6) but not more than twelve (12) minor children are given 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 household by blood, marriage, or adoption. Pursuant to Public Act 116 of 1973, as amended, the Department of Licensing and Regulatory Affairs or its successor agency may find that a group child care home is eligible for increased capacity of two (2) additional children added to the total number of minor children received for care and supervision, subject to the criteria in said Act 116.
- C. Child foster care: The care and supervision for 24 hours a day, for four or more days a week, and for two or more consecutive weeks, of minor children who are not related to an adult member of the household by blood or marriage, are not placed in the household under the Michigan adoption code, and are unattended by a parent or legal guardian.
 - (1) *Foster family home:* A **private home** in which one but not more than four children are provided with **child foster care**.
 - (2) *Foster family group home:* A **private home** in which more than four but not more than six children are provided with **child foster care**.
- D. Private home: For the limited purpose of defining a **state-licensed residential facility**, a 'private home' means a private residence in which the facility licensee or registrant permanently resides as a member of the household.



Basement and Story

Story: That portion of a building, other than a **basement** or **mezzanine** as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- A. A mezzanine shall be deemed a full story when it covers more than one-third 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 24 feet or more.
- B. 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.

Story, Half: The uppermost **story** lying under a pitched roof, the usable floor area of which does not exceed two-thirds 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 feet, six inches.

Street: See *Road*.

Street Lot Line: A dividing line between the street and a lot, also known as the right-of-way line.

Structural Addition: Any alteration that changes the location of the exterior walls or area of a building.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, and public roads. (*revised 1/12/2010*)

Subdivision Plat: See *Plat, Subdivision*. (*revised 1/9/96*)

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 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

T

Temporary Use or Building: A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

Temporary Storage Structures: Structures used for temporary storage and/or shipping of household items or vehicles. This definition includes PODs / Pack Rats/ U-Packs, semi-trailers, shipping containers, fabric structures and any comparable unit which is of short-term duration. This definition does not include "Farm Buildings", as defined in this Ordinance. (*Amended 1/8/20*)

Theater: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

Thoroughfare: See *Road*.

Township: Williamstown Township, Ingham County, Michigan.

Township Board: The Supervisor, Clerk, Treasurer, and Trustees of Williamstown Township, Ingham County, Michigan.

Toxic or Hazardous Waste: Waste or a combination of waste and other deposited, stored or disposed material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical chemical or infectious characteristics may (if improperly treated, deposited, stored, transported, disposed or otherwise managed) cause or significantly contribute to the following conditions:

- (1) an increase in mortality, or
- (2) an increase in serious irreversible illness, or
- (3) serious incapacitating, but reversible illness, or
- (4) substantial present or potential hazard to human health or the environment.

Trailer: A vehicle without motive power that is designed to be drawn by a motor vehicle and used for carrying property or persons. (*revised 1/12/2010*)

Transition Zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

Truck Tractor: A motor vehicle designed and used primarily for drawing another vehicle. (*revised 2/3/04*)

U

Underlying Zoning: The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel Planned Development.

Use: The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

- A. Use, Accessory: See **Accessory Use, Building, or Structure**.
- B. Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- C. Use, Principal: The main use of land and buildings and the main purpose for which land and buildings exist.
- D. Use, Special Land: See **Special Land Use**.

Utility Trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

V

Variance: 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 owing to circumstances unique to the individual property on which the variance is granted.

Veterinary Hospital: See **Clinic, Veterinary**.

W

Wall, Obscuring: A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

Warehouse: A building used primarily for storage of goods and materials. See also **Distribution Center**.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and which is commonly referred to as a bog, swamp, or marsh. A wetland is further characterized by the presence of hydric soils and prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. A wetland that exhibits these characteristics may be dry on the surface during part or all of the year. (*revised 1/12/2010*)

Wetland Buffer: A strip of land surrounding a wetland that provides protection for the wetland from inadvertent and secondary impacts. A wetland buffer may also protect wildlife habitat, prevent erosion, provide nutrient filtration and serve other functions associated with a wetland. The wetland buffer shall encompass all land within 40 feet of the edge of the wetland. (*added 1/12/2010*)

Wholesale Sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy System: A system for the conversion of wind energy into electricity through the use of a wind turbine generator. A wind energy system includes the turbine, blades, tower, as well as related electrical equipment. (*added 10/7/2008*)

- A. Anemometer Tower: A tower containing instrumentation designed to provide present moment wind data in support of an existing or future wind energy system.
- B. On-site Wind Energy System: A wind energy system designed and built to provide electrical power to the owner at that site.
- C. Utility Grid Wind Energy System: A wind energy system designed and built to provide electricity to the electric utility grid.

Winery: An establishment for making wine, consisting of a producing vineyard, orchard, or similar growing area, and/or manufacturing and bottling of wines in an amount not to exceed 25,000 gallons per year. A winery may include ancillary facilities, such as a tasting room. (*added 2/6/07*)

Wireless Communication Facility. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building

and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. *(revised 6/3/97)*

Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. *(revised 6/3/97)*

Y

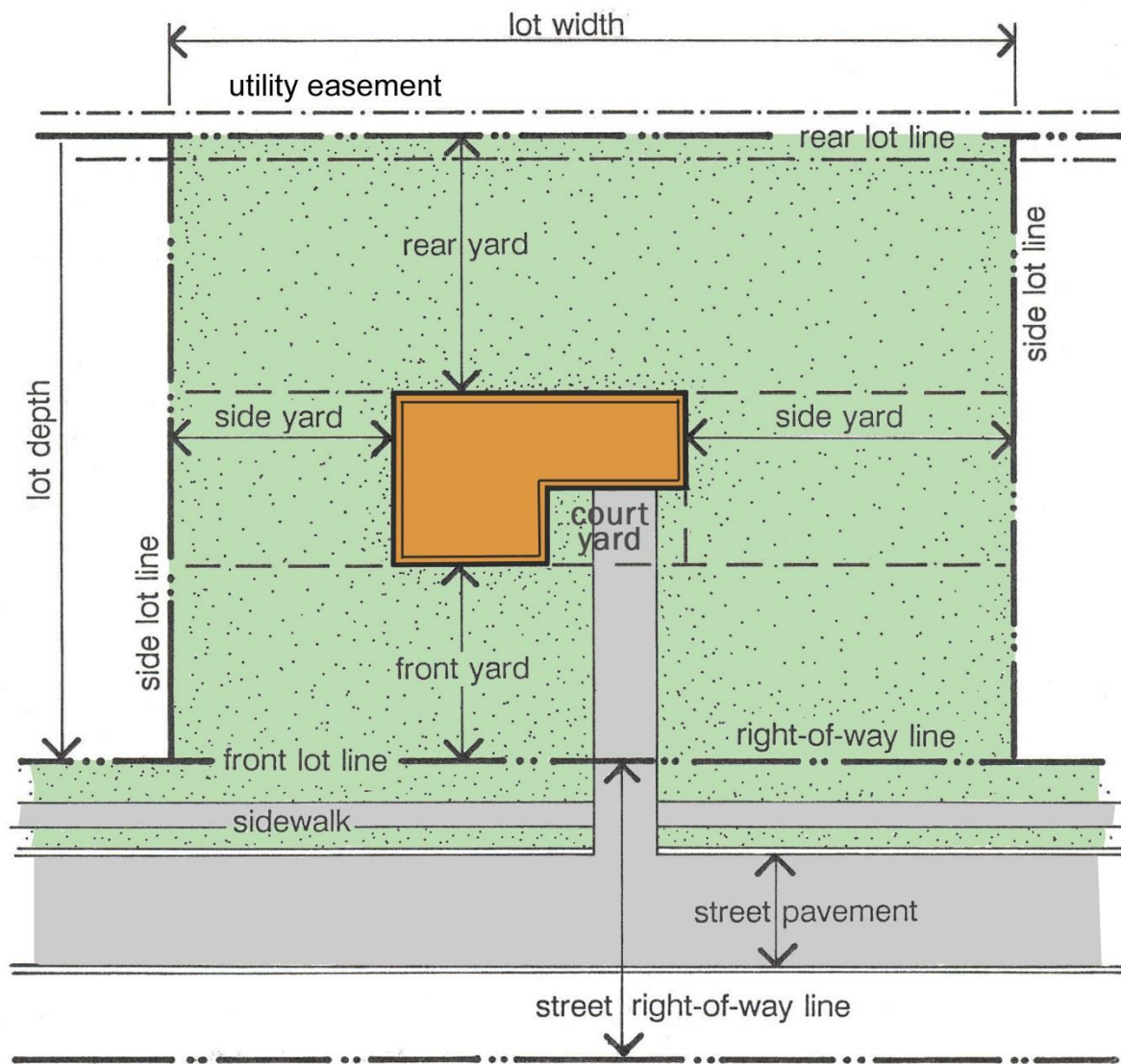
Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The 'minimum required setback' is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance (see illustrations).

- A. Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.
 - B. Yard, Rear: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
 - C. Yard, Side: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.
 - D. Yard, Interior Side: A **side yard** that abuts an adjacent lot (in contrast to a 'street side yard', which abuts a street or road right-of-way). *(added 1/12/2010)*
-

Z

Zoning Administrator: The Zoning Administrator is the person or persons designated by the Township Board to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work. The duties of the Zoning Administrator may be filled by people holding other positions, such as the Building Official, Planning Commission Secretary, or Supervisor.

Zoning Board of Appeals: The Zoning Board of Appeals for Williamstown Township, as authorized by Michigan Public Act 110 of 2006, as amended. *(added 1/12/2010)*



Yard Terms

ARTICLE 2.00

General Provisions

Section 2.01 Administrative Regulations

A. Scope of Regulations

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Article 3.00 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. Minimum Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

C. Relationship to Other Ordinances or Agreements

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. 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 permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Article 3.00.

E. Continued Conformity with Yard and Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

F. Division and Consolidation of Land

(revised 10/1/2002)

The division and consolidation of land shall be in accordance with the Subdivision Control Act (Michigan Public Act 288 of 1967, as amended), the Township Subdivision Control Ordinance, and the Township Ordinance to Regulate the Division of Land. No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all zoning lots resulting from each such division or sale conform to all regulations of the zoning district in which the property is located.

G. Unlawful Buildings, Structures, Site Designs and Uses

A building, structure, or use which did not lawfully exist at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

Section 2.02 Allowable and Prohibited Uses

A. Allowable Uses

Only the following uses of land, buildings and structures shall be allowed in the Township:

1. Uses lawfully established on the effective date of this Ordinance.
2. Uses for which a Building Permit has been issued in accordance with Section 30.07.
3. Permitted principal and accessory uses in the applicable zoning districts, subject to the requirements specified.
4. Conditional and special uses in the applicable zoning districts, subject to the conditions and requirements specified.
5. Temporary uses and structures subject to the requirements in Section 2.07. *(Amended 1/8/20)*
6. Uses and structures that are not expressly permitted in this ordinance are prohibited.

B. Prohibited Uses

The following uses, as defined in Section 1.03, shall not be allowed anywhere in the Township:

1. Medical marijuana dispensaries.
2. Medical marijuana cooperatives.
3. Medical marijuana grow facilities.
4. Medical marijuana compassion clubs.

Section 2.03 Accessory Buildings and Structures

A. General Requirements

1. Timing of Construction

No accessory building, structure, or use shall be constructed or established on a parcel unless there is a legally-established principal building, structure, or use being constructed or already established on the same parcel of land.

2. Site Plan Approval

If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

3. Nuisances

(revised 1/12/2010)

Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, outdoor wood-fired boilers, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance. These restrictions shall not be construed to limit or prevent activities permitted by the Michigan Right to Farm Act.

4. Impact on Adjacent Buildings or Uses

The location and characteristics of an accessory building shall not have an adverse impact on existing adjacent buildings or uses. In evaluating impact on adjacent buildings or uses, factors that the Planning Commission and Township Board shall consider include, but are not limited to:

- a. The potential for generation of nuisances, as might be caused by increased traffic or noise. *(revised 3/6/2001)*
- b. The orientation of doors and access routes.
- c. Site drainage patterns.
- d. Impact on views.

5. Conformance with Lot Coverage Standards

Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

6. Location in Proximity to Easements or Rights-of-Way

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

7. Use of Accessory Buildings and Structures

(revised 1/9/1996, 1/12/2010)

Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, or as storage space that is offered for rent, except that an accessory building may be used to house a permitted home occupation or home-based business, subject to the provisions of Section 2.06. An accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is accessory.

8. Applicability of Other Codes and Ordinances

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

9. Accessory Farm Buildings

(revised 2/3/1998)

The requirements in this section shall not apply to accessory buildings (such as barns and silos) used in the agricultural operations on a farm, as defined in Section 1.03, except that farm buildings shall comply with the setback requirements for the districts in which they are located.

B. Attached Accessory Buildings

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. A breezeway or other attachment between the principal building and the accessory building or structure must have a complete foundation and must provide interior access to both buildings for the accessory building to be considered "attached".

C. Detached Accessory Buildings

1. Location

Detached accessory buildings shall not be located in a front yard or a required side yard, except as follows:

a. *Commercial and Industrial Districts*

The following accessory uses may be permitted in the front or side yards of commercial or industrial districts, subject to the approval of the Planning Commission: buildings for parking attendants, guard shelters, gate houses, and transformer pads.

b. *Large Lot Residential Districts*

In the RR, RE, and AG-SF districts, detached accessory buildings may be permitted in the front yard, subject to the following requirement: *(revised 1/9/1996, 7/6/2004, 1/12/2010)*

(i). The maximum floor area of an accessory building located in the front yard shall be as listed below:

Parcel Area	Accessory Building Area	Parcel Area	Accessory Building Area
Less than 2 acres	Not Permitted	7 - 7.99 acres:	1,800 sq. ft.
2 - 4.99 acres:	1,000 sq. ft.	8 - 8.99 acres:	2,000 sq. ft.
5 - 5.99 acres:	1,400 sq. ft.	9 - 9.99 acres:	2,200 sq. ft.
6 - 6.99 acres:	1,600 sq. ft.	10 or more acres:	2,400 sq. ft.

(ii). Any accessory building shall have a minimum front setback of 200 feet.

c. *Agricultural-Commercial District* (revised 1/12/2010)

In the AG-C district, detached accessory buildings may be permitted in the front yard provided that they comply with all setback requirements for accessory buildings.

2. **Setbacks** (revised 1/12/2010)

Detached accessory buildings, including any and all roof overhangs, shall comply with the setback requirements for accessory buildings, as provided in Section 28.02, except as follows:

a. *Front Yard Setback*

Unless otherwise specified, when an accessory structure is permitted in the front yard it shall comply with the front yard setback for the district in which it is located.

b. *Side Yard Setback in Large Lot Residential Districts* (revised 1/12/2010)

The required side yard setback for detached accessory buildings in the RR and RE districts may be reduced to 10 feet, provided that:

- (i). The accessory building coverage is less than 1,500 square feet; and
- (ii). The accessory building is set back a minimum of 60 feet from any principal residence on an adjoining parcel. This requirement shall in no way constrain the owner of an adjacent principal residence from performing home improvements that would decrease the 60-foot setback.
- (iii). A stake survey may be required by the Building Official to determine exact distances from the lot line. The location of the proposed building shall be approved by the Building Official prior to construction.

c. *Rear Yard Setback*

Accessory buildings shall be located no closer than ten feet to the rear lot line.

d. *Setback Increase Based on Height* (revised 1/12/2010)

In the R-1 and R-1-S districts (and for single family detached housing in the RM-1 district), the side and rear yard setbacks for detached accessory buildings shall be increased by one foot for every foot in height that an accessory building exceeds 14 feet. (revised 2/3/1998)

e. *Distance from other Buildings*

Detached accessory buildings shall be located at least ten feet from any building on the site.

3. **Size** (revised 2/3/1998, 1/12/2010)

Unless otherwise specifically permitted elsewhere in this Ordinance, the size of all detached accessory buildings related to a principal residential use shall not exceed the following standards:

- a. The total ground floor area coverage (i.e., footprint of building, roof overhang, etc.) of any detached accessory building shall not exceed 25% of the area between the rear lot line and the required rear yard setback line. In addition, a detached accessory building may not cover more than 40% of the area between the rearmost portion of the principal residence and the required rear yard setback line. Twelve inches of roof overhang may be excepted from the calculation of ground floor area coverage for a detached accessory building.

- b. In residential districts, the total floor area of all detached accessory buildings shall not exceed the limits specified in the following table.

Parcel Size	Maximum Floor Area
Up to 2.5 acres	1,500 sq. ft.
2.5 - 5 acres	2,400 sq. ft.
Greater than 5 acres	No maximum floor area, but site plan review is required if over 4,000 sq. ft.

- c. The area covered by a lean-to or similar unenclosed roof structure shall be counted as part of the total floor area. All such accessory buildings shall comply with the following requirements:
 - (i). Where the total of all accessory buildings is less than 4,000 square feet, administrative approval shall be required. Where the total of all accessory buildings is 4,000 square feet or greater, site plan review and approval shall be required (see Section 29.02). *(revised 10/1/2002)*

4. Height *(revised 1/12/2010)*

Detached accessory buildings shall comply with the maximum height standards for accessory buildings listed in Section 28.02.

5. Screening

Individual detached accessory buildings over 2,400 square feet in area shall be screened in compliance with Section 5.02E, if within 200 feet of a principal residence on an adjacent property. Existing vegetation may be used for screening provided that a visual barrier in compliance with Section 5.02E is provided. *(added 7/3/2001)*

- (i). If the principal residence on an adjacent property undergoes renovation or addition such that the 200-foot setback from an adjacent detached accessory building over 2,400 square feet is reduced, the owner of the accessory building shall not be required to install a landscaped screen. *(added 1/12/2010)*

D. Accessory Structures

1. General Requirements

Accessory structures (for example, tennis courts, wind generators, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance. *(revised 1/9/1996)*

2. Exceptions to Accessory Structure Standards

Antennas and wind generators shall comply with the height standards specified in Sections 2.16 and 2.22.

3. Solar Panels *(revised 1/12/2010)*

Freestanding solar panels shall be considered accessory structures and may be located in the front, side, or rear yard, subject to the setback requirements for accessory buildings.

E. Donation Bins

- 1. Application for a Permit. Prior to placement of a donation bin anywhere in the Township, a permit application shall be completed and submitted to the Township. The permit application shall include, but not necessarily be limited to, the name, address, and telephone number of the person, business entity, corporation or organization applying for the permit; the proposed location (address) where the bin is to be placed; the name and telephone number of the person who will be placing the bin; the manner and schedule for emptying or removing the bin; and the destination of the clothing, shoes, books, and/or other goods to be removed from the bin. The permit shall be subject to review and approval by the Township Supervisor or designee. The application shall also include written consent from the owner of the property on which the bin is to be located.
- 2. Fee. An application processing fee in an amount determined by the Township Board shall be charged for each application.

3. Permitted Type of Bin. Any donation bin shall be of the type that is enclosed by use of a receiving door (also known as a chute) and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of its contents. A bin shall not cover a ground surface in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height. Bins shall be placed on a paved surface.
4. Number. A maximum of one (1) donation bin shall be permitted per lot.
5. Location. Donation bins shall comply with the following location requirements:
 - a. Donation bins are considered accessory structures. Therefore, they shall not be located on any lot unless a principal structure is already located on the lot.
 - b. Donation bins shall be permitted only in the following zoning districts: B-1, Limited Business; B-2, Commercial Center; OS-1, Office Service; and I-1, Light Industrial.
 - c. Donation bins shall be located no closer to the front of the lot than any portion of the principal structure.
 - d. Donation bins shall not be placed where they would block the vision of drivers entering or exiting the site.
 - e. Donation bins shall not be placed in a location where they would interfere with required landscaping or parking.
6. Charitable Purpose. Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Evidence of such tax status must accompany an application for a permit.
7. Identification. All donation bins shall have clearly identified, in writing, on the same side of the bin as the chute used for deposit of the goods, the entity or organization that is responsible for placement and maintenance of the bin. The address and phone number for such entity shall also be written on the bin.
8. Maintenance Responsibility. Each bin shall be regularly emptied of its contents so that it does not overflow, resulting in clothing or other goods being strewn around the surrounding area. The owner, lessee, or other person or legal entity in control of the property where the donation bin is located and the person or entity that owns, maintains or operates the donation bin shall be jointly and severally liable for any violations.

Section 2.04 Lawful Use of a Structure as a Dwelling Unit

A. Incompletely Constructed Structures

Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a Certificate of Occupancy and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with Section 2.07.

B. Caretaker Residence

No dwelling shall be erected in a commercial or industrial district, unless specifically permitted otherwise this Ordinance, except for the living quarters of a watchman or caretaker. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his/her immediate family. (*revised 1/12/2010*)

Section 2.05 Residential Design Standards

Any residential structure, including manufactured dwellings and mobile homes not located in mobile home parks, shall be erected or constructed only if in compliance with the following residential design standards.

A. General Requirements

1. Area and Bulk Regulations

Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.

2. Foundation

Any residential structure, including a mobile home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. A mobile home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation.

3. Other Regulations

Residential structures shall be constructed in compliance with applicable state, Federal, or local laws or ordinances, including the Michigan State Construction Code. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24 CFR 3280), as amended.

4. Floodplain

No dwelling unit, including mobile homes, shall be located within a 100- year floodplain.

5. Use

Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.

6. Attachments

Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the Township.

B. Requirements Applicable to Mobile Homes

Mobile homes or manufactured dwelling units erected outside of mobile home parks after the effective date of this Ordinance shall comply with the general requirements set forth previously in Section 2.05(A) and with the following regulations.

1. Design Features

The design and position of windows and other features of mobile homes and manufactured dwellings, including exterior wall colors and color combinations, shall be similar to site-built homes within 1,200 feet of the mobile home property boundaries. If no more than one site-built dwelling is presently located within 1,200 feet of the proposed location, then the mobile home or manufactured dwelling shall be compared to the nearest 50 site-built homes.

2. Roof Pitch

The pitch of the main roof shall have a minimum vertical rise of one foot for each four feet of horizontal run, and the minimum distance from the eaves to the ridge shall be 10 feet, except where the specific housing design dictates otherwise (i.e., French provincial, Italianate, etc.). 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.

3. Exterior Materials

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.

4. Dimensions

The dimensions and placement of mobile homes or manufactured dwellings shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a mobile home or manufactured dwelling shall be located on the lot so that the minimum width of the front elevation is no less than 34 feet and the minimum dimension along any side or rear elevation is no less than 24 feet. If there are any extensions or additions off of the front of the mobile home or manufactured dwelling, the minimum width of any such secondary front elevation shall be 24 feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the mobile home or manufactured dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within 10 feet of the front of the main body of the mobile home or manufactured dwelling.

5. Roof Overhang

Mobile homes and manufactured dwellings shall be designed with either a roof overhang of not less than six inches on all sides or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.

6. Exterior Doors

Mobile homes and manufactured dwellings shall have not less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

Section 2.06 Home Occupations and Home-Based Businesses

(this section revised 1/12/2010)

A. General Requirements

All home occupations and home-based businesses shall be subject to the applicable requirements of the zoning district in which they are located, in addition to the following general requirements, unless otherwise specified elsewhere in this Ordinance.

1. Any business activity must be clearly incidental to the use of the dwelling as a residence.
2. The exterior appearance of any structure shall not be altered due to the business activity.
3. No business activity shall be conducted in such a manner so as to cause the premises to differ from a residential character, whether by the use of colors, materials, construction, lighting, signs (except as permitted in this Section), or the emission of sounds or vibrations.
4. The delivery and pickup of goods and materials used and/or produced in the operation of a home occupation or home-based business shall be limited to the customary activity of the United States Postal Service and/or alternative private package services common to residential property in the area.
5. A home occupation or home-based business may increase vehicular traffic flow and parking demand by no more than two additional vehicles at a time. No more than ten customers or clients shall visit the dwelling unit for services or products during any one day.

a. Parking

Any demand for parking generated by a home occupation or home-based business, including one space for each non-resident employee of a home-based business, shall be met off the street and behind the required front setback line.

B. Activities Not Considered a Home Occupation or Home-Based Business

1. Bed-and-breakfast inns, roadside stands, garage or yard sales, auto service or repair garages, restaurants and bars, and any other business activity specifically regulated by provisions elsewhere in this Ordinance shall not be considered a home occupation or a home-based business.

C. Standards for Home Occupations

All home occupations shall be subject to the following standards, in addition to the general requirements listed in sub-section A, above.

1. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be allowed on the premises in any zoning district.
2. Any person who is not a resident occupant of the dwelling unit shall not be employed in a home occupation located there. If the resident occupant is not the owner of the dwelling unit, the owner shall submit a notarized affidavit granting permission for the activity to take place within the dwelling unit.
3. Sign
One non-illuminated nameplate, not more than two square feet in area, shall be allowed per residence to identify a home occupation. The permitted sign shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. No other sign shall be used on the premises to advertise a home occupation.
4. The total area within the principal dwelling devoted to home occupations shall not exceed one-quarter of the usable residential floor area of the dwelling unit.
5. One detached accessory building may be occupied by a home occupation, provided that there is no external evidence of the business activity and that the total area of accessory building devoted to a home occupation does not exceed 4,000 square feet. Any accessory building used for a home occupation shall be in full compliance with the standards for accessory buildings, as provided in Section 2.03 of this Ordinance.
6. Pursuant to Section 204 of Michigan Public Act 110 of 2006 (MCL 125.3204), individual instruction in a craft or fine art within a residence is a permitted home occupation.

D. Standards for Home-Based Businesses

All home-based businesses shall be subject to the following standards, in addition to the general requirements listed in sub-section A, above.

1. No more than one home-based business shall be permitted per residence.
2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home-based business shall be permitted on the premises, except that outdoor storage or display may be permitted in the AG-C district, subject to prior Planning Commission and Township Board approval and consideration of the impacts on the character of the neighborhood.
3. A home-based business shall be conducted solely by the resident occupants of the dwelling unit, plus not more than one full-time-equivalent non-resident employee or independent contractor per residence. If the resident occupant is not the owner of the dwelling unit, the owner shall submit a notarized affidavit granting permission for the activity to take place within the dwelling unit.
4. Signs
One, non-illuminated, freestanding or wall signs may be permitted for a home-based business, provided that the total sign area for all signs shall not exceed four square feet per residence. Signs shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. Freestanding signs associated with a home-based business shall not be greater than five feet in height.
5. The total area within the principal dwelling devoted to home-based businesses shall not exceed one-half of the usable residential floor area of the dwelling unit.
6. Accessory buildings may be occupied by a home-based business, provided that there is no external evidence of the business activity and that the total area of accessory buildings devoted to a home-based business does not exceed 4,000 square feet per residence. Any accessory building used for a home-based business shall be in full compliance with the standards for accessory buildings, as provided in Section 2.03 of this Ordinance.

7. The Township may limit hours of operation for a home-based business if deemed necessary to maintain the residential character of the neighborhood.

E. Permits and Administration

1. Home Occupations

No permit shall be required for the operation of a home occupation in accordance with the standards of this Ordinance. If a home occupation is found to be operating outside the standards of this Ordinance, the Township may require the business owner to file an application for home-based business or cease operation of the home occupation.

2. Home-Based Business

- a. The initial application for a home-based business permit shall be made on a form to be provided by the Township. The applicant shall submit a sketch plan, drawn to scale, showing property lines; building footprints; sidewalks, driveways, and parking areas; the location of the well and septic system; and other salient features. Upon receipt of a completed application and sketch plan, the Township shall notify neighboring properties within 500 feet of the proposed location of a home-based business. The application and plan shall be reviewed by the Planning Commission for compliance with the zoning ordinance and compatibility with the residential neighborhood, after which review a recommendation shall be made to the Township Board to approve, approve with conditions, or deny the home-based business permit.
- b. A home-based business permit shall be restricted to the resident occupants of the dwelling unit at the time of initial application and may not be transferred or sold except upon re-review by the Township. If the resident occupant is not the owner of the dwelling unit, the owner shall submit a notarized affidavit granting permission for the activity to take place within the dwelling unit.
- c. Township approval of a home-based business shall only remain valid while the business activity complies with the standards of this Ordinance.

Section 2.07 Temporary Structures and Uses

A. General Requirements

Temporary buildings and structures shall comply with the following requirements:

1. Temporary Structures Used for Residential Purposes

A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Police, Fire, and Building Officials.

Also, a mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction of a new dwelling unit or for major repair or remodeling of an existing dwelling unit, subject to the following:

- a. Such permits may be issued by the Building Official for up to six months in duration and may be renewed for a period of up to six months, provided that work is proceeding in an expeditious manner.
- b. The total duration of a temporary permit shall not exceed 12 months.
- c. Temporary structures shall comply with the setback standards for the zoning district in which they are located. *(Amended 1/8/20)*
- d. The Building Official shall approve electrical and utility connections to any temporary structure.
- e. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a Certificate of Occupancy for the permanent dwelling.
- f. The applicant shall furnish the Township with a performance guarantee in the amount of no less than 500.00, as determined by the Building Official, to ensure removal of the temporary structure.

2. Temporary Structures Used for Nonresidential Purposes

(revised 1/12/2010)

Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Building Official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project. This provision is not intended to address farm-related storage, as provided for in Section 18.02, sub-section A.2.

3. Permits

Permits for the utilization of temporary structures shall be issued by the Building Official. The permit shall specify a date for the removal of the temporary structure, and the Building Official may require posting of a bond to insure removal. A Certificate of Occupancy shall be required for such structures.

4. Use as an Accessory Structure

A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

5. Special Events and Other Temporary Uses

The Building Official may grant temporary use of land and structures for special events and other temporary uses, as defined in Article 1.00 of this Ordinance, subject to the following general conditions:

- a. Adequate off-street parking shall be provided.
- b. The applicant shall specify the exact duration of the temporary use.
- c. Electrical and utility connections shall be approved by the Building Official.
- d. The Building Official may require a performance bond to assure proper clean-up.

The following conditions apply to specific temporary uses:

- e. Carnival or Circus
 - (i). Maximum duration: 10 days.
 - (ii). Operator or sponsor: Non-profit entity
 - (iii). Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- f. Sidewalk Display and Sale of Bedding Plants
 - (i). Maximum duration: 90 days.
 - (ii). Location: In commercial districts only.
 - (iii). Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
- g. Christmas Tree Sales
 - (i). Maximum duration: 45 days.
 - (ii). Location: Shall not be located in or adjacent to any developed residential area.
 - (iii). Clean-up: Stumps, branches, and other debris shall be completely removed from site.
- h. Roadside Stands
 - (i). See Article 8.02(Z).
- i. Garage Sales
 - (i). Maximum number of sales per year: Two.
 - (ii). Location: Residential districts.

- (iii). Purpose: For sale of items belonging to members of the household living on the premises where the sale is being conducted.
- (iv). Permit: A permit shall not be required for garage sales.

Section 2.08 Uses Not Otherwise Included Within a District

A. General Requirements

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Township Board that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Township Board shall seek the advice and recommendation of the Planning Commission, and shall consider the following:

1. Determination of Compatibility

In making the determination of compatibility, the Township Board shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

2. Conditions by which Use May Be Permitted

If the Township Board determines that the proposed use is compatible with permitted and existing uses in the district, the Board shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Township Board shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

Section 2.09 Yard and Bulk Regulations

A. General Regulations

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

1. Minimum Lot Size

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

2. Number of Principal Uses per Lot

Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Article 1.00.

3. Projections into Required Yards

Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The table below identifies permitted projections in required yards.

4. Unobstructed Sight Distance

(revised 1/12/2010)

No new fence, wall, or structure shall be erected or established on any lot that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway. Fences, walls and structures located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and six (6) feet above the lowest point of the intersecting road(s).

a. *Unobstructed Sight Area*

The unobstructed triangular area is described as follows:

- (i). The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 40 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or
- (ii). The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being 10 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

5. Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, one-half of the width of said alley shall be considered a part of the lot.

6. Relocation of Existing Buildings Into the Township

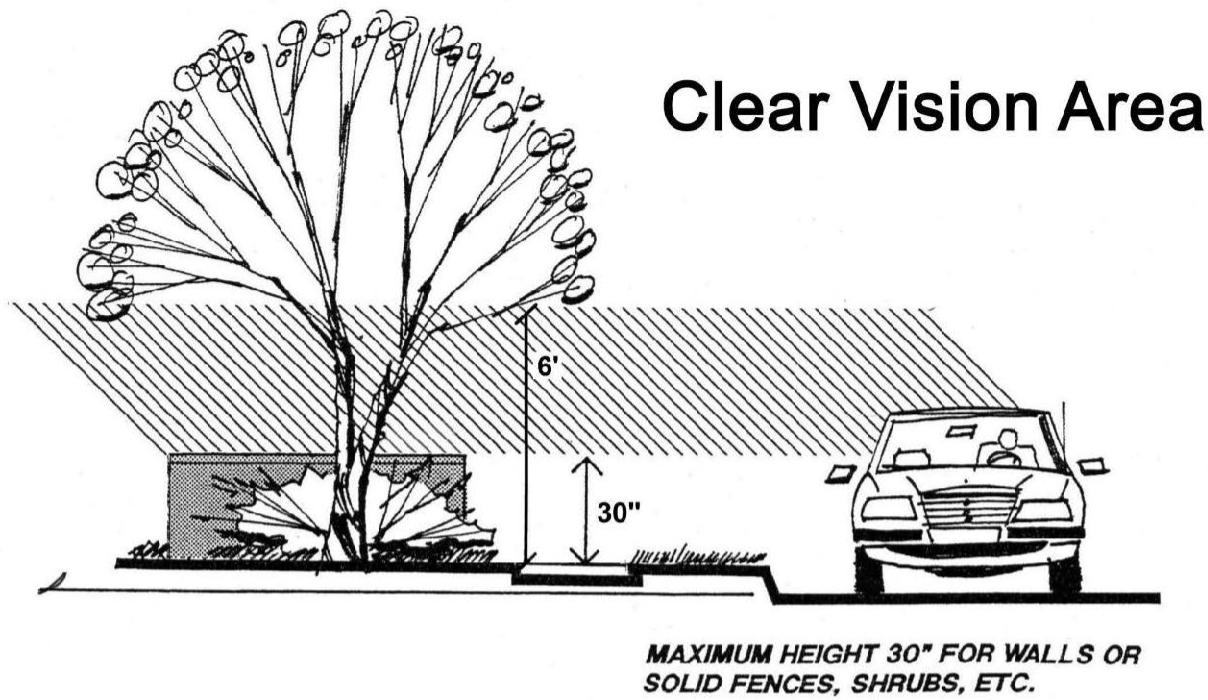
No existing building or structure shall be relocated upon any parcel or lot in Williamstown Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

Table 2.1: Permitted Projections into Required Yards [see Section 2.09(A)(3)]

Projection	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard	Courtyard	Additional Regulations
Exterior air conditioning equipment	X	P	P	P	P	
Access drives	P	P	P	P	P	See Note 3
Arbors; trellises	P	P	P	P	P	
Awnings; canopies	P	P	P	P	P	May project into yard by up to 10% of yard depth
Bay windows	P	P	P	P	P	See Note 1
Decks (open or enclosed)	P	P	P	P	P	
Eaves (overhanging)	P	P	P	P	P	See Note 1
Fences; walls	P	P	P	P	P	Article 6.00
Flagpoles	P	P	P	P	P	
Live landscape materials, including gardens and hedges	P	P	P	P	P	
Gutters	P	P	P	P	P	
Laundry drying equipment	X	P	P	X	X	
Light standards (ornamental)	P	P	P	P	P	
Paved terraces and open porches	P	P	P	P	P	See Note 2
Signs (approved)	P	P	P	P	P	Article 7.00
Stairways (open, unroofed); Steps; Barrier-Free Ramps	P	P	P	P	P	
Television/radio towers or antennas	X	P	P	P	X	Section 2.22
Windmills; wind energy systems	X	P	X	X	X	Section 2.16
Window air conditioning units	P	P	P	P	P	

X = Not Permitted P = Permitted

- Notes on Table:**
1. Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend into any front or rear yard not more than three feet.
 2. Open paved terraces and open porches may project into a required rear yard up to 10 feet, provided no terrace or porch shall be located within 25 feet of the rear lot line. Open paved terraces and open, uncovered porches may project into a front yard up to 10 feet.
 3. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine inches above grade.



ELEVATION

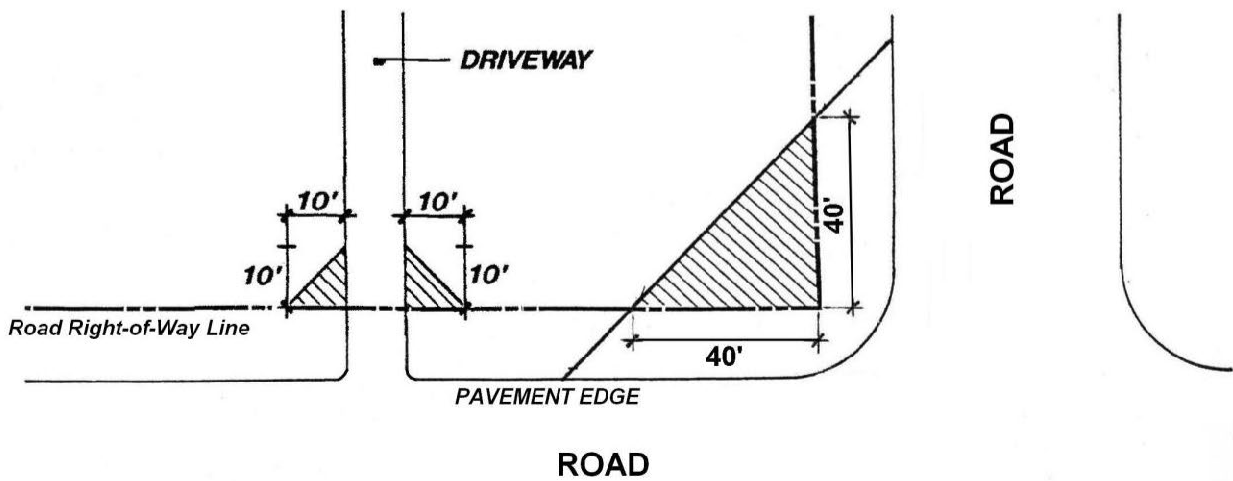


Figure 2.1: Unobstructed Sight Area at Road Corners [see Section 2.09(A)(4)]

Section 2.10 Streets, Roads, and Other Means of Access

A. Intent

Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

B. Public Access Required/Minimum Frontage

The front lot line of all lots shall abut onto a publicly dedicated road right-of-way. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Article 28.00; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than 50% of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.

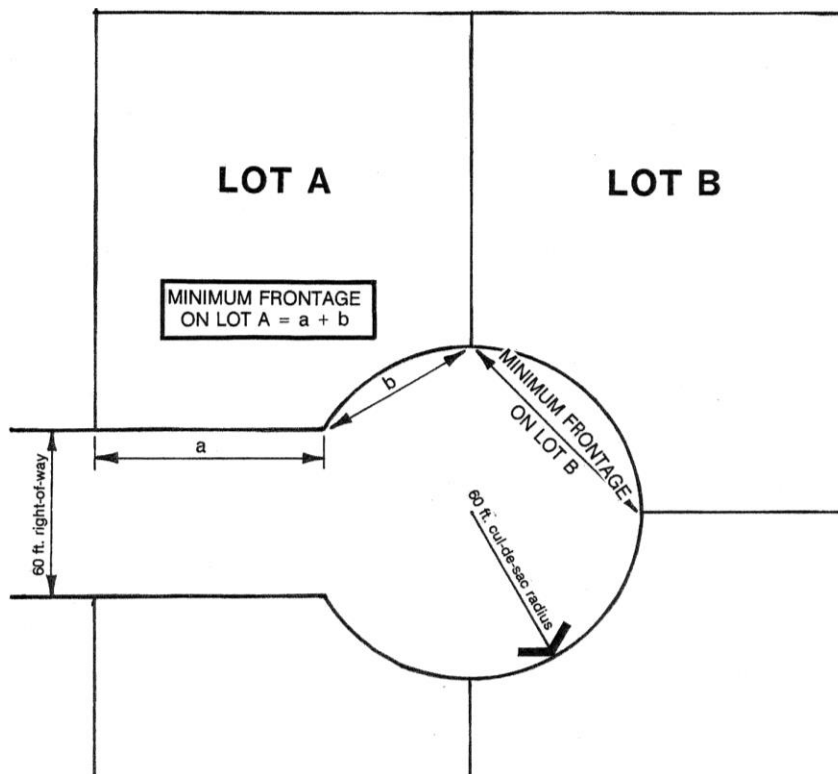


Figure 2.2: Measurement of Lot Frontage [see Section 2.10(B)]

C. Access on Residential Through Lots

On through lots in residential districts, the driveway providing the primary means of vehicular access shall intersect the road on which lot frontage is greatest. However, if the property line abutting the other road has been designated as the "front lot line" on an approved lot split application or subdivision plat, then the driveway providing the primary means of vehicular access shall intersect the road that abuts said front lot line.

The Planning Commission may approve a primary means of access that varies from these requirements upon finding that such access would facilitate traffic safety (for example, by limiting access on an arterial street) or achieve consistency with existing adjacent and nearby residences.

D. Road and Driveway Standards

(revised 2/3/1998)

Public roads shall comply with the requirements of the Ingham County Road Commission or Michigan Department of Transportation, as applicable. Driveways shall comply with the following minimum requirements in addition to engineering standards that are enforced by the Township.

1. Minimum Driveway Setbacks

(added 2/3/98; revised 3/6/01, 1/12/2010)

Driveways shall be set back a minimum of ten (10) feet from any side or rear property line, unless otherwise specified, except that in R-1 and R-1-S Districts, Planned Developments, and in Rural Open Space developments, driveways shall be set back a minimum of four (4) feet.

2. Paving Waiver

Upon request from an applicant, the Planning Commission may waive paving requirements for driveways, parking areas, and other vehicle maneuvering areas upon making a determination that another surfacing material would be adequate and not in conflict with Township planning and zoning objectives. In making a determination whether an alternative surface material can be approved, the Planning Commission shall consider the following considerations: the level, type and frequency of traffic expected; the types of vehicles expected to use the facility (recognizing that certain types of heavy equipment may damage paved surfaces); alternatives to handle stormwater runoff; and, visibility and appearance of such areas from public roads and adjacent private property.

Prior to making an evaluation whether unpaved surfacing should be permitted, the Planning Commission may require the applicant to provide engineered plans and specifications. In all cases main vehicle maneuvering lanes and roads through any development shall be paved. The Planning Commission may require a performance guarantee and/or recordable document to provide for re-evaluation and possible completion of paving in the event that the intensity or nature of the use changes. (added 2/3/1998)

3. Residential Uses

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways to individual detached units in a plat or site condominium	9 feet	Paved	–
Driveways to individual detached lots not in a plat or site condominium	9 feet	Gravel or Paved	–
Roads throughout a single-family attached development, including entrance roads (see note 1)	Must comply with Ingham County Department of Transportation and Roads standards		
Driveways to individual single-family attached units	9 feet	Paved	--
Roads throughout a multiple-family development	24 feet	Paved	Curb and gutter
Multiple-family development entrance roads (see note 1)	27 feet	Paved	Curb and gutter
Roads/driveways within a parking area		See Article 4.00	
Roads in a Mobile Home Park		See Article 16.00	

- Notes on Table:**
1. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
 2. Shared driveways for adjoining single-family parcels may be permitted, provided that an access easement is recorded that provides for joint use and maintenance of the driveway. Both parcels shall comply with minimum road frontage and lot width requirements as described in Section 2.10(B). (revised 2/3/1998, 12/1/1998)

4. Commercial/Office/Industrial Uses

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways serving two or more parcels (e.g., office or industrial park)	31 feet	Paved	Curb and gutter
Main access driveways (commercial/office uses)	31 feet	Paved	Curb and gutter
Main access driveways and internal circulation routes for <u>three or fewer</u> buildable industrial parcels	27 feet	Paved	Curb and gutter No on-street parking
Main access driveways and internal circulation routes for <u>four or more</u> buildable industrial parcels	31 feet	Paved	Curb and gutter
Internal circulation truck routes	31 feet	Paved	Curb and gutter
Internal circulation routes (no trucks)	24 feet	Paved	Curb and gutter
Entrance roads (see note 1)	31 feet	Paved	Curb and gutter
Roads/driveways within a parking area		See Article 4.00	

- Notes on Table:**
1. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
 2. Curb and gutter requirements are not applicable for access routes through parking lots.

5. Miscellaneous

Type of Road	Minimum Width	Pavement Required	Curb and Gutter Required?
Boulevard entrances with median (not public) Service drives (<i>minimum 30-foot setback from parallel public road</i>)	18 feet <i>each direction</i>	Paved	Curb and gutter
"T" turnaround	24 feet	Paved	--
Cul-de-sac	Must comply with Ingham County Department of Transportation and Roads standards Minimum cul-de-sac right-of-way or easement radius is 60 feet.		

- Notes on Table:**
1. Unless otherwise required by the Ingham County Department of Transportation and Roads, "T" turnarounds shall only be used at the end of stub streets that have no dwelling units fronting on them, and a cul-de-sac shall be constructed at the end of all dead-end public roads, regardless of whether the roads are expected to be extended in the future. (*revised 12/1/1998*)

6. Vertical Clearance

(revised 1/12/2010)

Driveways and roads needed for emergency and fire department access in commercial and industrial districts shall maintain a minimum vertical clearance of 13.5 feet.

E. **Access across Residential District Land**

No land which is located in a residential district shall be used for a driveway, walkway, or other access to any land which is located in a nonresidential district, unless such access is by way of a public road. This provision is not intended to prevent access across residential district land to gain access to adjacent agricultural lands.

F. Service Drives/Secondary Access Roads

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the Commission may permit or require construction of service drives across abutting parcels and generally parallel to the public road to allow traffic to circulate from one parcel to another without re-entering the public road. The service drive shall comply with the following requirements:

1. An easement shall be recorded with the Ingham County Register of Deeds allowing free vehicular access across the service drive between adjoining parcels. The easement shall be in a form acceptable to the Township Board, and it shall be recorded prior to issuance of a Certificate of Occupancy for the principal building.
2. The service drive shall comply with the design requirements set forth previously in sub-section D. The service drive shall comply with the engineering and construction standards established by the Township Board.
3. In anticipation of a future need for a service drive, the Planning Commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access between adjoining parcels.
4. In lieu of a designated service drive, the Planning Commission may require the development of parking to permit vehicular circulation between parking lots on contiguous lots or parcels.
5. Each property owner shall be responsible for continued maintenance of the service drive and easement so that it continues to provide a safe means of access from one parcel to another.
6. Backing from parking spaces onto the service drive shall not be permitted except on a temporary basis.
7. The site plan shall indicate the proposed elevation of the service drive at the property line and the Building Official shall maintain a record of all service drive elevations so that their grades can be coordinated. Service drive elevations shall conform to elevations established by the Building Official.

G. Performance Guarantee

To assure completion of a service drive in conformance with the requirements set forth herein, the Building Official may require the applicant or owner to provide a performance guarantee, in accordance with Section 2.18. *(revised 2/3/1998)*

Section 2.11 Grading Regulations**A. Intent and Scope of Requirements**

Compliance with the grading regulations set forth herein shall be required as follows:

1. Intent

Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place. The regulations set forth herein also establish procedures and requirements for grading permits, inspection of finished grading operations, and penalties for violation of the grading regulations.

2. Scope of Application

(revised 10/1/2002, 1/12/2010)

A Grading Permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alterations to the land exceeding fifty (50) cubic yards on any one lot are proposed. Grading Permits shall be subject to requirements in the adopted building code of the Township, dealing with when permits are required, exempted work, hazards, grading permit requirements, bonds, cuts and fills, setbacks, drainage and terracing, erosion control, grading inspection, and completion of work. The Grading Permit fee shall be established by resolution of the Township Board.

B. Grading Plan**1. Grading Plan**

(revised 1/12/2010)

In the event that a Grading Permit is required, the applicant shall first submit a Grading Plan for review and approval. Grading plans submitted in conjunction with site plan review shall be prepared by a registered professional land

surveyor or civil engineer. Grading plans shall be subject to review and approval by the Township Engineer or Building Official.

2. Grading Plan Standards

At a minimum, grading plans shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on United States Geological Survey (U.S.G.S.) datum. Elevations and location of bench marks used for determining elevations shall be shown on the plan.

3. Subdivision Grading Plans

For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

C. Grading Standards

1. Slope Away From Buildings

All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five percent (5%) slope away from all sides of a building or structure shall be provided for a minimum distance of ten (10) feet.

2. Runoff Onto Adjacent Properties

New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.

3. Stockpiling

Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, or approved use in an industrial district. Aside from these exceptions, all material brought onto a site in Williamstown Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDNR-monitored clean-up of contaminated soil.

4. Clean Fill

Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste. The Building Official may require verification from a qualified soil testing laboratory that the fill is free of all contamination.

5. Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation

Businesses engaged in the removal of soil, sand, clay, gravel, and similar materials, rather than the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations set forth for such uses in Section 2.13.

6. Excavations of Holes

The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Ingham, Township of Williamstown, or other governmental agency.

D. Review, Inspection, and Approval Procedures

Grading plans shall be reviewed by the Township Engineer and/or Building Official. In the event that the grading plan is submitted in conjunction with a site plan, the Planning Commission shall review the grading plan as a part of normal site

plan review. The Planning Commission shall review all plans for commercial profit-oriented excavation operations as specified in sub-section C.5. The Building Official shall issue a Grading Permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

Compliance with a grading plan and permit shall be verified by the Building Official after visual on-site inspection. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a certificate of occupancy has been issued.

Section 2.12 Lighting

A. Intent

The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. These regulations are also intended to permit and encourage the use of lighting that complements and enhances the rural environment and natural features of the Township and that promotes energy efficiency and conservation in the Township. *(revised 1/12/2010)*

B. Definitions

Words and phrases used in this Section shall have meaning set forth below. Words and phrases not defined herein but defined in Article 1.00 shall be given the meanings set forth in Article 1.00. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

Bulb (or **Lamp**): The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.

Candela (cd): A unit of luminous intensity. One candela is one lumen per steradian. Also known as one candlepower.

Disability glare: An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.

Filtered fixture: Light fixtures having glass, acrylic, or translucent enclosures to filter the light.

Fixture: The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), the ballast, housing, and the attachment parts.

Floodlight: A fixture or lamp designed to "flood" an area with light.

Footcandle: Illuminance produced on a surface one foot from a uniform point source of one candela or when one lumen is distributed into an area of one square foot.

Fully shielded fixture: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

High pressure sodium (HPS) lamp: High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr).

Incandescent lamp: A lamp that produces light by a filament heated to a high temperature by electric current.

Laser Source Light: An intense beam of light, in which all photons share the same wavelength.

LED Light: A light fixture that uses a light-emitting diode, which is a semi-conductor diode that emits light when conducting electrical current. *(added 1/12/2010)*

Light trespass: Light falling where it is not wanted or needed (also called spill light).

Low pressure sodium (LPS) lamp: A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

Lumen: Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. One lux is one lumen per square meter.

Luminaire: The complete lighting unit, including the lamp, fixture, and other parts.

Mercury vapor lamp: A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

Metal halide lamp: A high-intensity discharge mercury lamp where the light is produced by radiation from metal-halide vapors.

Non-essential lighting: Outdoor lighting which is not required for safety or security purposes.

Recessed canopy fixture: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

C. General Requirements

1. Sufficient lighting, as defined by the most recent edition of the "Illuminating Engineering Society of North America (IESNA) Standards," shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons.
2. All outdoor lighting shall be shielded as required in Section 2.12.D.
3. Non-essential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security.
4. Light trespass from a property shall not exceed 0.5 footcandles at the property line, measured five feet above the ground.
5. To prevent sky glow, lighting shall be shielded or designed to prevent light to project above a 90 degree horizontal plane (see illustration).
6. Uplighting of buildings for aesthetic purposes shall be confined to the target surface as much as possible.
7. Gas station canopies and similar structures shall have fully recessed lighting fixtures and the total initial lamp output under the canopies shall be limited to 40 lumens per square foot of canopy.

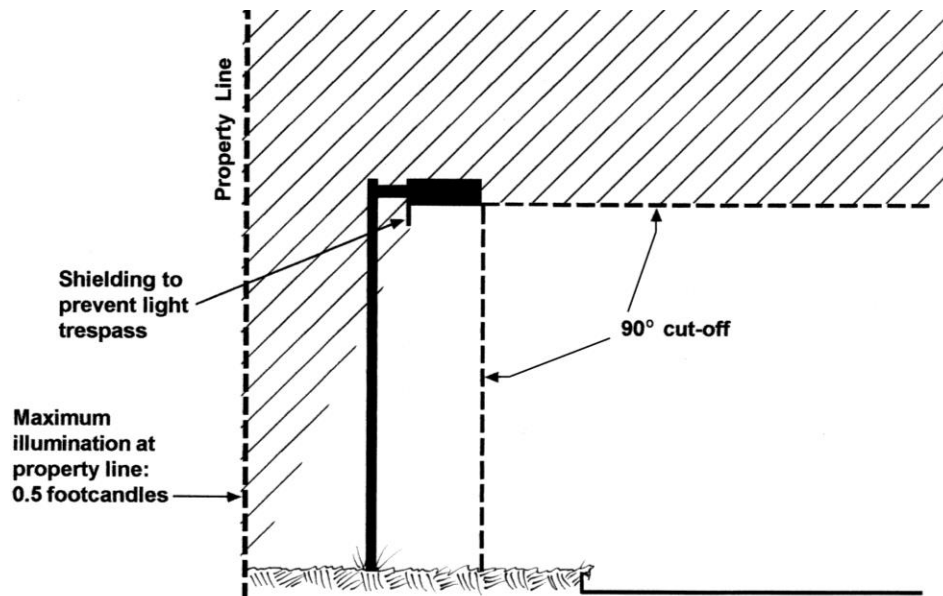


Figure 2.3: Lighting Fixture Orientation and Shielding [see Section 2.12(C)(5)]

D. Permitted Lighting Sources and Shielding Requirements

Outdoor lighting shall comply with the following use and shielding requirements:

Lamp Type	Permitted Use	Shielding Requirement
High Pressure Sodium; Low Pressure Sodium	Street lighting; parking and security areas; sports parks, tennis courts; residential or agricultural security lighting	Fully
Metal Halide <i>(filtered and in enclosed luminaries only)</i>	Signage, display and sports lighting, where color rendering is critical	Fully
Fluorescent <i>(warm white or natural lamps preferred)</i>	Residential lighting, internal sign lighting (see Section 7.06, sub-section B)	Fully
Incandescent, more than 100 watts	Sensor activated residential lighting	Fully
Incandescent, 100 watts or less	Porch lighting and other residential uses	None
Any light source of 50 watts or less	Any	None
Glass tubes filled with neon, argon, or krypton	Display/advertising	None

E. Height

Lighting fixtures shall not exceed a height of twenty-two (22) feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

The Planning Commission may modify these height standards in commercial and industrial districts, based on consideration of the following: 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 the lighting exceed the maximum permitted building height in the district in which it is located.

F. Sign Lighting

Illuminated signs shall comply with the regulations set forth in Article 7.00.

G. Prohibited Lighting

1. Recreational Facility Lighting

No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.

2. Outdoor Building and Landscaping Lighting

Unshielded illumination of the exterior of a building or landscaping is prohibited except with incandescent fixtures having lamps of 100 watts or less.

3. Mercury Vapor and Wall Pack Lighting

The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.

4. Laser Source Light

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

5. Searchlights

The operation of searchlights for advertising purposes is prohibited between 10:00 p.m. and sunrise the following morning.

H. **Exceptions**

1. Fossil Fuel Light

(revised 1/12/2010)

Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps) is exempt from the provisions of this Section.

2. Temporary Carnival and Civic Uses

Lighting for permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.

3. Construction and Emergency Lighting

Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.

4. Special Conditions

Additional exceptions may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.

I. **Application for a Permit**

- 1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures shall submit evidence that the proposed work will comply with this Section.
- 2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings, and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements. *(revised 3/6/2001)*

Section 2.13 Sand, Gravel, and Mineral Extraction

Sand, gravel, coal, topsoil, and mineral deposits are non-renewable natural resources which are necessary and beneficial to the economy of the Township and the region. The standards in this Section are intended to assure removal of such resources occurs in a manner that is compatible with existing and planned development of the Township and to ensure the proper restoration of the land.

A. **Review and Approval Process**

1. Permit Required

Permits shall be required for all extractive operations. Permits may be approved for a one (1) year period by the Township Board after recommendation by the Planning Commission.

a. *Permit Renewal*

Unless the owner or operator of the extractive operation ignores or violates any conditions of approval, the permit may be renewed for one (1) year periods, subject to the master plan and timetable requirements in section 2.13(B)(4). If the extractive operations vary from the approved timetable, a public hearing shall be required prior to permit renewal pursuant to Section 29.03(C) to determine if the extractive operation with the new timetable continues to comply with the standards for Special Land Use approval.

b. *Exception to Permit Requirement*

A permit shall not be required for normal land balancing related to building site development, or for excavation of a basement or building foundation.

2. Special Land Use Approval

Proposals for extractive operations shall be reviewed in accordance with the procedures for Special Land Use review in Section 29.03.

3. Performance Guarantee

Submittal of a performance guarantee, in accordance with Section 2.18, may be required as a condition of approval of any sand, gravel, or other extractive operation.

4. Inspections

To ensure compliance with Ordinance requirements, the Building Official shall conduct periodic inspections and shall file a written notice to the permit holder if a violation is found. Thirty (30) days prior to the renewal date of permit, the Building Official shall file a written report with the Township Board on the status and compliance of the operation.

5. Violations

In the event of deviation from an approved plan, the Building Official shall notify the permit holder of a violation. Failure to correct the violation within thirty (30) days shall automatically void any permits issued, and shall prevent the issuance of new permits until such time as the violation has been corrected. Appeals from a decision of the Building Official regarding an alleged violation shall be directed to the Township Board.

6. Agreement

Before the issuance of a permit, the applicant and Township shall enter into an agreement stipulating the amount and disposition of a fee for regulation, inspection, and administration of the special land use permit. Said fee may be based on the acreage mined or amount of mineral or other material extracted. The final settlement of the fee shall be specified in the written agreement.

B. Application Data Requirements

Applications for a permit for sand, gravel or other extractive operations shall include the following information, in addition to all information required as a part of site plan review and special land use review:

1. Aerial Photograph

A vertical aerial photograph, enlarged to a scale equal to one inch equals 200 feet, from an original photograph at a negative scale no smaller than one inch equals 1,000 feet. The area covered by the vertical aerial photograph shall include: all land included in the petition; all contiguous land which is proposed to be used or has been used by the owner or leasehold applicant for any extraction, treatment or storage; and, all public roads which can provide first point of access. Each such area or feature shall be delineated on the aerial.

2. Survey

Five copies of a land survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such survey, drawn to a scale of one inch equals 200 feet. This survey shall include the boundary of the entire tract by courses and distances, boundary of the area where the extraction is proposed, and the means of vehicular access to the proposed operation. An estimate of the quantity of excavation shall also be provided.

3. Watershed Report

A report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed. Particular attention shall be focused on the impact on the water table and groundwater recharge. The report shall indicate if water bodies are to be created and the anticipated permanence of such.

4. Master Plan and Timetable

A master plan for the extraction of the natural resource deposits. The plan shall include a timetable for various stages of the operation and detailed restoration plan indicating how the parcel will be reused for a use permitted in the zoning district in which the operation is located. A timetable for extraction and restoration shall be included for each yearly permit requested; subsequent requests shall include an evaluation of work completed in the preceding year. The restoration plan shall specify the proposed use of the parcel, the proposed topography drawn at contour intervals of two feet, indication of water bodies and other major physical features, and the delineation of areas intended to be partitioned or subdivided, including a preliminary subdivision layout.

5. Access Routes

An explanation of the access routes which will be used, together with an estimate of the size, weight, and frequency of trips. The proposed routing shall be submitted to the Ingham County Department of Transportation and Roads (ICDTR) for review. The Township shall report any circulation or routing problems to the applicant and (ICDTR). After consultation with the (ICDTR), the Township may require use of alternate access routes or limited use of existing problem routes.

6. Information Required by Outside Agencies

All information required for submittal by State or Federal agencies having jurisdiction over the operation.

7. Site Plan

A site plan, drawn to scale and sealed by a registered professional engineer, and including all information required for Site Plan Review (Section 29.02) and Special Land Use Review (Section 29.03), in addition to the following information:

- a. Boundaries of the site and adjacent parcels.
- b. Locations and names of all streams, drains, roads, railroads, utility lines, and pipelines on or adjacent to the site.
- c. Location of all structures within one thousand (1,000) feet of the boundaries of the site, present owners and occupants of such structures, and current use of each structure.
- d. Location, extent, and depth of proposed extractive operations.
- e. Location of proposed mines, wastedumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroads, utilities and other permanent or temporary facilities to be used in the extractive operation.
- f. Estimated depth to groundwater.

8. Description of Proposed Extractive Operations

Plans and written documentation prepared by a registered professional engineer describing the proposed extractive operation, including the following:

- a. A description of the material(s) to be extracted.
- b. A description of the extraction and processing equipment to be used.
- c. A description of measures to be taken to control noise and vibrations from the operation.
- d. A statement of the hours of operation.
- e. A description of measures to be taken to buffer or screen the operation from view.
- f. Proposed primary travel routes to be used to transport the extracted material to processing plants or away from the property.
- g. A description of the plans for topsoil storage.
- h. A description of probable hydrologic consequences, including plans to dewater any portion of the mined area, the amount of groundwater affected and method of disposal, such as, pumping into County drains or other water bodies.
- i. A timetable for commencement, duration, and cessation of extractive operations.

9. Reclamation Plan*(revised 1/12/2010)*

All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous, lacking in any hazards and left in a condition that they can be reused for a use permitted in the district in which the site is located. All slopes and banks shall be graded to angles which do not exceed those found in the natural topography of surrounding areas, and they shall be treated to prevent erosion.

All applications for extraction operations shall attach a reclamation plan, which shall include all information required by any State or Federal agency having jurisdiction, as well as the following:

- a. Description and location of each phase, number of acres included in each phase, estimated starting and termination dates of each phase and the amount of time that will be required to complete the entire reclamation operation.
- b. Provisions for grading, drainage (especially agricultural field tiles) revegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
- c. Description of proposed future land uses.
- d. Description of plans for disposition of all structures, roads, drains or related facilities after cessation of the extractive operation.
- e. A plan for disposal or treatment of all harmful or toxic materials found in any formations penetrated by the extractive operation or produced during the processing of minerals on the site and of chemicals or materials used during the extractive, processing, or reclamation operations.
- f. All information required as part of a reclamation plan that is required by state or Federal law, such as the Surface Mining Control and Reclamation Act, Public Law 95-87.

10. Additional Information

Any additional information deemed necessary by the Planning Commission or Township Board to determine the nature of the operation and its effect on surrounding area to determine compliance with the requirements set forth herein.

11. Compliance with Sub-section C.

A detailed explanation of how the applicant intends to comply with the operating requirements contained in Sub - section C, following.

C. Operating Requirements

A sand and gravel extraction permit shall not be issued unless the applicant demonstrates that the operation will comply with all of the following requirements:

1. General Requirements

The removal of materials by excavation, stripping, mining or another method, and the on-site operations appurtenant to the extraction, including washing, grading, sorting, crushing and grinding operations, shall be carried on within the limits of an area approved for such activities. All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and stored within the limits of the area approved. No natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing, except in instances where the Township Board, following Planning Commission recommendation, finds that such activities will not conflict with the reasonable use and development of neighboring properties. Resource-related industries including, but not limited to, concrete batch plants and asphalt mixing plants, shall not be permitted as a part of the operation unless specifically approved and regulated as an accessory operation to the principal permitted use.

2. Setbacks

No topsoil, earth, gravel or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than 300 feet to the outer boundary of the area approved for extractive operation, or closer than 500 feet to any residentially zoned or used district. This setback may be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use. Extractive operations shall not encroach upon required setback areas.

3. Control of Off-Site Impacts

In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than 300 feet from any public street right-of-way line or adjacent property lines. This setback may be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use.

Driveways, parking lots, and loading and unloading areas shall be paved, oiled, watered, or chemically treated to limit the nuisance caused by wind blown 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.

Private access roads serving the operation shall be paved or treated to create dust-free surfaces for a distance of 300 feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.

4. Frontage and Access

Extractive operations shall be located on parcels having minimum frontage of 250 feet on an arterial or collector road.

The Township Board shall approve routes for truck movement in and out of the facility in order to minimize the wear on public streets, to prevent hazard and damage to properties and to avoid densely populated residential areas.

Entrance ways shall be no closer than 500 feet to the intersection of the right-of-way of any two public streets.

5. Fencing

The entire site shall be fenced with a six foot high fence with suitable gates. "KEEP OUT - DANGER" signs shall be posted at 200 foot intervals along the perimeter. The gate shall be locked at all times when the site is not in use or when an attendant is not present.

6. Slopes

Finished slopes shall be no steeper than three feet horizontal to one foot vertical (3:1). Where ponded water is created as a result of extraction, the 3:1 slope shall be extended into the water to a depth of five feet. The slope requirements shall be met as the work in any one section of the excavation proceeds. Stockpile slopes shall be no steeper than 45 degrees.

7. Fill Material

No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, topsoil and other clean earth materials which provide a suitable base for future building sites.

8. Liability

The owner or operator shall maintain liability insurance with the Township named as an insured party, and the Township shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive and reclamation operations. Proof of such insurance in the form of a certificate issued by an insurance company licensed to do business in Michigan shall be submitted to the Township. The policy shall remain in full force and effect during the term of the permit and renewal, including all reclamation operations.

9. Gravel Roads

Gravel roads which are within three hundred (300) feet of occupied residences shall not be used for ingress and egress to the excavation site. However, the owner or operator of the extractive operation may arrange at his expense to have such roads paved, subject to Ingham County Department of Transportation and Roads approval.

10. Removal of Structures and Equipment

All buildings, structures and equipment shall be removed within six (6) months after completion of the excavation, unless otherwise permitted by the Planning Commission.

11. Hours of Operation

Mining, processing and reclamation activities shall occur only on Monday through Saturday during the following times:

- a. Processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

- b. Mining or extracting operations shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
- c. Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

12. Top Soil Replacement

All top soil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three (3) inches of top soil when excavating operations are completed. No topsoil shall be removed from the extraction site or sold. The top soil replacement shall occur immediately following the termination of extraction operations. All replaced top soil shall immediately be planted with grass or other plant material acceptable to the Township so as to prevent erosion. Lands under water or in approved beach areas are excluded from top soil replacement and planting requirements.

13. Explosives

(revised 1/12/2010)

Explosives shall be used in accordance with applicable State and Federal regulations.

14. Soil Erosion and Sedimentation Control

All extractive operations shall comply with the soil erosion and sedimentation control requirements of Ingham County and the Michigan Department of Environmental Quality.

15. Lighting

Adequate security lighting shall be provided on the site. Lighting shall comply with the requirements of Section 2.12.

16. Pollution Control

The proposed extractive operation shall comply with applicable local, state, or Federal environmental and pollution control laws and standards, including air, water and natural resources protection standards of the Michigan Environmental Protection Act, Public Act 127 of 1970, as amended, and applicable standards in Article 9.00 of this Ordinance. Operations shall not cause pollution of surface or subsurface water bodies.

17. Buffer Zone

Where deemed necessary by the Planning Commission, a berm and/or greenbelt in accordance with Article 5.00 shall be provided to screen the extractive operation from residential uses located within one thousand (1,000) feet of the operation.

Section 2.14 Junkyards and Landfills

A. Junk Yards or Salvage Yards

The following regulations shall apply to Junk Yards and Salvage Yards:

1. Setbacks

(revised 1/12/2010)

A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least 250 feet from any road or highway right-of-way line, and at least 300 feet from any property line which abuts a residentially-zoned (R-1, R-1-S, RR, RE, AG-SF, RM-1, or MHP) district or property in residential use.

2. Screening

The entire junk yard or salvage yard site shall be screened with an eight foot obscuring masonry wall or solid wood fence constructed in accordance with the Article 6.00. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

3. Surfacing

All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Building Official so as to confine any wind-borne dust within the boundaries of the site.

4. Regulated Activities

Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

5. Permits

All required Township, County, and State permits shall be obtained prior to establishing a junkyard.

6. Stacking

Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

B. Landfills, Dumping and Sewage Disposal Facilities

1. General Requirements

a. *Design and Operation Standards*

Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality and other regulatory agencies.

b. *Environmental Impact Assessment*

An environmental impact assessment shall be prepared in accordance with Section 2.23 and submitted to the Township Board for review and approval.

2. Landfills and Dumping

a. *Intent*

These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.

b. *Scope of Application*

No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.

c. *Exceptions*

These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.

3. Permit Requirements for Landfills and Dumping

a. *Issuance*

A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.

b. *Review Procedures*

Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in Section 29.03. Permits for such uses shall be issued by the Township Board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.

c. *Performance Guarantee*

To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 2.18. The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to ensure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

d. *Application Requirements*

The following information shall be provided on an application for a landfill or dumping permit:

- (i). *Aerial Photography.* Vertical aerial photographs of the site, enlarged to a scale of one inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
- (ii). *Survey.* A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two-foot contour intervals.
- (iii). *Engineering Report.* An engineering report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
- (iv). *Master Plan.* A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
- (v). *Restoration Plan.* A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.
- (vi). *Operating Specifications.* A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 4, following.

4. Standards

All landfill and dumping activity shall be subject to the following standards:

a. *Limits of Approval*

All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.

b. *Setbacks*

Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 500 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.

c. *Noise, Dust, Debris*

All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

d. *Road Treatment*

All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.

e. *Frontage and Access*

The subject site shall have a minimum frontage of 250 feet on an arterial or collector road.

f. *Fencing*

Landfill and dumping operations shall comply with the following fencing requirements:

- (i). Where slopes steeper than 30 degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six foot high cyclone fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.
- (ii). Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.

g. *Slopes*

Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.

h. *Topsoil and Seeding*

Sufficient topsoil shall be stockpiled so that a minimum of two feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.

i. *Berms*

A ten foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.

5. Violations

To ensure compliance with these regulations, the Building Official shall conduct periodic inspections. In the event that a violation is found, the Building Official shall send a written notice to the permit holder. Failure to correct the violation within 30 days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

Section 2.15 Safety Provisions

A. Public Service Access

All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.

B. Fire Protection

All structures shall be provided with adequate fire protection, which may include adequate water supply for fire fighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Township Fire Chief or Building Official.

1. Fire Protection Systems

The Fire Chief or Building Inspector shall have the authority to require fire protection systems installed in any zoning district.

2. Site Development Standards

To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:

- a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate fire fighting protection for all buildings and uses, subject to applicable codes and review by the Township officials.
- b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
- c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
- d. The Building Permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.

C. Excavations and Holes

Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Meridian Township Police of their existence.

D. Building Demolition

Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.

Section 2.16 Exceptions

A. Essential Services

Essential services, as defined in Article 1.00, shall be permitted as authorized and regulated by franchise agreements and federal, state, and local laws and ordinances, it being the intention of this ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the Township when strict compliance with such regulations would not be practical or feasible.

Although essential services may be exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review and special land use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.

B. Exceptions to Height Standards

The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, farm buildings, water towers, and flag poles, provided that the following requirements are complied with:

1. Windmills

The maximum height of windmills used for pumping water to farm uses shall be 35 feet, provided that the windmill is set back from all property lines a distance equal to the height of the windmill. Windmills shall be located in the rear yard of a residential district, but may be located in the non-required front yard of an agricultural district if necessitated by the configuration of farm buildings and uses. Windmills for the generation of electricity shall be subject to the standards of Section 8.02, sub-section KK, Wind Energy Systems. *(revised 10/7/2008)*

2. Wireless Communications Facilities

The maximum height of a wireless communication facility tower shall be 120 feet, as specified in Section 8.02, subsection V.3. *(added 1/12/2010)*

3. Flagpoles

Flagpoles in residential and agricultural districts shall not exceed twenty-five (25) feet in height. Flagpoles in non-residential districts shall not exceed forty (40) feet in height. *(added 1/12/2010)*

4. Variances

Variances from height standards may be sought from the Zoning Board of Appeals. In considering such a request, the Zoning Board of Appeals shall consider the character of the surrounding uses, the height of surrounding structures, and potential detriment to the health, safety, or general welfare of surrounding properties. *(revised 10/7/2008)*

C. Voting Place

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 2.17 Sidewalks

(revised 1/12/2010)

The Planning Commission may require sidewalks as a condition of site plan approval where deemed necessary to facilitate safe pedestrian and non-motorized travel. Sidewalks shall be subject to the requirements in the Township’s Sidewalk Ordinance.

Section 2.18 Performance Guarantee

A. Intent and Scope of Requirements

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. *(revised 10/3/2006)*

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

B. General Requirements

(revised 1/12/2010)

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. Any such performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township if the bond is canceled. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Supervisor attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Supervisor presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.
2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official.

4. The entire performance guarantee shall be returned to the applicant following inspection by the Building Official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

C. Unsatisfactory Completion of Improvements

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

Section 2.19 Trash Removal and Collection

A. Standards for Siting and Screening of Trash Dumpsters

Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:

1. Location

Dumpsters shall be located in the rear yard, provided any such dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building. Dumpsters shall comply with the 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 should extend a minimum of three (3) feet in front of the dumpster enclosure.

3. Screening

(revised 1/12/2010)

Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, wood fencing, or earth mound, not less than six feet in height or at least one foot above the height of the enclosed dumpster, whichever is taller.

4. Wood Screening Standards

If wood fencing is selected as the desired dumpster screening alternative, the following standards shall apply:

a. *Materials*

Only solid No. 1 pressure-treated wood shall be permitted.

b. *Posts*

Posts shall be set in concrete 42 inches below grade level. Two types of posts shall be permitted:

- (i). 6-inch x 6-inch pressure-treated wood, or
- (ii). 3-inch diameter galvanized steel posts.

5. Bollards

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 all site plans and shall be subject to the approval of the Planning Commission.

Section 2.20 Floodplains

(this section revised 12/1/1998)

A. Purpose

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Williamstown Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.

Further, the objectives of this Section include:

1. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial, and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. To preserve the ability of floodplains to carry and discharge a base flood.

B. Delineation of Flood Hazard Area

1. The regulations in this Section apply to the Flood Hazard Area. The boundaries of the Flood Hazard Area, for the purposes of these regulations, shall coincide with the boundaries of the 100-year flood area delineated on the Flood Boundary and Floodway Map for Williamstown Township (dated 8/16/11). This map is adopted by reference, appended, and declared to be a part of this Ordinance. The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.
2. Where there are disputes as to the location of a Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Section 29.05.
3. In addition to other requirements of this Ordinance, compliance with the requirements of this Section shall be necessary for all development occurring within the Flood Hazard Area. If there is a conflict between the requirements of this Section and other requirements of this Ordinance or any other ordinance, the requirement that furthers the objectives of this Section to the greatest extent shall apply.

C. Permitted Uses in the Flood Hazard Area

Within the Flood Hazard Area, no land shall be used except for one or more of the following uses, which have a low flood damage potential and present no, or minimal obstruction to flood flows. Such uses are permitted to the extent that they are not prohibited by any other ordinance and provided they do not require new structures, fill, or storage of materials or equipment, unless specifically permitted by the regulations herein. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agriculture, pasture land, and animal grazing.
2. Site grading.
3. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries, and seeds.
4. Harvesting of trees.

5. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, par three golf courses, golf driving ranges, bridle paths, nature paths, and trails.
6. Wildlife preserves.
7. Fishing, trapping, and hunting in compliance with current laws and regulations.
8. Hunting and conservation clubs, and noncommercial archery, rifle, and shooting ranges.
9. Historic sites and structures.
10. Swimming beaches, fishing, and boating docks in accord with the provisions of Part 301 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
11. Required open space or lot area for permitted uses that are outside of the Flood Hazard Area.
12. Uses incidental to single family dwellings, including lawns, gardens, and play areas.
13. The following accessory buildings, structures and uses are permitted, subject to the requirements that generally apply to such accessory buildings, structures and uses in Section 2.03: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, provided each of the following requirements are met:
 - a. Any such accessory building, structure, or use shall not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
 - b. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.
 - c. Lot coverage of an accessory structure shall not exceed 500 square feet.
 - d. Compliance with these requirements shall be certified by a licensed engineer.
14. Extraction of sand, gravel, and other materials, provided that the owner and/or operator of the extractive operation demonstrates to the satisfaction of the Township Board that no threat of ground water or surface water contamination will result from any part of the operation (including, but not limited to mining, processing, sorting, operation of vehicles and equipment, fueling, or any other part of the operation).

D. Filling and Dumping

Dredging and fill and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including but not limited to regulations set forth in Parts 31, 301, 303 and 315 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

E. Standards for Flood Hazard Areas

1. Except as noted in sub-section C, all new construction shall be prohibited in the Flood Hazard Area. Substantial improvements to existing structures shall be prohibited in the Flood Hazard Area, except where the improvements would clearly lessen the impact of the structure on the floodplain.
2. No existing building or structure shall be converted, or substantially improved or replaced unless the lowest floor, including the basement, is elevated to or above the base flood level.
3. No existing building or structure shall be converted, or substantially improved or replaced, and no land shall be filled or building or structure used in a flood hazard area unless the proposed improvements are in full compliance with the Zoning Ordinance. Any proposed conversion, substantial improvement, or replacement of an existing structure shall also comply with Appendix Chapter 31, Division I, of the Uniform Building Code, involving Flood-Resistant Construction. Approval shall not be granted until permits have been submitted from the Department of Environmental Quality under authority of Parts 31 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended; the Ingham County Drain Commission, and Ingham County Department of Health.

4. Relocation of a building or structure may be permitted only where the relocation would clearly lessen the impact of the structure on the floodplain.
5. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
6. Land shall not be divided in a manner that creates parcels or lots which cannot be used in conformance with the requirements of this Section.
7. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
8. Available flood hazard data from federal, state, or other sources shall be used to determine compliance with this Section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.
9. Developers of substantially improved or relocated structures within the Flood Hazard Area shall submit written documentation to the Building Official indicating:
 - a. The elevation of the lowest floor in the structure, including basement.
 - b. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.
10. Proposed specifications and as-built drawings shall be kept on record and made available for public inspection and for use in determining flood insurance risk premium rates.
11. When floodproofing measures are employed, a licensed engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation. Such certification shall indicate the elevation to which the structure is floodproofed.
12. Improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.
13. If new and replaced utility and sanitary facilities must be located below the 100-year flood elevation, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the effects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to approval of the Township Engineer.
14. On-site waste disposal systems, such as septic tanks and leach fields, and service facilities, such as electrical and heating equipment, shall not be located in a floodplain.
15. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months onto land within the Flood Hazard Area shall not be permitted.
16. Fill shall be protected from erosion by rip-rap, vegetative cover, bulkheading, or other appropriate technique approved by the Ingham County Drain Commissioner.
17. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to adjacent affected communities, the Michigan Department of Environmental Quality, and the Federal Emergency Management Agency. Such modifications shall not impair the flow and impoundment capacity of the floodplain.
18. In no case shall any permanent structure be erected closer than fifty (50) feet to the banks of the Red Cedar River or to the center of any open county drain. The banks of the Red Cedar River shall be determined by legal survey. The center of public drains shall be determined from legal descriptions which are on public record.
19. New subdivisions and other developments shall be designed and located to minimize flood damage within the Flood Hazard Area, and to prevent adverse impact in the Flood Hazard Area as a result of chemical contamination (for example, from fertilizer, herbicide, and pesticide usage; tree cutting; expanding impervious surface area, etc.). Public utilities in subdivisions, including sewer, gas, electrical, and water systems, shall be located and designed to minimize potential flood damage.

20. Where relocation of an existing structure is permitted, the structure shall be placed on the site so as to minimize obstruction to the flow of floodwaters; accordingly, whenever possible, the structure shall be placed with its longitudinal axis parallel to the direction of flood flow.
21. No approval shall be granted for the substantial improvement or relocation of existing structures, or development of any kind within the floodway hazard area when such improvement, relocation, or development would cause any increase in flood level associated with a 100-year flood.

F. Disclaimer of Liability

Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. Any such approval shall not be considered a guarantee or warranty that areas outside the flood hazard area will be free from flood damage.

Section 2.21 Soil Erosion and Sedimentation Control

A. Scope of Requirements

Any development in Williamstown Township shall comply with the Standards and Specifications for Soil Erosion and Sediment Control as adopted by the Ingham County Soil Conservation District, as well as the standards set forth in this Section. All site plans, shall include sufficient information to demonstrate compliance with the soil erosion and sediment control standards of the Ingham County Soil Conservation District. The applicant shall bear the full responsibility for the installation and construction of all such required erosion control measures.

B. Information Requirements

The following information shall be submitted to the Township on or with the site plan for the entire tract of land, whether or not the tract will be developed in stages:

1. A boundary line survey of the site on which the work is to be performed.
2. General topographic and soil conditions of the site.
3. Location and description of existing and proposed development.
4. Plans and specifications for proposed soil erosion and sedimentation control measures to be implemented, based on standards and specifications of the Ingham County Soil Conservation District.
5. A schedule indicating the anticipated starting and completion dates of development.

C. Design Standards

In addition to the Standards and Specifications for Soil Erosion and Sedimentation Control promulgated by the Ingham County Soil Conservation District, the following design standards shall be used to provide effective control of soil erosion and sedimentation:

1. The development plan shall complement the topography and soils on the site so as to minimize erosion potential.
2. 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, if feasible.
3. Where feasible, natural vegetation shall be retained where it aids in soil erosion and sedimentation control.
4. The smallest practical area of land shall be exposed at any one time during development, for the shortest practical period of time.
5. Soils exposed during construction shall be protected with temporary vegetation, mulching, or other protection.
6. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

7. Provisions shall be made to accommodate the increasing run-off caused by changed soil and surface conditions during and after development.
8. Permanent vegetation and soil erosion control devices shall be installed as soon as practical during development.

D. Maintenance of Soil Erosion and Sedimentation Control

Individuals or developers carrying out soil erosion and sediment control measures under this Ordinance, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition.

Section 2.22 Reception Antenna Facilities

In all zoning districts the installation of reception antenna facilities shall be permitted as an accessory use, subject to the provisions in this section.

A. Purpose

The purposes of this section are as follows:

1. To provide reasonable regulations for the placement of reception antenna facilities.
2. To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities that may become dislodged and fall due to wind load, snow load or other forces.
3. To require screening of ground-mounted facilities and to minimize the visibility of roof or structure mounted facilities in the interest of maintaining the high architectural and aesthetic qualities of the Township and in the interest of maintaining and preserving property values.

B. Ground-Mounted or Tower-Mounted Antennas

Ground-mounted or tower-mounted antennas shall be subject to the following conditions:

1. The maximum height of any part of a ground-mounted or tower-mounted antenna shall be the minimum height necessary to achieve adequate reception. *(revised 1/12/2010)*
2. Ground-mounted or tower-mounted antennas shall comply with the setback requirements for the district in which they are located, and shall not be located in front yards. However, an antenna may be located in the front yard if suitable reception cannot be achieved in any other location on the site, and provided that the antennas in the front yard are screened as noted in the following sub-section 3.
3. Ground-mounted or tower-mounted antennas shall be obscured from view from adjacent properties and from any public road by a screen wall, fence, evergreen plantings, or a combination thereof in compliance with Township ordinances, provided that screening shall not be required that would unreasonably prevent reception.

C. Roof-Mounted Antennas

Antennas mounted on a roof of a building shall be subject to the following regulations:

1. The maximum length and width of the antenna facility itself shall be eight feet. Antennas mounted on a building shall not exceed the minimum height necessary to achieve adequate reception, but in no case shall a building-mounted antenna be permitted to extend more than 20 feet above the roof line of the building to which it is attached. *(revised 1/12/2010)*
2. Roof-mounted antennas shall be permitted on the side of building facing a road only if there is no other option available to achieve adequate reception.
3. Roof or structure-mounted antennas shall comply with the setback requirements for the district in which they are located.

D. General Requirements

All antennas shall comply with the following regulations:

1. Antennas shall not be solid sheet or panel construction and shall not be used as a sign or message board. Antennas shall be painted a flat grey or other color to minimize visibility.
2. Permits required by the adopted building or electrical code shall be obtained prior to construction of an antenna. The applicant shall submit a site plan indicating the exact location where the antenna will be located, plus electrical and structural plans and documentation.
3. All wiring to the antenna shall be installed underground.
4. In the event that approval is requested for an antenna that is higher than the minimum standards specified in this section, or if other variations from the required standards are proposed, documentation shall be provided demonstrating the need for such variations in order to achieve adequate reception.
5. Notwithstanding the setback requirements specified previously in this section, antennas with a wind resistance surface of seven square feet or more and all open element and monopole antennas shall be set back from all property lines a minimum distance equal to thirty percent (30%) of the height of the antenna.

Section 2.23 *Impact Assessment*

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 site development and performance standards set forth in this Ordinance. Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel to complete the Impact Assessment, which shall address the following issues, at minimum:

1. Water, noise, and air pollution associated with 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. Impact of the proposed use on surface and groundwater.
9. Operating characteristics and standards of the proposed use.
10. Proposed screening and other visual controls.
11. Impact of the proposed use on traffic.
12. Impact of the proposed use on flora and fauna.
13. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

B. Information Required

Where required, an Impact Assessment shall contain all applicable information that is required for Conceptual Review of Planned Development, as set forth in Section 29.04.

C. Evaluation of the Impact Assessment

The Planning Commission and Township Board shall consider the criteria listed below in their evaluation of an Impact Assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the application. The Township Board and Planning Commission shall determine that the proposed use:

1. Will be harmonious with and in accordance with the general objectives of the Master Plan.
2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

D. Applicability of Other Standards and Ordinances

Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.

Section 2.24 Wetland Buffer Regulations

(this section added 2/10/2009)

A. Legislative Authority and Scope of Regulations

The authority for requiring permits and regulating activities within upland adjacent to wetlands (wetland buffers) is derived from Article 4, Section 52 of the Michigan Constitution and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

It is unlawful to conduct or maintain any regulated activity or use within a regulated wetland buffer of a regulated wetland without full compliance with the requirements of this Ordinance.

B. Activities Requiring a Wetland Buffer Area Use Permit

It shall be unlawful for any person to conduct any of the following activities in a wetland buffer area of a regulated wetland without first obtaining a Wetland Buffer Area Use Permit in accordance with the requirements of this Ordinance:

1. Filling, Grading and Dredging
 - a. Depositing or permitting fill material to be deposited where the total amount of fill exceeds five (5) cubic yards.
 - b. Grading that results in displacement of more than five (5) cubic yards of soil material.
 - c. Dredging, removing or permitting the removal of more than five (5) cubic yards of soil material.
 - d. The location, depth, and method of any such filling, grading and dredging shall be subject to Township approval and monitoring to assure minimal impact on the buffer and associated wetland.
2. Draining, or causing to be drained through artificial means any water into or from a wetland.
3. Diverting, constructing or impeding the flow of surface runoff water.
4. Locating or constructing a septic system within a wetland buffer.

5. Construction of a building or other structure that diminishes the ability of the buffer area to function.
6. Use of fertilizers, herbicides and/or other chemicals or contaminants that impede or accelerate the growth and/or functioning of native vegetation within the wetland buffer area.
7. Burning, other than for commercial agricultural purposes or ecological restoration purposes, and subject to the Township's Burn Ordinance.

C. Permissible Activities

The following uses shall be allowed in a wetland buffer without a permit, subject to other applicable state laws and regulations:

1. Filling, Grading and Dredging
 - a. Depositing or permitting fill material to be deposited at a rate exceeding one (1) cubic yard of fill material per ten (10) linear feet along the shared boundary of the wetland and buffer zone, but not to exceed five (5) cubic yards of fill total.
 - b. Grading that results in displacement of more than one (1) cubic yard of soil material per ten (10) linear feet along the shared boundary of the wetland and buffer zone, but not to exceed five (5) cubic yards of displacement total.
 - c. Dredging, removing or permitting the removal of more than one (1) cubic yard of soil material per ten (10) linear feet along the shared boundary of the wetland and buffer zone, but not to exceed five (5) cubic yards of soil removal.
2. Fishing, trapping or hunting.
3. Hiking.
4. Grazing of animals.
5. Farming, horticulture, silviculture, lumbering and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetlands altered as permitted in this sub-section shall not be used for a purpose other than a purpose described in this subsection without a permit from the Township
6. Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to Part 303 of the Natural Resources and Environmental Protection Act.
7. Construction or maintenance of farm or stock ponds.
8. Maintenance, operation, or improvement which includes straightening, widening or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - a. An existing private agricultural drain.
 - b. That portion of a drain legally established pursuant to the drain code of 1956, Act No. 40 of the Public Acts of 1956, as amended, being section 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.
 - c. A drain constructed pursuant to other provisions of Part 303 of the Natural Resources and Environmental Protection Act (Act 451, Public Acts of 1994, as amended) or former Act No. 203 of the Public Acts of 1979.
9. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained solely for agricultural or silvicultural purposes, and are constructed and maintained in a manner to assure that adverse effect on the wetland will be otherwise minimized.
10. Drainage necessary for the production and harvesting of agricultural products if the wetland is owned or leased by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of

agricultural products. Except as otherwise provided in Part 303 of the Natural Resources and Environmental Protection Act, wetlands modified under this subsection after October 1, 1980, shall not be used for nonfarming purposes without a permit from the MDEQ. This subdivision shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the MDEQ has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.

11. Maintenance or improvement of existing public streets, highways or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes, increasing the right-of-way, or deviating from the existing location of the street, highway, or road.
12. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six (6) inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
13. Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
14. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980, or constructed pursuant to Part 303 of the Natural Resources and Environmental Protection Act.
15. Any structure lawfully existing prior to the adoption date of this Ordinance that is damaged by fire, explosion, an act of God, or other cause beyond the control of the owner may be restored, rebuilt, or repaired, but only to its former condition. Reconstruction must commence within two (2) years from the date the structure was damaged, and all necessary Township, State, and Federal permits must be obtained.
16. The cutting of vegetation within the right-of-way of a public street, highway, or road for the purpose of vehicular safety.
17. The cutting of vegetation in a wetland buffer so as to maintain an established lawn or trail that was created and maintained on a regular basis prior to adoption of this Ordinance
18. Impacts to vegetation occurring for the sole purpose of ecological restoration of native plant communities.
19. Removal and replacement of existing septic systems.

D. Criteria for Evaluating Permit Applications and Wetland Buffer Areas

The criteria to evaluate Wetland Buffer Area Permit applications to permit a use listed in sub-section C are as follows:

1. A permit for an activity listed in sub-section C shall not be approved unless the Township finds that issuance of the permit would be in the public interest, would be otherwise lawful in all respects, and is necessary to allow reasonable use of the property.
2. In determining whether an activity is in the public interest, the benefit which reasonably may be expected to accrue from the activity shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the national, state, and local concern for the protection of natural resources from pollution, impairment, and destruction, giving consideration to the following:
 - a. The relative extent of public and private need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of beneficial or detrimental effects that the proposed activity may have on the public and private uses for which the area is suited, giving consideration to the benefits the wetland buffer provides.
 - d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

- e. The probable impact on recognized historic, cultural, scenic, wildlife, ecological, or recreational values, and on public health or safety.
 - f. Economic value, both public and private, of the proposed activity.
 - g. Findings of necessity for the proposed activity by other local, county, or state agencies.
 - h. Proximity to any waterway.
 - i. Extent to which upland soil erosion adjacent to the protected wetland is controlled.
3. In considering a permit application, the Township shall give serious consideration to the findings of necessity for the proposed activity which have been made by state agencies.
 4. A Wetland Buffer Use Permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources, giving consideration to the above criteria. A permit shall not be issued unless the applicant also demonstrates that:
 - a. The proposed activity is primarily dependent upon being located in the wetland buffer.
 - b. A feasible and prudent alternative does not exist.
 5. Failure to submit a complete application is sufficient reason for denial of a Wetland Buffer Area Use Permit.

E. Wetland Buffer Area Use Permit Application Requirements

The application for a Wetland Buffer Area Use Permit shall include the following:

1. A completed application on the form supplied by the Township.
2. A wetland delineation as described in the Williamstown Township Wetland Protection Ordinance.
3. A plan indicating the location and limits of proposed activities, including those within the Wetland Buffer Area.
4. Soil drainage and stormwater management plans.
5. A written statement of the qualifications of the applicant's wetland expert.

F. Wetland Buffer Area Use Permit Review Procedures

1. Approval Authority

a. Activities Requiring Planning Commission Review.

The Township Board, following a recommendation by the Planning Commission, shall be the approval authority for any Wetland Buffer Area Use Permit required in conjunction with any development activity requiring site plan, special land use, or plat approval.

b. Activities Not Requiring Planning Commission Review.

The Township Supervisor or his/her designee shall be the approval authority for any activity requiring a Wetland Buffer Use Permit not proposed in conjunction with an activity requiring site plan, special land use, or plat approval. The Township Supervisor or his/her designee shall render a decision on the proposed Wetland Buffer Use Permit within 45 days of receipt of a completed application.

However, if the Township Supervisor or his/her designee determines that the proposed activity within the wetland buffer area is of sufficient intensity that the wetland may be negatively impacted, full review and approval of the proposed Wetland Buffer Use Permit by the Planning Commission and Township Board shall be required. If the application is forwarded to the Planning Commission and Township Board, a decision on the proposed Wetland Buffer Area Use Permit shall be rendered within 90 days of receipt of a completed application.

2. Administrative Review Procedures

Upon receipt of a Wetland Buffer Area Use Permit Application, the Township Supervisor or his/her designee shall insure that all required information has been submitted. If an application is not complete, the applicant may be granted additional time to complete the application provided that the applicant agrees that the additional time shall not be charged against the Township's 45-day decision period. The receipt of the application shall constitute permission from the owner to conduct an on-site investigation.

Upon receipt of an application the Township Supervisor or his/her designee shall:

- a. Transmit one copy of the application to the Township's Wetlands Consultant, who shall evaluate the proposed action and mitigation measures based upon the criteria listed in sub-section D and submit a written recommendation to the Township Supervisor or his/her designee.
- b. Post the subject property with a sign no less than six (6) square feet in size which shall indicate that an application for a Wetland Buffer Area Use Permit Application has been submitted. The sign shall indicate the date until which public comment may be submitted to the Township.
- c. Render a decision within 45 days of receipt of a completed application on the proposed activity based upon public comment and the Wetland Consultant's review and recommendation. The Township Supervisor or his/her designee may attach reasonable conditions to the Wetland Buffer Area Use Permit considered necessary to insure that the intent of this Section will be fulfilled, to minimize or mitigate damage or impairment to, encroachment in, or interference with natural resources and processes within or adjacent to a regulated wetland, or to otherwise improve or maintain water quality.

3. Request for Reconsideration

- a. Any person who is aggrieved by a decision regarding a Wetland Buffer Permit may request that the Township Board reconsider the action by filing a written request, which shall specify the reasons that reconsideration is requested, and which shall include any additional information that the Township official may not have had when they first acted on the Permit. The request for reconsideration shall be submitted to the Township Clerk within ten (10) calendar days following the date of the initial decision. The timely filing of a request for reconsideration shall have the effect of staying the permit pending the outcome of the request.
- b. The Township Board shall hold a hearing on the request for reconsideration which shall be open to public comment and shall include an opportunity for the appealing party to present evidence.
- c. Notice of the time and place for consideration of a request for reconsideration shall be sent by mail or personal delivery to the owners of the property considered in the request. The notice may also be placed in a newspaper of general circulation in the Township not less than five (5) days nor more than fifteen (15) days prior to the date of the meeting at which the request will be addressed.
- d. The Township Board shall affirm, affirm with conditions, or reverse, their initial decision.

ARTICLE 3.00

Nonconformities

Section 3.01 Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this Article:

Summary of Nonconformity Regulations	
<u>Issue</u>	<u>Requirements</u>
Period of non-use before nonconformity must cease	<i>Nonconforming use of open land: 180 days</i> <i>Nonconforming use of structure or building: 12 months</i>
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions (see 3.03.J)
Substitution of one nonconformity for another	Permitted under certain conditions (see 3.03.K and 3.05)
Nonconforming contiguous lots under same ownership	Must be combined if vacant
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconforming use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Maintenance; structural repairs	Generally permitted (see 3.05.C)
Renovation; modernization	Maximum value: 50% of assessed value
Rebuilding after catastrophe	Permitted if damage is less than 50% of pre-catastrophe fair market value (except as permitted in 3.03.J)

Section 3.02 Definitions

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

A. Effective Date

Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.

B. Nonconforming Building or Nonconforming Structure

A building, structure, or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building or structure is located.

C. Nonconforming Lot

A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.

D. Nonconforming Sign

A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in the Ordinance.

E. Nonconforming Use

A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

F. Structural Nonconformity

A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a *Dimensional Nonconformity*.

Section 3.03 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

A. Continuation of Nonconforming Uses and Structures

Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in this Article) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in this Article) the building and land involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

B. Buildings Under Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a

permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

C. Discontinuation of Nonconforming Uses

1. Nonconforming Uses of a Structure

When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.

2. Nonconforming Uses of Open Land

If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

3. Seasonal Uses

In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

D. Purchase or Condemnation

(revised 10/3/06)

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Williamstown Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

E. Recording of Nonconforming Uses and Structures

The Building Official shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Building Official with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

F. Establishment of a Conforming Use or Structure

In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

G. Change of Tenancy or Ownership

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. Exceptions and Variances

Any use for which a special exception or variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

I. Unlawful Nonconformities

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

J. Nonconforming Single-Family Uses

Notwithstanding the limitations outlined in this article, any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

K. Substitution

A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

L. Change of Location

Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 3.04 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. Use of Nonconforming Lots

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto, unless such use has been restricted by a prior affidavit recorded with the Ingham County Register of Deeds or as evidenced in the records of the Township. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. Variance from Area and Bulk Requirements

If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Nonconforming Contiguous Lots Under the Same Ownership

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

D. Combination of Nonconforming Lots

The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

Section 3.05 Modification to Nonconforming Uses or Structures

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

A. Applicability

The following regulations shall apply to any nonconforming use or structure, including:

1. Nonconforming uses of open land.
2. Nonconforming use of buildings designed for a conforming use.
3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
5. Nonconforming structures, such as fences and signs.

B. Enlargement, Extension, or Alteration

1. Increase in Nonconformity Prohibited

Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
- b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2. Permitted Extension

Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.

3. Alterations that Decrease Nonconformity

Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.

4. Variance to Area and Bulk Requirements

If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Repairs, Improvements, and Modernization

1. Required Repairs

Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use

becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

2. Additional Permitted Improvements

Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

D. Damage by Fire or Other Catastrophe

Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of fifty percent (50%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance. Single-family residences may be restored according to the provisions of Section 3.03, sub-section J.

In the event that the damage is less than fifty percent (50%) of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Board of Appeals and in full compliance with applicable provisions of this Ordinance.

ARTICLE 4.00

Off-Street Parking and Loading Requirements

Section 4.01 Off-Street Parking Requirements

A. Scope of Off-Street Parking Requirements

Compliance with the off-street parking regulations shall be required as follows:

1. General Applicability

For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Article prior to issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

2. Change in Use or Intensity

Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

3. Existing Parking Facilities

Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance.

An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

4. Additional Off-Street Parking; Maximum Parking

Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family detached residential uses, any person proposing the provision of greater than 125% of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.

5. Review Procedures

Compliance with the requirements in this Article shall be subject to site plan review and approval as specified in Section 29.02.

B. General Requirements

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed

1. Location

a. *Proximity to Building or Use Being Served.*

Off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or within three hundred (300) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking).

b. *Within Yards.*

Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Article 5.00 are complied with, and provided further that off-street parking shall not be permitted within twenty (20) feet of a single-family residential or agricultural district boundary.

2. Residential Parking

Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas.

Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 4.01, sub-section E.

3. Control of Off-Site Parking

It shall be unlawful to park or store any motor vehicle on another’s private property without the written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.

4. Access to Parking

Each off-street parking space shall open directly onto a clearly-defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road is prohibited. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.

5. Collective Use of Off-Street Parking

Off-street parking for separate buildings or uses may be provided collectively subject to the following:

- a. The total number of spaces provided collectively shall not be less than the sum of spaces calculated according to the procedure below.
 - (i). Multiply the minimum parking required for each use, as set forth in Section 4.01 (C)(6), by the appropriate percentage indicated in the Shared Parking Factors table for each of the six designated time periods.
 - (ii). Add together the resulting figures for each of the six columns. The minimum collective parking requirement shall be the highest sum among the six columns.
 - (iii). If a particular land use proposing to make use of collective parking facilities (e.g., religious institution, municipal use) does not conform to the general classifications in the Shared Parking Factors table (as determined by the Township Planner), the applicant shall submit sufficient data to indicate the principal operating hours of the proposed use. Based upon this documentation, the Township Planner shall determine the appropriate collective parking requirement (if any) for the proposed use.

Shared Parking Factors						
Land Use	Weekdays			Weekends		
	1 AM – 7 AM	7 AM – 7 PM	7 PM - 1 AM	1 AM – 7 AM	7 AM – 7 PM	7 PM - 1 AM
Residential	95%	25%	95%	95%	75%	95%
Commercial/Retail	0%	95%	75%	0%	90%	75%
Office/Service	5%	95%	5%	0%	10%	0%

- b. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
- c. The collective off-street parking shall not be located farther than three hundred (300) feet from the building or use being served.
- d. Written easements which provide for continued use and maintenance of the parking shall be submitted to the Township for approval before filing with the Ingham County Register of Deeds.

Example of Collective Parking Calculation (see Section 4.01, sub-section B.5)

Proposed Uses: (on shared site)	30 townhouse residential units, requiring 15,000 square feet of retail space, requiring 5,000 square feet of office space, requiring	60 parking spaces 48 parking spaces 20 parking spaces
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	Weekdays 1 AM – 7 AM	Weekdays 7 AM – 7 PM	Weekdays 7 PM – 1 AM	Weekends 1 AM – 7 AM	Weekends 7 AM – 7 PM	Weekends 7 PM – 1 AM
Residential	95% of 60 = 57	25% = 15	95% = 57	95% = 57	75% = 45	95% = 57
Retail	0% of 48 = 0	95% = 46	75% = 36	0% = 0	90% = 43	75% = 36
Office	5% of 20 = 1	95% = 19	5% = 1	0% = 0	10% = 2	0% = 0
Total	58 spaces	80 spaces	94 spaces	57 spaces	90 spaces	93 spaces

The shared parking factors table predicts the parking demand to be highest during weekday evenings, with a total demand of 94 spaces across the three uses. A total of 94 parking spaces would be required in a shared lot, provided all of the other requirements for collective off-street parking are met.

If the parking were not to be provided collectively, the three proposed uses would have to construct a total of 128 parking spaces.

6. Cross Access

Common, shared parking facilities are encouraged in the Township. Wherever feasible, cross-access connections between adjacent parking lots (or a reserved connection when no adjacent parking lot exists but can reasonably be expected to be constructed at a future date) are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easements shall be without limitation and shall be recorded with the County Register of Deeds.

7. Storage and Repair Prohibited

The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service required to start vehicles shall be permitted.

8. Duration

Except when land is used as permitted storage space in direct connection with a legitimate business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.

9. Parking Structures

Parking structures shall be permitted subject to the following standards:

- a. Any parking structure shall comply with the required building setbacks for the district in which it is located.
- b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
- c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.
- d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.

C. Off-Street Parking Standards

The following standards shall be used in determining the required number and characteristics of off-street parking spaces:

1. Units of Measurement

a. *Floor Area*

For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in Article 1.00. If the usable floor area of a building is not known at the time of review, 80 percent of the gross floor area shall be used as the basis for parking calculations.

b. *Fractional Spaces*

When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space.

c. *Employee Parking*

Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time during the largest typical daily work shift. However, the number of required parking spaces may be reduced if an employer provides documentation of participation in an organized rideshare program.

d. *Places of Assembly*

For religious institutions, sports arenas, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty-four (24") inches of such seating shall be counted as one seat.

e. *Persons*

Any parking standard calculated on the basis of 'persons', 'students', 'employees', or a similar group shall be based upon the maximum permitted occupancy of the structure or facility.

2. Use of Loading Space

Required loading space shall not be counted or used for required parking.

3. Parking During Construction

Temporary off-street parking shall be provided for workers during construction a rate of one (1) space per employee. Gravel surfacing may be permitted for such temporary parking.

4. Banked Parking

If the minimum number of required parking spaces exceeds the amount necessary to serve a proposed use, the Planning Commission may approve the construction of a lesser number of parking spaces, subject to the following:

a. The banked parking shall be shown on the site plan and set aside as landscaped open space.

b. Banked parking shall be located in areas suitable for future parking and that meet Ordinance requirements.

c. The Township may require construction of the banked parking area upon finding that vehicles are regularly parked on unpaved surfaces, on the road, or off-site.

5. Bicycle Parking

Parking facilities for short- and long-term bicycle parking shall be provided to meet the needs of the business or residential use. Bicycle parking facilities shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be located in highly-visible and accessible areas.

a. Bicycle parking facilities shall be located at least 3 feet from adjacent walls, poles, landscaping, street furniture, drive aisles, and primary pedestrian routes and at least 6 feet from vehicle parking spaces.

6. Barrier-Free Parking Requirements

Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, the adopted Township Building Code, and the Federal Americans with Disabilities Act.

a. Dimensions of Barrier-Free Parking Spaces

Each barrier-free parking space shall have no more than a nominal three percent (3%) grade and shall be not less than eight (8) feet in width and be adjacent to an access aisle not less than five (5) feet in width. Required van-accessible barrier-free spaces must be eight (8) feet in width and be adjacent to an access aisle not less than eight (8) feet in width.

b. Minimum Required Number of Barrier-Free Parking Spaces

The number of barrier-free spaces required is as follows:

Total Number of Parking Spaces Provided in Lot	Minimum Number of Barrier-Free Spaces Required	Number of Van-Accessible Barrier-Free Spaces Required
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total parking provided	1/8 of total barrier-free spaces
1001 and over	20, <i>plus</i> 1 for each 100 over 1000	1/8 of total barrier-free spaces

D. Schedule of Required Parking

1. Parking Spaces Required

The amount of required off-street parking (including stacking spaces for certain uses) shall be determined in accordance with the schedules which follow. Applicants are encouraged to minimize the amount of parking provided in order to minimize excessive areas of pavement, which negatively impact aesthetic standards and contribute to high volumes of storm water runoff. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

2. Uses Not Cited

For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission and/or Township Planner.

Section 4.01(D)(3) – Schedule of Off-Street Parking: Residential Uses	
Land Use	Minimum Parking Required
Single-Family Detached Two-Family / Duplex	2 spaces per dwelling unit
Single-Family Attached Multiple Family Senior Apartments	2.5 spaces per dwelling unit
Senior Congregate Housing Adult Foster Care Facility	0.5 spaces per bedroom, plus 1 space per employee
Mobile Home Park	<i>Parking shall be provided in accordance with State regulations</i>

Section 4.01(D)(4) – Schedule of Off-Street Parking: Institutional Uses	
<i>Parking requirements based on persons or students shall be based upon maximum facility occupancy.</i>	
Land Use	Minimum Parking Required
Default standard if not specified	0.33 spaces per person
Child care center ‡	1 space per 350 sq. ft. UFA ^a
Fraternity, sorority, dormitory	0.5 spaces per person
Hospital	3 spaces per bed
Nursing Home Home for the Aged	0.33 spaces per bed
Municipal Building or Facility ‡ (post office, museum, library, etc.)	1 space per 300 sq. ft. UFA ^a
Place of Assembly ‡ (theater, religious institution, etc.)	0.33 spaces per seat
School, elementary or junior high ^b	1.5 spaces per classroom and administrative office
School, senior high ^b	1 space per classroom and administrative office, plus 0.25 spaces per student
^a UFA = usable non-residential floor area, as defined in Article 1.00. ^b All schools shall additionally provide one (1) space for every three (3) seats in each public assembly space (e.g., gymnasium, theater, auditorium, stadium). [‡] In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.	

Section 4.01(D)(5) – Schedule of Off-Street Parking: Commercial Uses

Parking requirements based on persons shall be based upon maximum facility occupancy.

Land Use	Minimum Parking Required
Automobile Service and Repair [‡]	2 spaces per service bay
Automobile Sales [‡]	1 space per 200 sq. ft. UFA ^a (exclusive of spaces for dealer stock)
Gas Station / Filling Station [‡]	1.5 spaces per fueling location
Car Wash [‡]	Stacking spaces only; see Section 4.01(D)(8)
<i>The above uses shall additionally provide one space per 200 sq. ft. UFA^a of any associated retail sales area.</i>	
General Retail Sales	1 space per 250 sq. ft. UFA ^a
Banks & Financial Institutions	1 space per 200 sq. ft. UFA ^a
Beauty and/or Barber Shops [‡] Nail Salons [‡]	1.5 spaces per chair
Convenience Stores	1 space per 200 sq. ft. UFA ^a
Exhibition & Assembly Halls [‡]	0.5 spaces per person
Home Improvement Stores [‡] Lumber Yards [‡] Machinery/Equipment Sales [‡] Construction Showroom [‡]	1 space per 500 sq. ft. UFA ^a
Hotel, Motel, or Other Lodging [‡]	1 space per room/suite ^c
Laundromats	0.5 spaces per machine
Mortuaries Funeral Homes	1 space per 50 sq. ft. UFA ^a in parlor area
Mini-warehouse; Self-storage units	0.1 spaces per storage unit, plus 5 spaces at site office
Open Air Business ^b	1 space per 200 sq. ft. sales area
Restaurants [‡]	1 space per 50 sq. ft. UFA ^a or 0.5 spaces per seat, <i>whichever is greater</i>
Uses not otherwise specified and not deemed similar to above uses [‡]	1 space per 250 sq. ft. UFA ^a

^a UFA = usable non-residential floor area, as defined in Article 1.00.

^b Any indoor retail sales area associated with an open-air business shall additionally provide parking at the rate of 1 space for every 250 square feet of usable non-residential floor area.

^c Any use(s) accessory to a hotel, motel, or other lodging (e.g., restaurant/bar, assembly room) shall provide additional parking according to the type of accessory use, as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually. Swimming pools reserved for the exclusive use of overnight guests shall not require additional parking.

[‡] In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

Section 4.01(D)(6) – Schedule of Off-Street Parking: Office & Industrial Uses

Land Use	Minimum Parking Required
Business & Professional Offices, except as otherwise specified	1 space per 200 sq. ft. UFA ^a
Medical, Dental, Veterinary Offices	1 space per 125 sq. ft. UFA ^a
Real Estate Offices	1 space per 125 sq. ft. UFA ^a
Contractor or Construction Uses ^b	1 space per employee
General Industrial or Manufacturing Uses ^c	1 space per 750 sq. ft. gross floor area
Wholesale Sales ^c Warehousing Establishments ^c	1 space per 1,500 sq. ft. gross floor area

- ^a UFA = usable non-residential floor area, as defined in Article 1.00.
- ^b Equipment storage shall be provided separately from any required parking area.
- ^c Any accessory retail or office use shall provide additional parking at the rates specified in this Section for general retail or office uses.

Section 4.01(D)(7) – Schedule of Off-Street Parking: Recreation Uses[§]

Parking requirements based on persons shall be based upon maximum facility occupancy.

Land Use	Minimum Parking Required
Archery Facilities	1.5 spaces per target
BMX Course	50 spaces per course
Bowling	4 spaces per lane
Field Sports (e.g., baseball, football)	25 spaces per field
Tennis Clubs Other Court-based Recreation	4 spaces per court
Arcade [‡]	0.5 spaces per machine
Clubs and Lodges [‡]	0.5 spaces per person
Indoor Recreation [‡] (fitness centers, pool or billiard halls, skating rinks, etc.)	0.5 spaces per person
Golf Course (standard or miniature) [‡]	4 spaces per hole
Golf Driving Range [‡]	1 space per tee
Swimming Pools or Swim Clubs [‡]	0.25 spaces per person
Stadium or Sports Arena [‡]	0.33 spaces per seat

[§] Any use(s) accessory to a recreation use (e.g., pro shop, game room, restaurant/bar) shall provide additional parking according to the type of accessory use and as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually.

[‡] In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

Section 4.01(D)(8) – Schedule of Off-Street Parking: Stacking Spaces	
Land Use	Minimum Stacking Spaces Required
Banks and Financial Institutions	6 spaces per service lane
Car Wash, automatic	8 spaces before wash lane, plus 2 spaces after
Car Wash, self-service	3 spaces before each wash bay, plus 2 spaces after
Drive-Through Restaurants	10 spaces per service lane
Other Drive-Through Uses	6 spaces per service lane
Stacking spaces shall have a minimum width of 8 feet and a minimum length of 20 feet.	

E. Layout and Construction

Off-street parking facilities containing four (4) or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

1. Review and Approval Requirements

Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Building Official for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Building Official before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards established by the Township Engineer.

In the event that required parking cannot be completed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Building Official provided the applicant first deposits a performance guarantee in accordance with Section 2.18.

2. Dimensions

a. Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Parking Stall Dimensions		Drive Aisle Width	Total Width (wall-to-wall) of Drive Aisle and Parking	
	Width	Depth to Wall		One Row of Stalls (x)	Two Rows of Stalls (y)
0° (parallel)	24.0 feet	8.0 feet	12.0 ft (<i>one-way</i>) 24.0 ft (<i>two-way</i>)	20.0 feet (<i>one-way</i>) 32.0 feet (<i>two-way</i>)	28.0 feet (<i>one-way</i>) 40.0 feet (<i>two-way</i>)
Up to 45°	8.5 feet	16.6 feet	12.0 feet (<i>one-way only</i>)	28.6 feet	45.2 feet
46° to 60°	8.5 feet	18.2 feet	16.0 feet (<i>one-way only</i>)	34.2 feet	52.4 feet
61° to 75°	8.5 feet	18.5 feet	20.0 feet	38.5 feet	57.0 feet
76° to 90°	9.0 feet	18.5 feet	24.0 feet	42.5 feet	61.0 feet

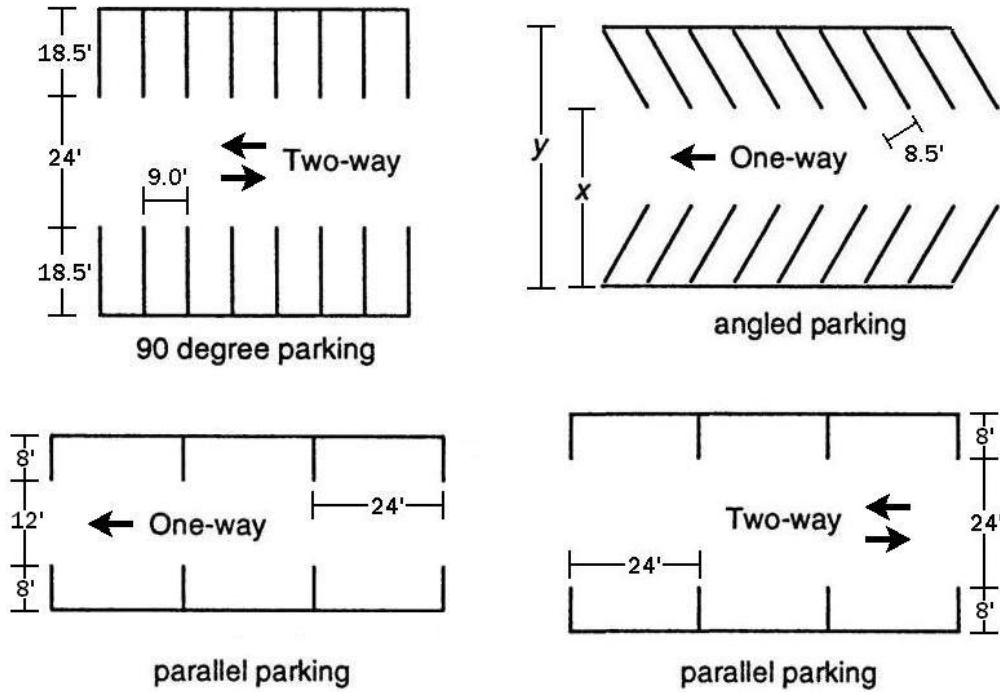


Figure 4.1: Off-Street Parking Layouts [see Section 4.01(E)(2a)]

b. Spaces Adjacent to Landscape Area

Any parking space abutting a landscaped area on the driver’s or passenger’s side of the vehicle shall provide an additional 18 inches above the minimum stall width requirement to allow for access without damaging the landscaped area.

c. Driveways

Driveways providing access to residential, commercial or industrial uses shall comply with the standards in Section 2.10.

3. Layout

a. Ingress and Egress

All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty- five (25) feet from the nearest point of any adjacent property zoned for single-family residential use.

b. Parking Rows

Continuous rows of parking shall be limited to not more than 20 contiguous spaces. Longer rows shall provide landscaped breaks (e.g., islands or bioswales) with shade trees.

c. Consolidated Landscaping

Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site stormwater management. The use of bioswales and/or rain gardens is encouraged.

d. Pedestrian Circulation

The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from

vehicular areas. Pedestrian crosswalks shall be provided, distinguished by textured paving or pavement striping and integrated into the sidewalk network.

4. Surfacing and Drainage

- a. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Porous paving materials may be permitted at the discretion of the Planning Commission, provided that installation and maintenance plans are in accordance with the manufacturer's guidelines. A written maintenance plan must be submitted for the Planning Commission's review.
 - (i). The Planning Commission may permit a gravel surface for heavy machinery storage areas, provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged and dust control is provided to the satisfaction of the Township.
- b. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
- c. Grading, surfacing and drainage plans shall be subject to review and approval by the Building Official and/or Township Engineer. Where appropriate, on-site stormwater management shall be provided to 1) capture and hold water during storms to be released later at an agricultural rate, and 2) to screen pollutants so they do not enter streams, wetlands, or the Red Cedar River.

5. Curbs, Wheel Chocks

A curb of at least six (6) inches in height 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, sidewalks, streets, buildings, or adjoining property. Curbs shall be continuous except as part of an overall stormwater management design incorporating bioswales and/or rain gardens. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.

6. Lighting

All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements in Section 2.12. Parking lot entrances shall be illuminated.

7. Buildings

No building or structure shall be permitted on an off-street parking lot, except for a maintenance building and/or parking attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.

8. Signs

Accessory directional signs shall be permitted in parking areas in accordance with Article 7.00.

9. Screening and Landscaping

All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Article 5.00.

10. Maintenance

All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

11. Electric Vehicle Charging Stations

If and when appropriate, charging stations shall be provided for electric-powered vehicles. The placement of charging stations shall be subject to review by the Planning Commission.

F. Commercial and Recreational Vehicle Parking in Residential Districts**1. Commercial Vehicle Parking***(revised 2/3/2004)*

One (1) commercial vehicle with a rated capacity of less than one (1) ton and owned/operated by a resident of the premises, or one (1) piece of commercial equipment, may be parked on each lot located in a residential district, provided that the vehicle or piece of equipment is not a utility truck, such as a wrecker, septic tank pumper, or a truck that carries flammable or toxic materials.

The parking or storage of vehicles with a rated capacity of over one (1) ton may be permitted where such vehicles are used in conjunction with an agricultural operation on a farm that is five (5) acres or greater in size.

The parking of no more than one (1) commercial vehicle with a rated capacity of over one (1) ton, or one (1) piece of commercial equipment, may be permitted on a residential parcel subject to the following conditions and review and approval by the Planning Commission:

- a. The parcel of land must be at least five (5) acres in size and shall not be part of a recorded plat or other single or multiple-family residential development.
- b. The parcel of land shall have a minimum width of at least three hundred thirty (330) feet.
- c. The commercial vehicle or equipment must be owned and operated by a resident of the premises.
- d. The vehicle or equipment shall be fully screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard which provides complete screening from adjacent properties. Screening of vehicles or equipment located outdoors may be accomplished with existing or new landscaping, topographic barriers, or through construction of screening walls or fences.
- e. Approval to park a commercial vehicle or equipment shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle or equipment.
- f. In considering whether to permit parking of a commercial vehicle or equipment on a site, the Planning Commission shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle or equipment; the disruption from additional vehicular traffic at various times during the day; and, possible safety hazards related to operation of a commercial vehicle or equipment on public or private residential roads.

2. Recreational Vehicle Parking*(revised 1/9/1996)*

Recreational vehicles as defined in Article 1.00, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following requirements. Unless otherwise noted, the requirements in this sub-section apply to recreational vehicles that are parked or stored for a period of more than forty-eight (48) hours.

a. Connection to Utilities

Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.

b. Use as Living Quarters

At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.

c. Location

Recreational vehicles that are not parked or stored in a building may be parked or stored on a lot provided that the vehicles are located no closer to the front of the lot than any portion of the principal structure and no closer than ten (10) feet from a side or rear property line. If any portion of a recreational vehicle is parked or stored within a required side or rear yard setback, or if more than two (2) vehicles are parked or stored, then the vehicle(s) shall be screened from adjoining property in accordance with Section 5.02(E). Vehicles shall be stored in a location where they are readily accessible and capable of being moved. *(revised 2/3/98)*

d. *Lot Coverage*

Recreational vehicles may occupy no more than twenty percent (20%) of the required rear yard.

e. *Temporary Parking*

Notwithstanding the above provisions concerning "Location", recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.

f. *Condition*

Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.

g. *Storage of Mobile Homes*

The parking or storage of an unoccupied mobile home as defined in Article 1.00, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the Mobile Home Park District.

h. *Waiver of Regulations*

The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Building Official. No more than two (2) permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.

i. *Multiple Family Complexes and Mobile Home Parks*

The Planning Commission may require that a screened storage area be provided on the site of a multiple family complex or mobile home park for parking and storage of recreational vehicles.

Section 4.02 Loading Space Requirements

A. Scope of Loading Space Requirements

Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. General Applicability

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.

2. Change in Use or Intensity.

Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

B. General Requirements

1. Location

Required loading space shall be located to the rear of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.

2. Size

Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.

3. Surfacing and Drainage

Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Building Inspector and/or Township Engineer.

4. Storage and Repair Prohibited

The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

5. Use of Loading Space

Required loading space shall not be counted or used for required parking.

6. Central Loading

Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

- a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
- b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
- c. No building served shall be more than three hundred (300) feet from the central loading area.

7. Minimum Loading Space

The amount of required loading space shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Schedule of Loading Space Requirements	
Gross Floor Area	Number of Loading Spaces
0 - 4,999 sq. ft.	see note below
5,000 - 19,000 sq. ft.	1 space
20,000 - 99,999 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 499,999 sq. ft.	5 spaces, plus 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 10 ft. by 50 ft. space if the use of the property changes.

Section 4.03 Penalties and Enforcement

- A. Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$500.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.
- B. If the Township determines that the owner of the vehicle, building, or parking structure/lot is in violation of this Ordinance, the Township shall provide written notice to the owner, which shall identify the violation and request corrective action to cure the violation and restore the property within a specific period of time.
- C. If the violation has not been cured and property restored within the specified period of time, the Township is authorized to take appropriate legal action, which may include injunctive or other equitable relief or issuance of a municipal civil infraction ticket.

Article 5.00

LANDSCAPING AND SCREENING

Section 5.01 Intent and Scope of Requirements

A. Intent

Landscaping enhances the visual image of the Township, while preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off street parking areas, vehicular use areas, and property abutting public rights of way,
2. Protect and preserve the appearance, character, and value of the neighborhoods that abut non residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
3. Reduce soil erosion and depletion, and
4. Increase soil water retention, thereby helping to prevent flooding.

B. Scope of Application

No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 2.18. The requirements in this Article shall not apply to single family detached homes, unless otherwise specifically noted.

C. Minimum Requirements

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

D. Design Creativity

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

E. Summary of Regulations

The following table summarizes the landscaping regulations contained in this Article. In the case of a discrepancy between the table and the text of Section 5.02, the text shall control.

Summary of Minimum Landscaping Requirements (see Section 5.02)

	General Landscaping Ratio	Plant Height	Minimum Planting Area Width	Minimum Plant Material Quantities		
				Deciduous or Evergreen Trees	Ornamental Trees	Shrubs
General Site Landscaping	--	--	--	One tree per 3,000 sq. ft. ^a	--	--
Landscaping Adjacent to Roads	--	--	15 feet	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
Berms in Front Yard	--	3 feet, maximum	see text	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
Greenbelts	--	--	20 feet ^b	One tree per 30 linear feet	--	^c
Landscape Screening	--	6 feet, minimum	^d	^e	--	--
Parking Lot Landscaping	30 sq. ft. per parking space	--	9 feet	One shade tree per 5 spaces	--	--

^a Multiple-family residential developments and mobile home parks shall provide 2 trees and 4 shrubs per dwelling unit or lot.
^b Greenbelts provided in conjunction with a screening wall shall be a minimum of nine feet in width.
^c Shrubs may be substituted for up to 50% of the total number of required trees, at a rate of eight (8) shrubs for each tree.
^d The minimum width of landscape screening shall be equal to the minimum width for the installation used (i.e., greenbelt or berm).
^e Landscaped screening shall consist of closely-spaced (not more than 15 feet on center) evergreens, arranged to form a complete visual barrier within three years of planting.
N.B. The Clear Vision Area requirements of Section 5.02, sub-section H, and Section 2.09 shall be observed for all landscaping installations.

Summary of Plant Material Specifications (see Section 5.04, sub-section C)

	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous Trees	2.5 inches <i>measured at 12 inches above grade</i>	4 feet to first branch	--
Ornamental Trees	1.5 inches <i>measured at 6 inches above grade</i>	4 feet to first branch	--
Evergreen Trees	--	5 feet	2.5 feet
Shrubs	--	2 feet	2 feet
Hedges	--	2 feet	--

Section 5.02 General Landscaping Requirements

A. General Site Requirements

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

1. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Such plant material shall extend to the edge of any abutting paved area, roadway, or gravel shoulder, except that trees and shrubs shall be set back a minimum of ten feet from the edge of any uncurbed paved area, roadway, or gravel shoulder. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.
2. A mixture of evergreen and deciduous trees shall be planted on non residential parcels at the rate of one (1) tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this Article. Required trees may be planted at uniform intervals, at random, or in groupings.

B. Landscaping Adjacent to Roads

1. Planting Requirements

Where required, landscaping adjacent to roads shall comply with the following planting requirements:

Type of Plant Material	Minimum Amount Required
Deciduous Shade or Evergreen Tree	1 per 40 linear feet of road frontage
Ornamental Tree	1 per 100 linear feet of road frontage
Shrubs	8 per 40 linear feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted (see diagram). Trees and shrubs may be planted at uniform intervals, at random, or in groupings. Fractional amounts shall be rounded up to the next whole tree or shrub.

2. Location and Dimensions

Required landscaping adjacent to roads shall be located totally on private property within a planting strip adjacent to the road right-of-way. The minimum width of the planting strip shall be fifteen (15) feet.



Example Calculation for Landscaping Adjacent to Roads (Section 5.02, sub-section B)

Total Parcel Width = 250 feet Driveway Width = 30 feet Road Frontage = 250-30 = 220 feet

Deciduous or Evergreen Trees Required = 220 feet / 40 = 5.5 → **6 trees required**

Ornamental Trees Required = 220 feet / 100 = 2.2 → **3 ornamental trees required**

Shrubs Required = 220 feet / 40 = 5.5 x 8 = **44 shrubs required**

C.

Berms

Where required, berms shall conform to the following standards:

1. Dimensions

Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and 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 required berms shall be three (3) feet.

2. Protection from Erosion

Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains 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 Planning Commission.

3. Required Plantings

a. *Front Yard Berms*

Berms located in the front yard of non residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 5.02, sub-section B.

b. *Screening Berms*

Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, Section 5.02, sub-section E.

4. Measurement of Berm Length

For the purposed of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

D. Greenbelts

Where required, greenbelts shall conform to the following standards:

1. Measurement of Greenbelt Length

For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

2. General Planting Requirements

a. Grass or Ground Cover Requirements

Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.

b. Tree and Shrub Requirements

Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt. Shrubs may be substituted for up to 50% of the total number of required trees, at a rate of eight (8) shrubs for each tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

c. Greenbelt Width

The minimum width of any required greenbelt shall be 20 feet, except where used to obscure a screening wall as noted below, in which case the greenbelt shall be at least nine feet in width.

d. Distance from Sidewalk

Plant materials other than turfgrass or ground cover shall not be placed closer than four (4) feet to the right-of-way line where the greenbelt abuts a public sidewalk.

3. Greenbelts Used for Screening

Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening, Section 5.02, sub-section E.

4. Linking Greenbelts

Every effort shall be made to link greenbelts on adjacent parcels so as to provide a continuous landscaped or natural area.

E. Screening

1. General Screening Requirements

Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. Wherever screening is required adjacent to residentially zoned or used property, the screening must be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.

2. Screening of Equipment

Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, 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.

F. Parking Lot Landscaping

In addition to required screening, all off street parking areas shall be landscaped as follows:

1. Landscaping Ratio

Off street parking areas containing greater than ten (10) spaces shall incorporate at least thirty (30) square feet of interior landscaping per parking space.

a. Interior parking lot landscaping shall include the following:

(i). Internal islands and medians

(ii). Landscaped areas surrounded on three sides by a parking area (i.e., peninsulas or fingers)

(iii). Landscaped areas at the corners of a parking area and bordered by parking on at least two sides

b. Interior parking lot landscaping shall be located within the parking area to improve its appearance and screen lot edges, reinforce circulation routes, define pleasing pedestrian routes through the parking lot, and maximize shade and stormwater benefits.

c. Interior parking lot landscape areas should be coordinated with the location of light poles and other utilities.

2. Minimum Dimensions

a. Landscaped areas in parking lots shall be no less than nine feet in any single dimension and no less than 300 square feet in area.

b. Landscaped areas in or adjacent to parking lots shall be protected with curbing to prevent encroachment of vehicles. Curbs shall be a minimum of six inches in height and shall be continuous around the parking area, except for curb cuts required for integrated on-site stormwater management or pedestrian accessibility.

3. Other Landscaping

Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

4. Required Plantings

- a. 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. Plant materials other than turfgrass or ground cover shall not be placed closer than two feet to the curbed edge of any interior parking lot landscape area. Trees shall be set back a minimum of four feet from the curbed edge of any interior parking lot landscape area.
- b. A minimum of one deciduous shade tree shall be planted within the parking lot for every ten vehicle parking spaces in the lot.
- c. Plantings within parking lots shall comply with the requirements for unobstructed sight distance set forth in Section 2.09. The landscape plan shall indicate the types, sizes, and quantities of all plant material proposed for interior parking lot landscape areas.

G. Landscaping of Rights-of-Way

Public 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.

H. Maintenance of Unobstructed Visibility for Drivers

No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning Unobstructed Sight Distance set forth in Section 2.09.

I. Potential Damage to Utilities

In no case shall landscaping material be planted in a way that will 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 set back from overhead utility lines as indicated in the following chart:

Mature Tree Height	Minimum Distance from Center of Trunk to Nearest Overhead Utility Line
Up to 15 feet	10 feet
15 to 25 feet	20 feet
25 to 45 feet	30 feet
Over 45 feet	50 feet

J. Landscaping of Divider Medians

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle accessways 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) linear 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. Plant materials other than turfgrass or ground cover shall not be placed closer than two feet to the curbed edge of any landscaped median. Trees shall be set back a minimum of four feet from the curbed edge of any landscaped median.

K. Irrigation

The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

Section 5.03 Specific Landscaping Requirements for Zoning Districts

A. Requirements for Commercial, Office, and Industrial Districts

All lots or parcels of land located in the OS-1, B-1, B-2 and I-1 zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping

All developed portions of the site shall conform to the General Site Requirements in Section 5.02, sub-section A, except where specific landscape elements are required.

2. Landscaping Adjacent to Road

All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road in Section 5.02, sub-section B.

3. Berm Requirements

A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 5.02, sub-section B. The berm shall be located totally on private property, adjacent to the road right-of-way.

4. Screening

Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned for residential or agricultural purposes, and/or where loading areas would be visible from residential or agricultural districts. Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with, but a landscaped greenbelt (planted in accordance with Section 5.02, sub-section D) shall be required on the side of the wall facing the residential or agricultural district.

5. Parking Lot Landscaping

Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F.

B. Requirements for Multiple Family Districts

All lots or parcels of land located in the RM-1 zoning district shall comply with the following landscaping requirements:

1. General Site Landscaping

A minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.

2. Landscaping Adjacent to Road

All multiple family developments shall comply with the requirements for landscaping adjacent to the road in Section 5.02, sub-section B.

3. Berm Requirements

A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 5.02, sub-section B. The berm shall be located totally on private property, adjacent to the road right-of-way.

4. Screening

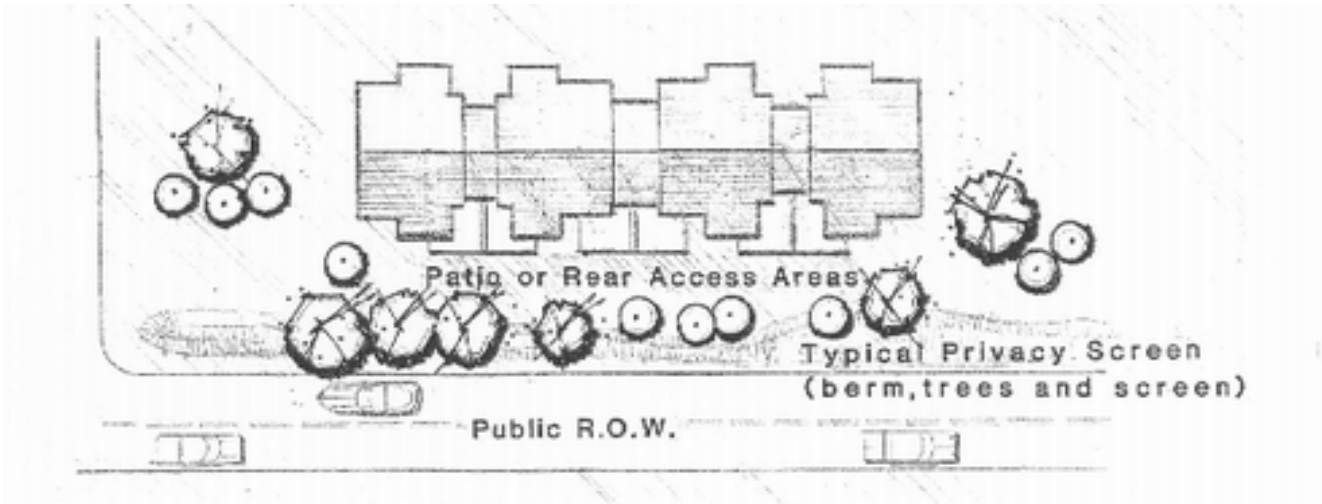
Screening in the form of a landscaped berm, greenbelt, or wall shall be required on all sides of a multiple family development. Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. A wall may be used instead of landscaping adjacent to non-residential districts, subject to the requirements in Article 6.00. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with, but a landscaped greenbelt (planted in accordance with Section 5.02, sub-section D) shall be required on the side of the wall facing away from the multiple-family development.

5. Parking Lot Landscaping

Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F.

6. Privacy Screen

Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs, and berms, subject to review by the Planning Commission.



Privacy Screen (see Section 5.03, sub-section B.6)

C. Requirements for Non-Residential Uses in Residential or Agricultural Districts

All non-residential uses developed in residential or agricultural zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping

All developed portions of the site shall conform to the General Site Requirements in Section 5.02, sub-section A, except where specific landscape elements are required.

2. Landscaping Adjacent to Road

All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 5.02, sub-section B.

3. Berm Requirements

A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 5.02, sub-section B. The berm shall be located totally on private property, adjacent to the road right-of-way.

4. Screening

Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with, and a landscaped greenbelt (planted in accordance with Section 5.02, sub-section D) shall be provided on the side of the wall facing away from the non-residential use.

5. Parking Lot Landscaping

Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F.

Section 5.04 Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. Plant Quality

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in central Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

B. Non-Living Plant Material

Plastic and other non living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

C. Plant Material Specifications

Use of native plant species to comply with landscaping requirements is encouraged so as to preserve the diversity and health of Michigan's unique natural heritage. Lists of native wildflowers, ferns, trees, shrubs and vines, and grasses, sedges, and rushes are available at the Township Hall. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

1. Deciduous Shade Trees

Deciduous shade trees shall be a 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

Deciduous ornamental trees shall be a 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

Evergreen trees shall be a minimum of five (5) feet in height when planted. Furthermore, evergreen trees shall have 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

Shrubs shall be a minimum of two (2) feet in height when planted. 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 two (2) feet in height when planted.

6. Ground Cover

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 one (1) complete growing season.

7. Grass

Grass area 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.

8. 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.

9. Undesirable Plant Material

Use of plant materials that are invasive to natural habitats, that cause disruption to storm drainage, or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

Box Elder <i>Acer negundo</i>	Norway Maple <i>Acer platanoides</i>	Silver Maple <i>Acer saccharinum</i>	Tree of Heaven <i>Ailanthus altissima</i>
European Barberry <i>Berberis vulgaris</i>	Northern Catalpa <i>Catalpa speciosa</i>	Ash <i>Fraxinus spp.</i>	Common Privet <i>Ligustrum spp.</i>
Honeysuckle <i>Lonicera spp.</i>	Mulberry <i>Morus spp</i>	Poplar <i>Populus spp</i>	Callery Pear <i>Pyrus calleryana</i>
Buckthorn <i>Rhamnus spp</i>	Willow <i>Salix spp.</i>	Elm <i>Ulmus spp.</i>	Russian-olive <i>Elaeagnus angustifolia</i>

Section 5.05 Installation and Maintenance

The following standards shall be observed where installation and maintenance of landscape materials are required:

A. Installation

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

B. Installation of Perimeter Landscaping

Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

C. Seeding or Sodding

Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.

D. Protection from Vehicles

Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Except for stormwater management features such as bioswales, 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.

E. 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 2.18.

F. Maintenance

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, 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 landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

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, replaced, or removed.

Section 5.06 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

A. Consideration of Existing Elements in the Landscape Design

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

B. Preservation of Existing Plant Material

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured twelve (12) inches above grade.

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

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 Planning Official based on consideration of the site and building configuration, available planting space, and similar considerations:

Damaged Tree Size	Replacement Tree Size	Replacement Ratio
Less than 6 inches caliper	2½ to 3 inches caliper	Tree-for-tree
Greater than 6 inches caliper	2½ to 3 inches caliper	One replacement tree for each six inches caliper (or fraction thereof) of damaged tree

** Tree caliper is to be measured at 12 inches above grade for damaged and replacement trees.

Section 5.07 Modifications to Landscape Requirements

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 Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- 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.
- Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

ARTICLE 6.00

Walls and Fences

Section 6.01 Obscuring Walls and Fences

Where permitted or required by this Ordinance, obscuring walls and fences shall be subject to the requirements in this Section. An obscuring wall or fence is one where more than fifty (50%) percent of the vertical surface is opaque so as to obstruct vision or prevent observation of activities enclosed in the fence.

A. Location

Required obscuring walls and fences shall be placed inside and adjacent to the lot line except in the following instances:

1. Underground Utilities

Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.

2. Front Setback Requirements

Where this Ordinance requires conformance with front setback standards in the R-1 and R-1-S districts, the Planning Commission may modify or waive the wall or fence requirements provided the intent of this Section is complied with.

B. Time of Construction

Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence, in which case the wall or fence shall be constructed as soon as feasible after construction commences.

C. Wall and Fence Specifications

For the uses and districts listed below, an obscuring wall or fence shall be provided as specified along property lines that abut a lot in an R-1, R-1-S, RR, RE or AG-SF district or a lot in any zoning district that is used for residential purposes. The height of the wall or fence shall be measured from ground level adjacent to the wall or fence, provided that fill shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.

Wall and Fence Specifications (see Section 6.01, sub-section C)

Proposed Use	Wall or Fence Height Requirements	
	<i>Minimum</i>	<i>Maximum</i>
Any Off-Street Parking, including P-1, Vehicular Parking District	4.5 feet	6.0 feet
Office or Commercial District	4.5 feet	6.0 feet
Industrial District	6 feet, or minimum required to completely screen storage, loading, and service areas	8.0 feet
Utility Buildings, Substations	6.0 feet	6.0 feet

D. Substitution or Waiver

As a substitute for a required obscuring wall or fence, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed living landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any such substitute screening shall comply with the applicable requirements in Section 5.02.

The Planning Commission may waive the requirements for an obscuring wall or fence upon making the determination that:

1. The adjoining residential district is in transition and will become nonresidential in the future, or
2. Existing physical features provide adequate screening, or
3. The abutting residential district is a sufficient distance (at least two hundred (200) feet) from the area or district to be screened so that the Planning Commission determines the screening is unnecessary to meet the intent of the Ordinance, or
4. The abutting residential district is separated from the area or district to be screened by an arterial or collector road.

E. Non-Required Fences in Non-Residential Districts

Fences, other than required obscuring walls and fences, shall be permitted in non-residential districts, subject to the following conditions:

1. Location

Fences shall be permitted in the rear or side yard of non-residential districts, provided that no fence shall extend closer toward the front of the lot than the portion of the principal structure closest to the front lot line. These restrictions shall not apply to agricultural uses.

2. Height

Fences in non-residential districts shall not exceed eight (8) feet in height.

Section 6.02 Fences and Walls in Residential and Agricultural Districts

A. Fences in the R-1, R-1-S, MHP, and RM-1 Districts

Fences in the R-1, R-1-S, MHP and RM-1 Districts may be located in the required front, side or rear yard subject to the following requirements:

1. Maximum Height

The maximum height shall be six (6) feet for fences located in the rear or side yard. The maximum height shall be three (3) feet for fences located closer to the road than any portion of the principal dwelling. (See graphics.)

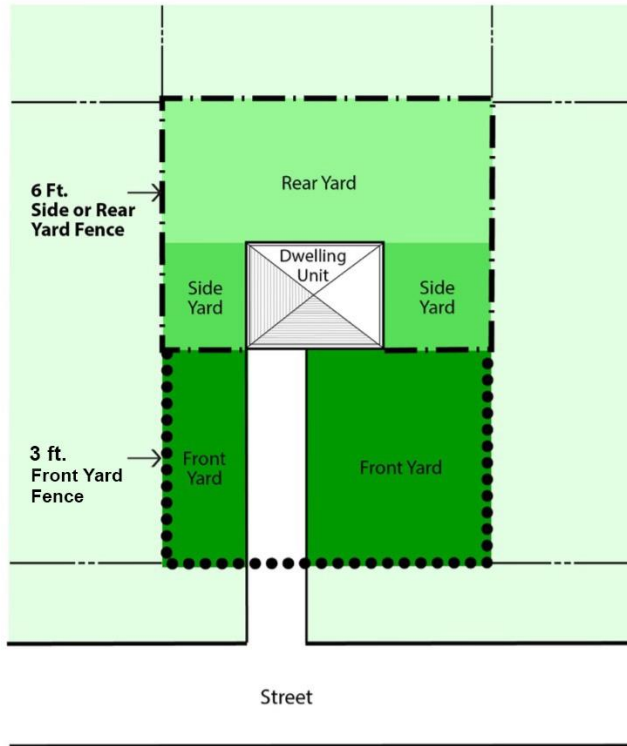
2. Fence Design

Fences in the front yard shall be non-obscuring (i.e., less than 50% opaque) in design.

3. Fences on Corner Parcels

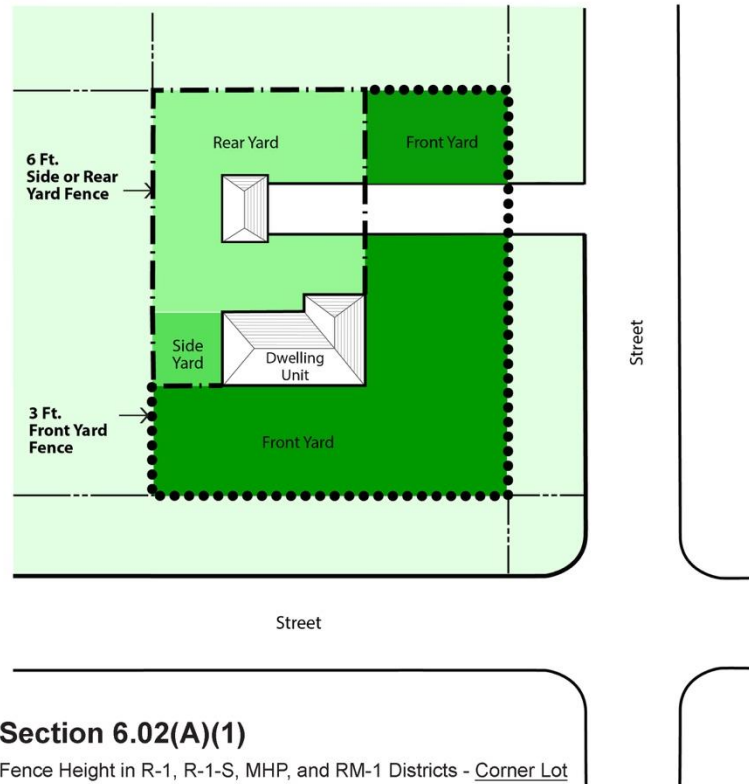
On corner lots the following regulations shall apply on the side yard facing a road:

- a. A six (6) foot high fence shall be permitted provided it does not extend closer to the street than the portion of the principal dwelling closest to the street.
- b. A thirty (30) inch high fence may be erected in the setback area, provide that any such fence shall be non-obscuring in design.



Section 6.02(A)(1)

Fence Height in R-1, R-1-S, MHP, and RM-1 Districts - Interior Lot



B. Fences in the RR, RE, AG-SF, and AG-C Districts

Fences in the RR, RE, AG-SF, and AG-C Districts may be located in the required front, side, or rear yard subject to the following requirements:

1. Maximum Height

The maximum fence height shall be six (6) feet, except that fences located within the required front setback shall not exceed five (5) feet in height.

2. Fence Design

Fences in the required front setback shall be non-obscuring (i.e., less than 50% opaque) in design.

3. Electric Fence Setback

Electric fences in agricultural areas shall be set back at least eighteen (18) inches from all property lines.

C. Fences in Public Areas

1. Fences that enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed six (6) feet in height, measured from the surface of the ground. No greater than twenty-five (25) percent of the vertical surface of such fences shall be opaque so as to obstruct vision.
2. Fences designed as part of a recreational structure (e.g., ball field backstops, tennis court enclosures) shall be exempt from the height limitation required above.

D. Walls in Residential and Agricultural Districts

Walls shall be permitted only in the side or rear yards of residential and agricultural districts, subject to the following requirements:

1. General Standards

The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall, provided that fill shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted.

2. Walls on Corner Parcels

On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal building.

E. Entranceway Structures

1. Entrance to Residential Developments

Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single family subdivision or multiple family development, shall be permitted in the required setback area, provided that:

- a. Entranceway structures shall not exceed eight (8) feet in height and forty-eight (48) square feet in size.
- b. Entranceway structures shall not be located in the existing or planned right-of-way.
- c. Approval of the Building Official and issuance of a building permit shall be required prior to construction.
- d. Such structures shall not restrict emergency vehicle access.

2. Entrances to Individual Residential Parcels

Residential entranceway structures, such as walls, columns or gates shall be permitted to mark the entrance to individual single family residential parcels, subject to the following conditions:

- a. Entranceway structures shall not exceed four (4) feet in height and eight (8) feet in length.
- b. Entranceway structures shall be permitted in the required setback area, provided they are not located in the existing or planned right-of-way.
- c. Entranceway structures may include a gate which shall not exceed the height standards for front yard fences in the district in which the structure is located.
- d. Approval of the Building Official and issuance of a building permit shall be required prior to construction.
- e. Such structures shall not restrict emergency vehicle access.

Section 6.03 *General Fence and Wall Standards*

A. Corner Clearance

Walls and fences shall comply with the specifications for maintenance of Unobstructed Sight Distance for drivers, Section 2.09.

B. Wall, Fence and Gate Materials

Walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

Fences shall consist of materials commonly used in conventional fence construction, such as wood, vinyl or plastic, and metal. Razor wire shall not be permitted. Fences that carry electric current shall be permitted only in conjunction with an agricultural use, provided that any such fence shall be set back at least 18 inches from all property lines. Barbed wire may be permitted in non-residential districts, provided that the barbed wire is at least six (6) feet above the ground, except in the Commercial-Agricultural District, where barbed wire is permitted up to a height of six (6) feet. Wood

fences shall be constructed of redwood, cedar, or an appropriate grade of pressure-treated wood. Chain link fences shall not be permitted for screening purposes.

C. Finished Appearance

If one side of a fence or wall has a more finished appearance than the other, then the side of the fence or wall with the more finished appearance shall face the exterior of the lot. This requirement shall not apply to land used for agriculture and on residential lots greater than two (2) acres outside of a subdivision plat or site condominium.

D. Obstruction to Use of Adjoining Property

No fence or wall shall be erected where it would prevent or unreasonably obstruct the use adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Building Official may require a fence or wall to be set back a minimum distance from a driveway or property line.

E. Fence and Wall Maintenance

Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

ARTICLE 7.00

Signs

Section 7.01 Purpose

These regulations are intended to permit signs and other displays that are needed for the purpose of identification or advertising, subject to the following objectives:

1. Safety

The requirements with regard to placement, installation, maintenance, size and location of signs are intended to minimize distractions to motorists, maintain unobstructed vision for motorists, protect pedestrians, and otherwise minimize any threat to public health or safety.

2. Aesthetics

Signs should enhance the aesthetic appeal of the Township. Thus, these regulations are intended to: 1) regulate signs that are out of scale with surrounding buildings and structures, 2) prevent an excessive accumulation of signs, and 3) encourage signs that enhance the appearance and value of the business districts.

3. Equal Protection and Fairness

These regulations are designed to be fair to each property owner by establishing uniform standards that provide adequate exposure of signs to the public for all property owners.

4. Land Use Planning Objectives

The placement and design of signs should further the land use planning objectives of the Township, and protect neighborhood character and the value of surrounding properties.

Section 7.02 Scope of Requirements

It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in Williamstown Township except in conformance with the provisions of this Article, including the issuance of a permit, except as otherwise provided herein. *(revised 12/1/1998)*

Section 7.03 Definitions

Words and phrases used in this Article shall have the meaning set forth in this section. Words and phrases not defined in this section but defined in Article 1.00 shall be given the meanings set forth in Article 1.00. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly indicates otherwise.

Accessory Sign: A sign that pertains to the use of the premises on that it is located.

Animated Sign: A sign that uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning Sign: A sign that is painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric, cloth, paper, or other non rigid material that is typically not enclosed in a frame.

Billboards: See "Off-Premises Advertising Sign".

Bulletin Board: A type of changeable copy sign that displays the name of an institution, school religious institutions, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and that displays announcements of its services and activities upon the premises.

Changeable Copy Sign: A sign on that the message is designed to change, either manually or automatically (for example, electronic time and temperature signs).

Community Special Event Sign: Signs and banners, including decorations and displays celebrating a traditionally accepted patriotic or religious holiday, identifying a special event of a municipal or non profit association, or school activities.

Construction Sign: A temporary sign identifying the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on that the sign is located.

Cylindrical Sign: A ground sign that is in the shape of a cylinder or barrel. A cylindrical sign has a footprint that is more or less in the shape of a circle.

Directional Sign: A sign that is intended to direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flashing Sign: A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign: A sign that is erected upon or supported by the ground, including pole signs, pedestal signs, and ground signs.

Gasoline Price Sign: A sign that is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground Sign: See "Pedestal Sign."

Illegal Sign: A sign that does not meet the requirements of this ordinance and that has not received legal nonconforming status.

Illuminated Sign: A sign that is lit by artificial light by either emission or reflection.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Inflatable Sign: A temporary sign consisting of a non porous bag or balloon inflated with a gas.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee Sign: A sign attached to or supported by a marquee structure.

Moving Sign: A sign in that the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

Nameplate: A non-electric, on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon Sign: See "Outline Tubing Sign."

Noncommercial Message Sign: A sign that is not related to or connected with trade and traffic or commerce in general and includes an election (political) sign or a sign expressing an opinion or other point of view. *(revised 2/6/2007)*

Nonconforming Sign:

- a. A sign that is prohibited under the terms of this Ordinance, but was erected lawfully and was in use on the date of enactment of this Ordinance, or amendment thereto.
- b. A sign that does not conform to the requirements of this Ordinance, but for that a variance has been granted.

Obsolete Sign: A sign that advertises a product that is no longer made, a business that is no longer in operation, or an activity or event that has already occurred.

Off-Premises Advertising Sign: A sign that contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located. A "billboard" is a type of off premise advertising sign.

On-Premises Advertising Sign: A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.

Outline Tubing Sign: A sign consisting of glass tubing, filled with a gas such as neon, that glows when electric current is sent through it.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pedestal Sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon that a message is painted or posted. A pedestal sign may also consist of a base mounted cylindrical structure upon that a message is painted or posted.

Pennant: A triangular, tapering flag, several of that are typically strung together on or across a site or building for the purpose of attracting attention.

Pole Sign: A type of freestanding sign that is elevated above the ground on a pole.

Political Sign: A noncommercial message sign relating to matters to be voted on in a local, state, or national election or referendum. See "Noncommercial Message Sign." (*revised 2/6/2007*)

Portable Sign: A sign designed to be moved easily and not permanently affixed to the ground or to a structure.

Poster Panel: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Projecting Sign: A sign, other than a flat wall sign, that projects more than twelve (12) inches from the face of the building or structure upon that it is located. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon that the roof sign is mounted.

Public Sign: A sign erected in the public interest by or upon orders from a local state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real Estate Sign: A temporary sign that makes it known that real estate upon that the sign is located is for sale, lease, or rent.

Real Estate Development Sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is under construction.

Residential Entranceway Sign: A sign that marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof Line: The top edge of a roof or building parapet, whatever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof Sign: Any sign that extends above the roof line or is erected over the surface of the roof.

Rotating Sign: See "Moving Sign."

Sign: Any device, structure, fixture, or placard that uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons.

Temporary Sign: A sign not constructed or intended for long term use. Examples of temporary signs include signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

Time and Temperature Signs: Signs that display the current time and/or temperature.

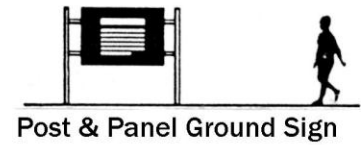
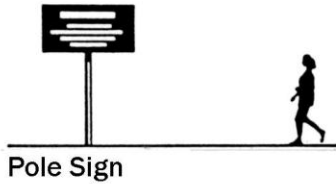
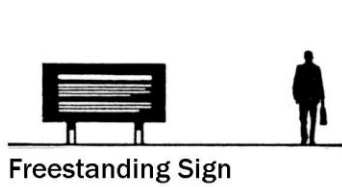
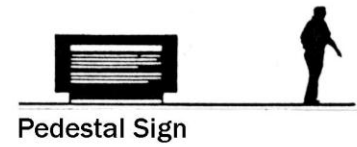
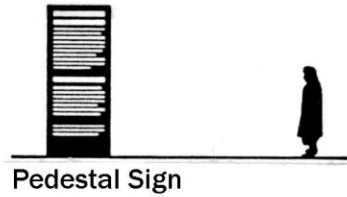
Underhanging Sign: A sign suspended from the underside of a horizontal surface, such as a canopy or marquee.

Vehicle Sign: Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

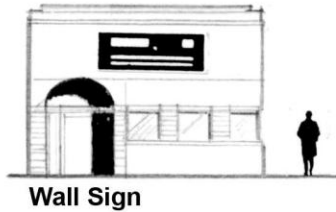
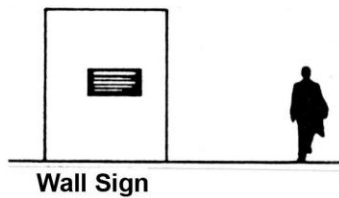
Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs that consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs that are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

Window Sign: A sign located in or on a window that is intended to be viewed from the outside. Permanent window signs that are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

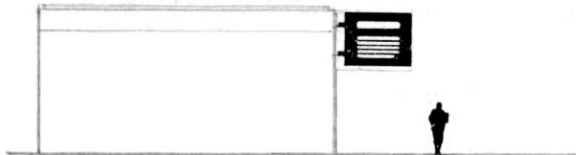
VARIOUS TYPES OF FREESTANDING SIGNS



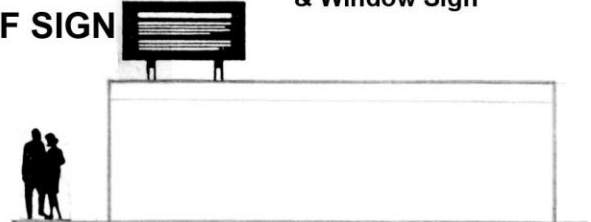
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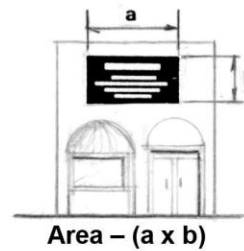
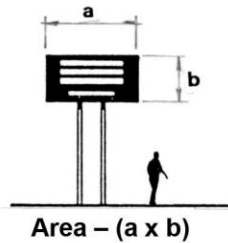
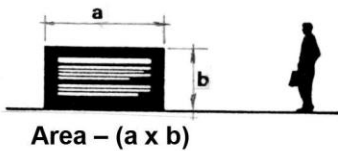
PROJECTING SIGN



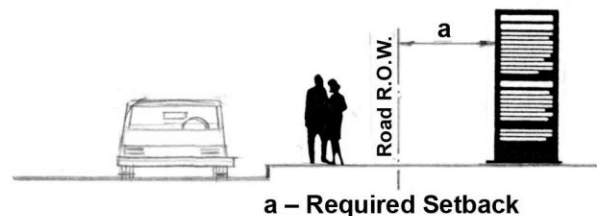
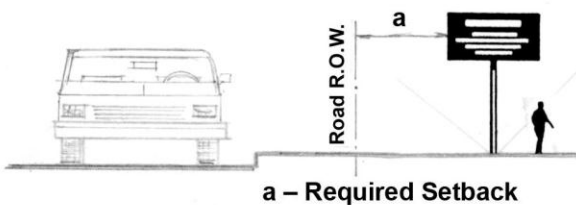
ROOF SIGN



SIGN MEASUREMENT



SIGN SETBACKS



Section 7.04 Enforcement

A. Plans, Specifications, and Permits

1. Permits

It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted by the Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, that shall be established by the Township Board.

2. Applications

Application for a sign permit shall be made upon forms provided by the Building Official. The following information shall be required:

- a. Name, address, and telephone number of the applicant.
- b. Location of the building, structure, or lot on that the sign is to be attached or erected.
- c. Position of the sign in relation to nearby buildings, structures, and property lines.
- d. Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.
- e. Copies of stress sheets and calculations, as required by the Building Code.
- f. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
- g. Information concerning required electrical connections.
- h. Insurance policy or bond, as required in this Article.
- i. Written consent of the owner and/or lessee of the premises upon that the sign is to be erected.
- j. Other information required by the Building Official to make the determination that the sign is in compliance with all applicable laws and regulations.

3. Review of Application

a. *Planning Commission Review*

Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as a part of the required site plan review. Proposed signs must be shown on the site plan.

b. *Building Official Review*

Unless otherwise specified herein, the Building Official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

c. *Issuance of a Permit*

Following review and approval of a sign application by the Planning Commission or Building Official as appropriate, the Building Official shall have the authority to issue a sign permit.

4. Exceptions

A new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 7.05, sub section A. However, an electrical permit shall be required for all signs that make use of electricity.

B. Inspection and Maintenance

1. Inspection of New Signs

All signs for that a permit has been issued shall be inspected by the Building Official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.

In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Building Official when such fastenings are to be installed so that inspection may be completed before enclosure.

2. Inspection of Existing Signs

The Code Enforcer shall have the authority to routinely enter onto property to inspect existing signs.

3. Maintenance

All signs shall be maintained at all times in a safe, secure, and aesthetically attractive manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired and replaced. Tattered, faded, or torn window signs shall be removed.

4. Signs in Violation of Ordinance Declared a Public Nuisance

Any sign that is erected, constructed, maintained, enlarged, altered, moved or converted in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

5. Correction of Violations

- a. If the Code Enforcer finds that any sign is in violation of this ordinance, he/she shall notify one or more of the responsible persons to correct the violations by repair, removal or other action, within a timetable established by the Code Enforcement Officer.
- b. The notice provided in Subsection (a) may be accompanied or followed by a written order, sent to the responsible persons, requiring correction of violations by repair, removal or other action within thirty (30) days. Where there is imminent danger to public safety, immediate removal or action may be required, pursuant to this Ordinance or other applicable Ordinances.
- c. For purposes of this Section, responsible persons includes persons who own, erect or maintain a sign, the owner and/or operator of the business to that a sign pertains and the owner and/or operator of the building, structure or premises upon that the sign is located.

C. Removal of Obsolete Signs

Any sign that identifies a business that is no longer in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business within thirty (30) days after vacating the business.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

D. Nonconforming Signs

No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with Article 3.00 of this Ordinance, except that nonconforming signs shall comply with the following regulations:

1. Repairs and Maintenance

Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.

2. Nonconforming Changeable Copy Signs

The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.

3. Substitution

No nonconforming sign shall be replaced with another nonconforming sign. However, the sign face containing the message may be replaced with a different message without affecting the legal nonconforming status of a sign, provided that the sign structure or frame is not altered.

4. Modifications to the Principal Building

Whenever the principal building on a site on that a nonconforming sign is located is modified to the extent that site plan review and approval is required, the nonconforming sign shall be removed.

E. Appeal to the Zoning Board of Appeals

Any party who has been refused a sign permit for a proposed sign or received a correction or removal order for an existing sign may file an appeal with the Zoning Board of Appeals, in accordance with Section 27.05 of this Ordinance.

Section 7.05 General Provisions

A. Permitted Exempt Signs

A sign permit shall not be required for the following signs, that shall be permitted subject to applicable provisions herein:

1. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses.
2. Nameplates identifying the occupants of the building, not to exceed two (2) square feet.
3. Memorial signs or tablets.
4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
5. Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
6. Up to five (5) flags per parcel bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization. (*revised 2/3/1998*)
7. Incidental signs, provided that total of all such signs shall not exceed two (2) square feet.
8. Traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
9. One (1) private parking lot and driveway identification sign, not to exceed three (3) square feet per sign and six (6) feet in height.
10. Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed fifteen (15) square feet.
11. Real estate signs that advertise the rental, sale or lease of the property on which they are located, subject to the requirements in Section 7.05, sub-section C.
12. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be four (4) square feet.
13. Any sign that is located completely within an enclosed building, and that is not visible from outside the building.

14. Plaques or signs designating a building as a historic structure, and names of buildings and date of construction when cut into a masonry surface or when constructed of bronze or similar material.
15. "No Trespassing," "No Hunting," and "No Dumping" signs.
16. Signs used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations on the site, subject to the following conditions:
 - a. Directional signs shall not contain logos or other forms of advertising.
 - b. Directional signs shall not exceed four (4) square feet in area, or four (4) feet in height.
 - c. Directional signs may be located in the front setback area.
17. Temporary window signs, subject to the requirements in Section 7.05, sub-section C.
18. Historical markers, including centennial farm signs.

B. Prohibited Signs

The following signs are prohibited in all districts:

1. Any sign not expressly permitted.
2. Signs that incorporate flashing or moving lights; however, time and temperature or stock market signs shall be permitted.
3. Banners, pennants, festoons, spinners, and streamers, unless specifically permitted elsewhere in this Article.
4. String lights used for commercial purposes, other than holiday decorations, that shall be permitted for a period not to exceed sixty (60) days.
5. Moving signs, including any sign that has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
6. Any sign or sign structure that:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c. Is capable of causing electric shock to persons who come in contact with it; or
 - d. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
7. Any sign erected on a tree or utility pole, except signs of a government or utility, except for "No Trespassing," "No Hunting," or "No Dumping" signs.
8. Obsolete signs, as specified in Section 7.04, sub-section C, except signs of an identifiably historic nature, such as painted barn signs.
9. Portable signs, except where expressly permitted in this Ordinance.
10. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
11. Any sign that obstructs free access to or egress from a required door, window, fire exit, or other required exit.
12. Any sign that by reason of its size, location, content, coloring, or manner of illumination, constitutes in the opinion of the Ingham County Sheriff a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by

distracting drivers, or by obstructing, or detracting from the visibility of any traffic sign or control devices on public streets and roads.

13. Any sign that makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbol or characters, in such a manner as to interfere with, mislead, or confuse traffic.
14. Any sign containing obscene, indecent, or immoral matter.
15. Any sign unlawfully installed, erected, enlarged, altered or maintained.
16. Roof signs.
17. Projecting signs.
18. Poster panel (A-frame or sandwich) signs, except when used to advertise seasonal agricultural commodities.
19. Signs on street furniture, including but not limited to, signs on benches and trash receptacles.
20. Real estate signs no longer valid due to the sale, rental or lease of the property.

C. Temporary Signs

Temporary signs shall be permitted as specified in the table on the following page. *(revised 3/6/2001; 2/6/2007)*

D. Off-Premises Advertising Signs

Freestanding off-premises advertising signs shall be permitted only in the I-1, Light Industrial District, subject to the following requirements:

1. Maximum Size

No off-premises advertising sign shall exceed seventy-two (72) square feet in area per sign face. *(revised 10/7/97)*

2. Maximum Height

The maximum height for such signs shall be twenty-five (25) feet.

3. Setbacks

- a. Off-premises advertising signs shall comply with the setback requirements for principal structures in the district in that they are located.
- b. No part of any such sign shall be located closer than 300 feet to any park, school, church, hospital, cemetery, or government building.

4. Distance from Other Signs

- a. There shall be a minimum of 1,000 feet between off-premises advertising signs along any public road or highway.
- b. There shall be a minimum of 100 feet between any off-premises advertising sign and any freestanding on-premises sign.

5. Location

Off-premises advertising signs shall not be located on or over the roofs of buildings.

6. Special Land Use Review

Off-premises advertising signs shall be subject to Special Land Use review (Section 27.03).

Table 7.1: Temporary Sign Standards [see Section 7.05, sub-section C]

P = Portable Sign G = Ground Sign W = Wall Sign

Type of Temporary Sign	Districts Permitted	Form of Sign	Max Size (sq. ft.)	Max Height (feet)	Max # of Signs	Permit Req'd?	Req'd Setback	Permitted Duration	
Construction Sign	All	G, W	32	10 ft.	1	Yes	[a]	From issuance of building permit to issuance of C of O	
Real Estate	Sale or lease of individual home or residential lot	Residential; Agricultural	P, G	6	6	1 [b]	No	[d]	Remove within 30 days of sale or lease
	Sale or lease of individual business or vacant lot	Office; Commercial; Industrial	P, G, W	6	6	1 [b]	No	[d]	
	Sale or lease of unplatted vacant land	All	P, G	32	10	1 [b]	Yes	[d]	
Real Estate Development Sign	All	P, G	32	10	[c]	Yes	[d]	Remove within 30 days after all units or lots are sold / leased	
Grand Opening Sign	Commercial	G, W	16	10	1	No	[a]	30 days	
Garage Sale Sign	All	G, W	2	5	2	No	[d]	4 consecutive days	
Community Special Event Sign	All	G, W [e]	32 [e]	10 [e]	2 [e]	Yes	[a]	14 days prior through 7 days after event	
Noncommercial Message Sign	All [i]	P, G, W	16	10	--	No	[d]	--	
Temporary Window Sign	Commercial; Office	Paper; Plastic; Fabric	[f]	[f]	[f]	No	--	30 days [g]	
Seasonal Signs Advertising Agricultural Commodities	All	P, G	16	10	1 per parcel	No	[d]	During the seasonal selling period	

Footnotes:

- [a] The temporary sign shall comply with the setback requirements for principal structures in the district in that it is located.
- [b] On a corner parcel, two signs (one facing each street) shall be permitted.
- [c] One sign shall be permitted for each frontage on a principal or minor arterial road.
- [d] The temporary sign may be located in the required setback area, provided that the applicant has obtained permission from the property owner and provided further that the sign does not obstruct the vision of drivers or detract from the visibility of any traffic sign or traffic control device. No such sign shall be located within the road right-of-way. *(revised 2/6/2007)*
- [e] Community special event signs may include ground or wall signs, subject to obtaining a permit from the Building Official. Banners, pennants, or similar displays may be permitted subject to Building Official approval. *(revised 12/1/1998)*
- [f] The total of all window signs, temporary and permanent, shall not exceed one-third (1/3) of the total window area and shall not exceed two square feet in office district. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.
- [g] Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.
- [h] Noncommercial message signs are prohibited on property owned or under the control of Williamstown Township, Ingham County, the State of Michigan, the United States of America, or any school district. *(revised 2/6/2007)*

Section 7.06 Sign Design Standards

A. Construction Standards

1. General Requirements

All signs shall be designed and constructed in a safe and stable manner in accordance with the Township's adopted building code, electrical code, and other applicable codes and ordinances. All electrical wiring associated with a freestanding sign shall be installed underground.

B. Illumination

1. General Requirements

Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Signs and billboards shall be lit from above only. All illuminated outdoor advertising signs shall be equipped with an automatic time controller that prevents the operation of the lighting fixtures between the hours of 11:00 p.m. and sunrise.

2. Non-Glare, Shielded Lighting

Use of glaring, unshielded or unfiltered lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares.

3. Traffic Hazards

Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

4. Bare Bulb Illumination

Illumination by bare bulbs or flames is prohibited.

5. Exceptions

Signs constructed of translucent material and lit wholly from within do not require shielding (dark backgrounds with light lettering are preferred). (*revised 3/6/2001*)

C. Location

1. Within a Public Right-of-Way

No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.

2. Compliance with Setback Requirements

All signs shall comply with the setback requirements for principal structures in the district in that they are located, except as otherwise permitted herein.

3. Sight Lines for Motorists

Signs shall comply with the requirements for unobstructed motorist visibility in Section 2.09.

D. Measurement

1. Sign Area

Sign area shall be computed as follows:

a. *General Requirements*

Where a sign consists of a generally flat surface or sign face on that lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign. In the case of freestanding, ground, pedestal, and cylindrical signs, the area of the sign shall include the entire structure (including posts or poles)

upon that the sign is located. If the sign or sign structure has openings (for example, between the structure and the sign), the sign area shall be computed by measuring the area of the envelope required to enclose the entire sign and sign structure. (*revised 3/6/2001*)

b. *Individual Letters*

Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

c. *Freestanding Sign*

The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical (i.e., the outlines of back to back faces shall be coterminous), and 2) the faces are back to back so that only one face is visible at any given time. The area of a double faced signs shall be computed using the area of the larger face if the two (2) faces are of unequal area.

d. *Ground Sign or Pedestal Sign*

The area of a ground or pedestal sign shall be computed by measuring the entire vertical surface of a face upon that the letters and logo are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.

e. *Cylindrical Sign*

The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.

2. Sign Height

The height of a freestanding sign shall be measured from ground level at or beneath the midpoint of the face of the sign to the highest point of the sign or supporting structure. For the purposes of determining sign height, "ground level" shall be measured from the finished grade, or if there has been filling, from the native grade.

3. Setback and Distance Measurements

The following guidelines shall be used to determine compliance with setback and distance measurements:

- a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
- b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or building.
- c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building or property line.

E. Sign Design Features

The following standards shall apply to signs in office and commercial districts:

1. Location

Signs shall not cover architectural details such as arches, transom windows, moldings, columns, capitals, sills, cornices and similar details.

2. Material

Sign materials shall complement the construction materials and architectural style of the building facade.

3. Lettering Style

Lettering style shall be clean and simple to assure readability and shall be in harmony with the style of architecture of the building. No more than two (2) different type styles shall be used on each sign.

4. Colors

No more than three (3) colors may be used per sign. Sign colors shall be in harmony with the building colors and architecture.

Section 7.07 Residential District Signs

The following signs shall be permitted in all districts zoned for residential or agricultural use (including the R-1, R-1-S, RR, RE, AG-SF, AG-C, RM-1, and MHP Districts). *(revised 12/1/1998)*

A. Nameplate and Street Address

A nameplate sign and street address shall be permitted in accordance with Section 7.05, subsection A.

B. Temporary Signs

Real estate signs, garage sale signs, and other temporary signs shall be permitted in accordance with Section 7.05, subsection C.

C. Management Office Identification

Rental or management offices in the RM 1 or MHP districts shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

D. Residential Entranceway or Identification Signs

Permanent residential entranceway or identification signs shall be permitted in accordance with the following regulations:

1. There shall be no more than one (1) such sign located at each entrance to a subdivision or other residential development.
2. Entranceway structures shall not exceed eight (8) feet in height and forty-eight (48) square feet in size.
3. The sign shall cover no more than fifty percent (50%) of the entranceway structure.
4. Such signs shall be set back a minimum distance of ten (10) feet from any property line of right-of-way line.
5. Such signs shall comply with the requirements for Unobstructed Sight Distance, Section 2.09.

E. Signs for Permitted Principal Nonresidential Uses

Permitted principal nonresidential uses in residential districts, such as schools, colleges, museums, municipal buildings, churches, and country clubs, shall be permitted to erect the following signage:

1. Number

There shall be no more than one (1) freestanding or wall sign per parcel, except on a corner parcel, one (1) sign may be permitted per street frontage, provided that no more than one (1) sign is a freestanding sign.

2. Size

The maximum size of each sign shall be as permitted in Section 7.08, sub-sections D.2 and E.2.

3. Setback

Freestanding signs shall be located no closer than fifteen (15) feet to any right-of-way line, property line, driveway, or vehicular approach.

4. Height

The maximum height of any freestanding sign shall be five (5) feet.

F. Signs for Nonconforming Nonresidential Uses

Each nonconforming nonresidential use located in a residential district shall be permitted one (1) non-illuminated wall sign, not to exceed two (2) square feet in area.

Section 7.08 Nonresidential District Signs

The following on-premises advertising signs shall be permitted in districts zoned for nonresidential use, including districts zoned OS-1, B-1, B-2, I-1 and M (*revised 10/7/1997*):

A. Signs for Residential District Uses in a Nonresidential District

Signs for nonconforming residential district uses in a nonresidential district shall be governed by the sign regulations for residential district uses set forth in Section 7.07.

B. Signs for Nonconforming Nonresidential Uses

Signs for nonconforming nonresidential uses in an office, commercial or industrial district (for example, a nonconforming commercial use in an industrial district) shall be governed by the sign regulations that are appropriate for the type of use, as specified in this Section.

C. Temporary Signs

Real estate signs and other temporary signs shall be permitted in accordance with Section 7.05, sub-section C.

D. Wall Signs

Wall signs shall be permitted in office, commercial and industrial districts subject to the following regulations:

1. Number

One (1) wall sign, that may be an on-premises or off-premises advertising sign, shall be permitted per street or highway frontage on each parcel or each tenant's space in a multi-tenant structure. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

2. Size

The total area of a wall sign shall not exceed one and one-half (1 1/2) square feet per linear foot of building frontage, but in no case shall the wall sign exceed forty-eight (48) square feet in area. In the case of a multi-tenant building or shopping center where each tenant has its own entrance and building frontage, these size requirements shall apply to each tenant individually, based on the width of each tenant's unit at the front façade. (*revised 10/7/1997*)

3. Location

One wall sign may be located on each side of a building that faces a street or highway.

4. Vertical Dimensions

The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height.

5. Horizontal Dimensions

The maximum horizontal dimension of any wall mounted sign shall not exceed two thirds (2/3) of the width of the building.

6. Height

The top of a wall sign shall not be higher than whatever is lowest:

- a. The maximum height specified for the district in that the sign is located.

- b. The top of the sills at the first level on windows above the first story.
- c. The top of the wall on that the sign is located.

E. Freestanding Signs

Freestanding signs shall be permitted in office, commercial and industrial districts subject to the following regulations:

1. Number

One (1) freestanding sign, that may be an on-premises or off-premises advertising sign, shall be permitted per street or highway frontage on each parcel. However, only one sign shall be permitted on lots having frontage on more than one street if a single sign can be located such that it is visible from both streets. In multi-tenant buildings or shopping centers the total permitted sign area may be allocated for use by individual tenants. *(revised 10/7/1997)*

2. Size

The total area of a freestanding sign shall not exceed one-half (1/2) of a square foot per linear foot of lot frontage, but in no case shall a freestanding sign exceed forty-eight (48) square feet in area. One (1) freestanding sign up to seventy-two (72) square feet in size may be permitted for a mixed use or non-residential Planned Development, subject to review in accordance with section 27.04. *(revised 10/7/1997, 12/1/1998)*

3. Setback from the Right-of-Way

Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than fifteen (15) to the existing or planned right-of-way line. If a parcel is served by a service drive, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the drive.

4. Setback from Residential Districts

Freestanding signs shall be located no closer than fifty (50) feet to any residential or agricultural district.

5. Height

The height of a freestanding sign in any nonresidential district shall not exceed six (6) feet. However, freestanding signs up to fifteen (15) feet in height may be permitted by the Township Board, subject to Special Land Use review, Section 27.03.

F. Marquee Signs

Marquee signs shall be permitted for theaters located in commercial districts subject to the following requirements:

1. Construction

Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.

2. Vertical Clearance

A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.

3. Projection

Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for the district in that they are located.

4. Number

One (1) marquee shall be permitted per lot.

5. Size

The total size of a marquee sign shall not exceed one and one-half (1 1/2) square per feet linear foot of building frontage.

6. Compliance with Size Requirements for Wall Sign

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 parcel.

G. Awnings and Canopies

Signs on awnings and canopies in commercial, office, and industrial districts shall be permitted, subject to the following standards:

1. Coverage

The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that would be visible in a drawing of a facade on that the awning is located.

2. Compliance with Size Requirements for Wall Signs

The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

3. Projection

Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in that they are located.

H. Gasoline Price Signs

Gasoline price signs shall be permitted subject to the following standards:

1. Number

In addition to other permitted signs, gasoline filling stations shall be permitted one (1) gasoline price sign per street frontage.

2. Size

The total sign area dedicated to displaying gasoline prices shall not exceed twenty (20) square feet. The gasoline price sign shall be counted in determining compliance with the standards for total area of signs permitted on the parcel.

3. Setback

Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in that the signs are located.

4. Electronic Changeable Copy

Gasoline price signs may incorporate electronic changeable copy as up to 50% of the sign face, provided that the copy shall not change more than once every ten seconds. Illumination levels from any electronic changeable copy sign shall not exceed 0.5 foot-candles at all property lines, measured five feet from the ground; a photometric plan shall be submitted for all such signs to confirm compliance with this standard.

I. Incidental Signs

Incidental signs, as defined in Section 7.03, shall be permitted in accordance with Section 7.05, sub-section A.

J. Window Signs

Temporary and permanent window signs shall be permitted on the inside of buildings in commercial and office districts provided that the total combined area of such signs (including incidental signs) shall not exceed one-quarter (1/4) 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 on the parcel. Temporary window signs shall comply with the requirements in Section 7.05, sub-section C.

K. Time/Temperature/Stock Market Signs

Time, temperature, and stock market signs shall be permitted in commercial and office districts subject to the following conditions:

1. Frequency of Message Change

The message change shall not be more frequent than once every three (3) seconds.

2. Size

The area of these types of signs shall be included within the maximum sign area permitted on the site.

3. Number

One (1) such sign shall be permitted per street frontage.

L. Underhanging Signs

One (1) underhanging sign shall be permitted for each business, subject to the following conditions:

1. Vertical Clearance

A minimum vertical clearance of eight (8) feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.

2. Setback

Underhanging signs shall be located at least four (4) inches behind the outer edge of the horizontal surface from that they are suspended.

3. Orientation

Underhanging signs shall be designed to serve pedestrians rather than vehicular traffic.

4. Size

Underhanging signs shall not exceed six (6) square feet in area.

ARTICLE 8.00

Site Development Standards Applicable to Specific Uses

Section 8.01 Intent and Scope of Application

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located. 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, including the Township Nuisance Ordinance.

Section 8.02 Scope of Requirements

A. Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, and Group "A" Cabarets

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand (1,000) foot radius (i.e., not more than one such use within one thousand (1,000) feet of another). The distance between uses shall be measured horizontally between the nearest property lines.
 - a. Adult Book or Supply Stores
 - b. Adult Motion Picture Theaters
 - c. Adult Motion Picture Arcade
 - d. Adult Motel
 - e. Adult Model Studio
 - f. Adult Live Stage Performing Theaters
 - g. Adult Outdoor Motion Picture Theaters
 - h. Group "A" Cabarets
2. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a six hundred (600) foot radius of the following:

- a. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Coin-operated amusement centers.
 - d. Dance centers which typically cater to teens.
 - e. Ice or roller skating rinks.
 - f. Pawn shops.
 - g. Indoor or drive-in movie theaters.
 - h. Public parks, playgrounds, or other recreation uses.
 - i. Churches, convents, monasteries, synagogue, or similar religious institutions.
 - j. Day care centers or nurseries.
 - k. Any public, private or parochial nursery, primary, or secondary school.
 - l. Any residentially used or zoned land, including land that is zoned R-1, R-I-S, RR, AG-SF, RM-1, or AG-C.
3. The distance between uses shall be measured horizontally between the nearest property lines.
 4. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

B. Airports and Related Uses

Airports, landing sites and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted, subject to the following conditions:

1. Airports for Public Use, Landing Sites for Commercial Use, and Related Accessory Uses

a. Plan Approval

The plans for such facilities shall be approved by the Federal Aviation Administration (FAA) and the Michigan Department of Transportation, Office of Aeronautics prior to submittal to the Township for review and approval.

b. Minimum Standards

Such facilities shall comply with the standards established by the FAA and the Michigan Office of Aeronautics concerning obstruction of air navigation.

c. Clear Zones

All required "clear zones" (as defined by the FAA) shall be acquired and owned by the airport.

d. Aircraft and Vehicle Parking

Sufficient parking shall be provided for aircraft storage. Vehicular parking shall be provided for airport users, and for offices, restaurants, sales, and other uses associated with the airport, subject to the requirements in Article 4.00.

e. *Approval from Utility Companies*

The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communication towers within two miles of the proposed facility.

f. *Setbacks*

No portion of any landing site or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes. This setback shall not apply to landing sites used for private, noncommercial use.

2. Landing Sites for Personal Aircraft and Limited Commercial Use

Landing sites for personal aircraft and limited commercial use may be permitted subject to the following conditions:

- a. All such landing sites shall comply with applicable laws and regulations promulgated by the Federal Aviation Administration and the Michigan Office of Aeronautics.
- b. Landing sites for personal aircraft use shall be for the sole use of the person who owns or maintains the landing area and his/her invited guests.
- c. "Limited commercial use" shall mean that a landing area may be used by aircraft used for crop dusting or spraying, flying banners, or transporting parachutists. A landing site may also be used as a take-off point for hot air balloons.
- d. Twelve (12) take-offs and twelve (12) landings may be permitted per day.
- e. No more than one (1) accessory building (e. g., hangar, garage, storage building, etc.) shall be permitted.
- f. Landing sites shall not be used by aircraft for commercial passenger or cargo operations, except as specifically noted herein.
- g. Landing sites shall not be used for conducting flight instruction.
- h. Landing sites shall not be used as a base for charters or rental of aircraft.
- i. Landing sites shall not be used for commercial maintenance or overhaul of aircraft, or for the sale of fuel, except that maintenance for or by the person who owns or maintains the landing site on his/her own aircraft is permitted.

C. Automobile or Vehicle Dealers

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. Grading, Surfacing, and Drainage

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the County Drain Commissioner.

2. Driveway Location

The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. Servicing of Vehicles

Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

- a. Service activities shall be clearly incidental to the vehicle sales operation.
- b. Vehicle service activities shall occur within a completely enclosed building.
- c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- d. The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
- e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

4. Broadcasting Devices Prohibited

Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

5. Setbacks

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements for parking lots, as specified in Section 4.01, subsection B.1.

6. Minimum Lot Area

The minimum lot area required for such uses shall be 43,560 sq. ft.

D. Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler and undercoating shops:

1. Minimum Lot Area

The minimum lot area required for such uses shall be 40,000 sq. ft.

2. Minimum Lot Width

The minimum lot width required for such uses shall be 200 ft.

3. Minimum Setbacks

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

	Minimum Setback from Right-of-Way Line	Minimum Setback from Residential Use or Zone
Nearest Edge of Pump Island	30 ft.	50 ft.
Nearest Edge of Unenclosed Canopy	20 ft.	40 ft.

4. Ingress and Egress

Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. 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.

5. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. 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. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned or used property.

6. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a masonry screening wall that is not less than six (6) feet in height.

7. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.

E. Automobile Wash or Car Wash Establishment

The following regulations shall apply to Automobile Wash or Car Wash Establishments:

1. Minimum Lot Size

The minimum lot size required for automobile or car wash establishments shall be 21,780 sq. ft.

2. Layout

All washing activities shall be carried on within a fully enclosed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.

3. Entrances and Exits

Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

4. Orientation of Open Bays

Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by landscaping.

5. Exit Lane Drainage

Exit lanes shall be sloped to drain water back to the wash building to drainage grates.

F. Bed and Breakfast Establishments

Bed and breakfast establishments, as defined in Section 1.03, shall be subject to the following regulations:

1. Bed and Breakfast Establishments an Accessory Use

A bed and breakfast establishment shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than thirty percent (30%) of the total floor area of the dwelling unit be used for bed and breakfast sleeping rooms.

2. Maximum Number of Units

Lot Size	Maximum Number of Units per Establishment
Up to 2.5 acres	3 units, depending on building requirements
More than 2.5 acres	Based on good planning and design principles, as determined by the Planning Commission

3. Principal Residence

The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

4. Kitchen Facilities

There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.

5. Building Requirements

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 and 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.
- d. Bed and breakfast establishments shall comply with the Fire Code.

6. Parking

Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 4.00.

G. Cemeteries

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. Location

No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.

2. Accessory Buildings

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 plan shall be subject to Planning Commission review.

3. Setbacks

No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located within a cemetery shall be setback a minimum of four hundred (400) feet from the boundary line of any residential district.

4. Location of Entrances

Entrances to cemeteries shall be from a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.

5. Screening

Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Section 5.02, sub-section E.

H. Composting Centers

1. The applicant shall submit an Impact Assessment (Section 2.23) describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.
2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curbing area, landscaped buffers, sales area and fencing.
3. Composting operations shall be at least five hundred (500) feet from any residential district.
4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
6. The applicant shall describe acceptable methods for control of odors.
7. A landscaped greenbelt, as described in Section 5.02(E) shall be provided on all sides adjacent to a residential district. A landscaped greenbelt as described in Section 5.02(D) shall be provided on all other sides unless waived by the Planning Commission in consideration of adjacent uses and topographic features.
8. Access shall be provided solely on Class A truck routes.
9. All storage areas shall be enclosed in a building.
10. The requirements in this section shall not apply to composting undertaken by a property owner for his/her own benefit, provided that organic matter is not brought in from off-site.

I. Concrete Plants

Concrete plants shall comply with the following regulations:

1. Minimum Lot Size

Concrete plants shall have a minimum lot area of three (3) acres.

2. Setbacks

In order to reduce the effects of airborne dust, dirt, and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than three hundred (300) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than one thousand (1,000) feet to any property that is residentially zoned.

3. Access

Concrete plants shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

4. Stacking Spaces

A minimum of five (5) stacking spaces shall be provided on the premises for trucks waiting to be loaded.

5. Hours of Operation

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.

6. Maximum Size

Concrete plants shall be of a low profile design and production shall be restricted to no more than 250 cubic yards per day.

7. Layout

Concrete batch plants and operations shall be entirely enclosed within a building.

8. Outside Storage

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.

9. Screening

Concrete plant facilities, including parking and loading areas, shall be screened in accordance with Section 5.02, subsection E.

10. Truck Traffic

Truck traffic shall be limited to twenty-five (25) trips leaving the site per day. Trucks hauling concrete mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations.

11. Back-up Alarm

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.

12. Truck Washes

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 as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the concrete plant site.

13. Pollution Control

Concrete plants shall comply with the dust and noise standards set forth in Article 9.00. The plan for fugitive dust control shall address emissions from stockpiles, process sources, and traffic. Concrete plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality or successor agency, 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.

14. Plan Approval

The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) or successor agency. Air Quality Control Division, Michigan Pollution Control Commission and Ground Water Division. Evidence of approvals from relevant agencies shall be submitted to the Township prior to final approval.

15. Excess Concrete

The proposed recovery system for excess concrete must be noted on the site plan and approved by the Township.

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.

16. Impact Assessment

An impact assessment shall be submitted, pursuant to Section 2.23.

17. Performance Guarantee

Prior to issuance of a building permit, the Township may require submission of a performance guarantee, in accordance with Section 2.18.

J. Drive-in Establishments

1. General Provisions

The following provisions shall apply to all drive-in establishments:

a. *Location of Driveways*

Driveways serving drive-in establishments shall be located off of a minor or principal arterial. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

b. *Screening*

An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial or office use, subject to the requirements in Section 6.01.

2. Drive-In Theaters

The following regulations shall apply to Drive-In Theaters:

a. *Lot Size*

The minimum lot size for a drive-in theater shall be twenty (20) acres.

b. *Setbacks*

The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.

c. *Frontage and Road Access*

Such uses shall front onto a paved principal arterial and the main means of access to the theater shall be via the arterial. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

d. *Access Drive Design*

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.

e. *Stacking Space*

A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.

f. *Screening*

The entire drive-in theater site shall be screened in accordance with Section 5.02(E).

g. *Number of Movie Screens*

No more than one (1) screen shall be permitted per establishment.

K. Fast-Food and Drive-Through Restaurants

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. Minimum Frontage

The site shall have a minimum of two hundred (200) feet of frontage on a principal arterial road or highway.

2. Location of Driveways

Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). The use of secondary access drives in accordance with Section 2.10 is required.

3. Control of Sound Level

Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

L. Farm Operations

Farm operations, as defined in Section 1.03, are permitted in areas zoned Commercial Agriculture (AG-C), Agriculture Small Farms (AG-SF), Rural Estates (RE), and Rural Residential (RR), subject to compliance with the Michigan Right to Farm Act (Michigan Public Act 93 of 1981, as amended) and the Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated therein.

Farm operations established in Williamstown Township that fail to comply with the Right to Farm Act or GAAMPs shall comply with the following minimum requirements:

1. Location

Farm operations shall not be located in a subdivision or proprietor or assessor's plat. Feedlots, confined animal feeding operations, and commercial livestock operations shall not be located in a floodplain or wetland.

2. Prohibited Uses

The disposal of garbage, sewage, rubbish, or offal from rendering plants is prohibited. Slaughtering of animals is prohibited except where the animals have been raised on the premises.

3. Setbacks

Farm operations shall comply with the following setback requirements:

a. **Buildings.** Farm buildings shall comply with the minimum setbacks for the district in which they are located, provided that they are located at least two hundred (200) feet from residences on other parcels.

b. **Livestock Facilities and Livestock Production Facilities.** New and expanding livestock facilities and livestock production facilities shall comply with the site selection and odor control requirements specified in the most recent version of the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities, published by the Michigan Department of Agriculture and Rural Development.

c. **Pasture.** Runoff from pasture feeding and watering areas shall be separated from any surface water by a vegetative buffer that is at least sixty-six (66) feet in width.

4. Manure Management

Manure shall be stored, handled, and applied to the land in a manner that conforms to the Manure Management/Utilization GAAMPs to minimize odors and runoff.

5. Pesticide Management

Pesticides shall be used, stored, transferred, and disposed of in a manner that conforms to the Pesticide Utilization/Pest Control GAAMPs.

6. Removal of Dead Animals

Dead animals shall be disposed of within twenty-four hours after death, following procedures cited in the Bodies of Dead Animals Act, Michigan Public Act 239 of 1982, as amended.

7. Exceptions

The provisions in this subsection shall not apply to garden plots for single family residences, or to a collection of farm buildings that is operated for educational, demonstration, or recreational purposes (such as a "petting zoo" or "interpretive farm").

M. Funeral Homes and Mortuaries

The following regulations shall apply to Funeral Homes and Mortuaries:

1. Assembly Area

Adequate assembly area shall be provided off-street for vehicles to be used in funeral processions.

2. Screening

Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Section 5.02, sub-section E.

3. Caretaker's Residence

A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building, subject to the provisions in Section 2.04.

4. Loading Requirements

One (1) loading berth shall be provided per 5,000 square feet of gross floor area, and one (1) additional berth shall be provided for each additional 10,000 square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.

N. Golf Courses and Country Clubs, Par-3 Golf Courses, and Driving Ranges

The following regulations shall apply to Golf Courses, Country Clubs, driving ranges, and Par-3 Golf Courses:

1. Lot Size

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.

2. Setbacks and Fairway Width

The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards subject to review by the Planning Commission. 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.

3. Access

Golf courses and country clubs shall have direct access onto a paved public road.

4. Shelter Buildings

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 shall not be a freestanding portable toilet (sometimes referred to as a "porta-potty" or "porta-john").

5. Impact on Water Supply

A hydrogeological study shall be completed and submitted to document the impact of the golf course watering

system 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 proprietor shall submit a plan to identify measures that will be taken to conserve water on an ongoing basis and to control pesticides and herbicides from contaminating the ground and surface waters.

6. Building Setbacks

Buildings shall be setback a minimum of 200 feet from any property line that abuts a residential district.

7. Turf Maintenance Plan

The proposed turf maintenance plan and chemical application plan for the first year and for long-term turf maintenance shall be submitted for review. Turf maintenance and chemical applications shall use Best Management Practices.

8. Chemical Storage

Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean-up shall also be provided.

The following regulations shall apply to Driving Ranges:

1. Minimum Dimensions and Setbacks

Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be set back at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines.

2. Screening or Slopes

The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Section 5.02, sub-section E. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

3. Special Land Use Requirements for Outdoor Recreation Facilities

Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 8.02, sub-section Y.

O. Hospitals

The following regulations shall apply to Hospitals:

1. Lot Area

The minimum lot size for hospitals shall be ten (10) acres.

2. Frontage and Access

Hospitals shall front onto a paved major arterial or highway and the main means of access to the hospital for patients, visitors, and employees shall be via the arterial or highway. In no case shall access to a hospital be off of a residential street.

3. Setbacks

The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two

(2) stories.

4. Screening

Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Section 6.01.

5. State and Federal Regulations

Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including provisions of the Michigan Hospital Survey and Construction Act, Public Act 299 of 1947, as amended.

P. Kennels

The following regulations shall apply to Kennels where three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept:

1. Non-Commercial Kennels

Non-commercial kennels to house only the animals owned by the occupant of the dwelling unit located on the same parcel shall be permitted subject to the following:

a. *Lot Size*

The lot on which any such kennel is located shall be a minimum of two (2) acres in size.

b. *Number of Animals*

No more than six (6) animals over the age of six (6) months shall be housed in a non-commercial kennel.

c. *Breeding*

Breeding of animals shall be restricted to no more than two (2) litters per year.

d. *Setbacks*

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 one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

e. *Kennels Prohibited in Subdivisions*

Regardless of lot size, non-commercial kennels shall not be permitted in platted subdivisions.

2. Commercial Boarding and/or Breeding Kennels

Commercial (boarding/breeding) kennels shall be permitted subject to the following:

a. *Operation*

Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

b. *Lot Size*

Boarding and/or breeding kennels shall comply with the following lot size requirements:

Lot Size	Number of Permitted Animals
5 acres or less	5 animals
For each additional full acre above 5	5 additional animals

c. *Maximum Number of Animals*

No boarding or breeding kennel shall house more than thirty (30) animals.

d. *Setbacks*

- (1) The minimum setback for fully-enclosed kennel buildings shall be 100 feet from any property line and 200 feet from any residential structure on another parcel.
- (2) The minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors shall be 150 feet from any property line and 300 feet from any residential structure on another parcel.
- (3) Animals shall not be kept in outdoor runs between the hours of 6:00 p.m. and 8:00 a.m.

e. *Sound Control*

All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.

f. *Odor Control*

Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

g. *Kennels Prohibited in Subdivisions and Condominiums*

Regardless of lot size, commercial boarding and/or breeding kennels shall not be permitted in platted subdivisions or condominiums.

Q. Mini-Warehouses and Portable Storage Units

The following regulations shall apply to Mini-Warehouses and Portable Storage Units (also known as PODS, or Portable On-Demand Storage Units):

1. Lot Area

The minimum lot size for mini-warehouses and portable storage units shall be three (3) acres.

2. Permitted Use

Mini-warehouse establishments shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Portable storage units for lease or rent shall not be used for storage on the rental site.

3. Site Enclosure

The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high masonry wall or opaque fence, constructed in accordance with Section 6.01. In lieu of a masonry wall or fence, the Planning Commission may approve a landscape screen, pursuant to Section 5.02(E).

4. Exterior Appearance

The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

5. Resident Manager

A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the requirements in Section 2.04.

6. On-Site Circulation and Parking

- a. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
- b. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.
- c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

R. Motels

The following regulations shall apply to Motels:

1. Design

Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.

2. Services

Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

S. Nursing Homes and Assisted Living

The following regulations shall apply to Nursing Homes:

1. Lot Area

The minimum lot size for such facilities shall be three (3) acres.

2. Frontage and Access

Such uses shall front onto a paved arterial or collector road and the main means of access for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, be off of a residential street.

3. Setbacks

The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.

4. State and Federal Regulations

Nursing homes, shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

T. Oil and Gas Processing Facilities

The following regulations shall apply to oil and gas processing or sweetening plants:

1. Setbacks

a. 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.

b. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.

2. Density

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. Screening

Oil and gas processing facilities shall be screened in accordance with Section 5.02, subsection E.

4. Air Pollution Control

Emissions from the plant shall meet or exceed all applicable state and federal pollution standards, including state standards in Michigan Public Act 451 of 1994, as amended, and the rules adopted pursuant to that Act. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process 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.

5. Fire Detection

The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.

6. Noise

Oil and gas processing plants shall comply with the noise standards set forth in Article 9.00.

7. Automatic Alarm System

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 Township Fire Department dispatcher and plant operating personnel.

8. Site Security

The following security measures shall be maintained on the site:

a. *Fencing*

The site shall be fully enclosed with a six foot high chain link fence with three strands of barbed wire along the top of the fence.

b. *Locking of the Facility*

All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.

c. *Signs*

"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. *Lighting*

The site shall be adequately lighted, in accordance with Section 2.12.

e. *Telephone Monitoring System*

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.

9. Preventative Maintenance

The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.

10. Site Closure

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 depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.

11. Other Approvals

The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction,.

12. Performance Guarantee

Prior to issuance of a building permit, the Township may require submission of a performance guarantee, in accordance with Article 2.18.

U. Open-Air Business

The following regulations shall apply to Open-Air Businesses, whether operated year round or on an intermittent basis:

1. Lot Area

The minimum lot size for open-air businesses shall be 40,000 sq. ft.

2. Driveway Location

The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line (see the requirements for unobstructed site distance in Section 2.09(A)4..

3. Parking Setback

Parking shall be setback a minimum of fifteen (15) feet from any road right-of-way line, unless otherwise noted. The area between the parking and the road right-of-way shall be landscaped in accordance with Section 5.02(B).

4. Lot Width

The minimum lot width for open-air businesses shall be two hundred (200) feet.

5. Loading and Parking

All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.

6. Outdoor Display of Vehicles

The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 8.02, sub-section C.

7. Plant Material Nursery

Nurseries which deal with 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.

8. Roadside Stands

Roadside stands shall be subject to the requirements in Section 8.02, sub-section Z.

V. Wireless Communication Facilities

1. General Requirements

- a. *Standard A.* Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all of the following requirements are met:
- (1) The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound.
 - (2) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.
 - (3) The proposed colocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
 - ii. Increase the width of wireless communications support structure by more than the minimum necessary to permit colocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 sq. ft.
 - (4) The proposed colocation complies with the terms and conditions of any previous final approval by the Planning Commission.
- b. *Standard B.* Wireless communications equipment is subject to special land use approval, in accordance with Section 27.03 of the Zoning Ordinance, if the equipment does not meet requirements “(3)” and “(4)” under Standard A, but the equipment meets all of the following requirements:
- (1) The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound,
 - (2) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.
- c. *Standard C.* Wireless communication equipment is subject to special land use approval, in accordance with Section 27.03 of the Zoning Ordinance if the proposal does not involve colocation (e.g., a new facility).

2. Approval Procedures

The following procedures have been established to achieve approval of a proposed wireless communications facility:

- a. *Standard A.* Standard A Wireless communication equipment proposals require no zoning approval. However, plans for Standard A improvements shall be submitted to the Township.
- b. *Standard B.* Standard B wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures in Section 27.03 and the following special procedures.

<u>Steps</u>	<u>Action</u>
1.	Applicant submits plan and \$1,000 fee.
2.	Within 14 days Township administration determines if application is complete.
3.	If application is incomplete, administration notifies applicant.
4.	If application is complete, administration initiates SLU review by scheduling special land use public hearing. Special land use review must be complete <u>(60) days</u> after the application is considered complete.
5.	Township Planner reviews plan, transmits letter to Planning Commission.
6.	Planning Commission reviews plan, makes recommendation to Township Board.
7.	Township Board approves or denies application.

- c. *Standard C.* Standard C wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures outlined for Standard B, except that in Step 4 the special land use review must be complete not more than ninety (90) days after the application is considered complete.

3. Standards and Conditions

All applications for wireless communication facilities that require special land use approval shall be reviewed in accordance with the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission and Township Board.

- (1) *Public Health and Safety.* Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.
- (2) *Harmony with Surroundings.* To the extent feasible, facilities shall be designed to be harmonious with the surrounding areas.
- (3) *Compliance with Federal, State and Local Standards.* Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes.
- (4) *Maximum Height.* Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), but shall not exceed one hundred twenty (120) feet. Higher towers may be permitted, however, if necessary to achieve collocation. The buildings, cabinets, and other accessory structures shall not exceed the maximum height for accessory structures in the zoning district in which the facility is located.
- (5) *Minimum Setbacks.* The setback of a new or modified support structure from any residential-zoned district or existing or proposed right-of-way or other publicly traveled road shall be no less than the total height of the structure and attachments thereto.

Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the support structure shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

- (6) *Access.* Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Planning Commission, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.
- (7) *Division of Property.* The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements are met.
- (8) *Equipment Enclosure.* If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the Schedule of Regulations for the zoning district in which the facility is located. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
- (9) *Design Objectives.* The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.

- Accordingly, support structures shall be grey or white (or another color that is found to be more harmonious with surroundings) and shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). Equipment buildings shall have a brick exterior. No signs or logos visible from off-site shall be permitted on a support structure.
- (10) *Fencing*. Wireless communication facilities shall be enclosed by an open weave, green or black vinyl-coated, chain link fence having a maximum height of six (6) feet. Barbed wire may be permitted.
- (11) *Structural Integrity*. Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety.
- (12) *Maintenance*. A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.
4. Removal of Unused or Obsolete Facilities
- a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- (a) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of no use.
- (b) Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
- b. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.
- d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
5. Application Requirements
- a. *Site Plan and Special Land Use Review*. A site plan prepared in accordance with Section 29.02 shall be submitted, showing the location, size, screening and design of all buildings, outdoor equipment, and structures. Where the wireless communication facility is subject to special land use approval the procedures and standards in Section 29.03 shall be followed.
- b. *Landscape Plan*. A detailed landscaping plan shall be submitted illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- c. *Structural Specifications*. Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.
- d. *Security*. The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer

needed, as previously noted. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.

- e. *Contact Person.* The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

W. Recreation Facilities

1. Outdoor Recreation Facilities

Outdoor recreation facilities, such as, but not limited to, ski facilities, courses for off road vehicles and snowmobiles, campgrounds, baseball facilities, and swimming pools, shall comply with state and Federal regulations and the following regulations:

a. *General Requirements*

- (1) **Setbacks.** Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.
- (2) **Access.** Outdoor recreation uses shall have direct access onto a principal arterial.
- (3) **Impact on Surrounding Properties.** The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
- (4) **Nuisance Impacts.** Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
- (5) **Parking.** All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Section 4.01, and set back a minimum of forty (40) feet from any residential district.
- (6) **Screening.** Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Section 5.02, sub-section E.
- (7) **Accessory Retail Facilities.** 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 otherwise listed as a permitted use in the district in which the facility is located.

b. *Off-Road Vehicle and Snowmobile Trails, Gun Ranges*

Courses or trails for off-road vehicles, snowmobiles, or similar use, and gun ranges, shall comply with the following regulations:

- (1) **Minimum Parcel Size.** A minimum of eighty (80) acres shall be required for such uses.
- (2) **Location.** The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.
- (3) **Operations Plan.** The applicant shall provide a detailed operations plan clearly outlining the types, locations, and characteristics of uses proposed, including proposed hours of operation. The Township may regulate the operation and hours of activity to minimize adverse impacts on nearby properties.
- (4) **Other Regulations.** All such uses shall comply with applicable state and federal laws and regulations.

c. *Campgrounds*

Campgrounds for travel trailers, tents, tent-campers, and motor homes shall comply with the following requirements:

- (1) **Setbacks.** 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, and shall be screened in accordance with Section 5.02, sub-section E.

- (2) Minimum Campsite Size. Each campsite shall be at least fifteen hundred (1,500) square feet in size for campsites designed to serve motorhomes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
- (3) Utilities. 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.
- (4) Fencing. The entire campground shall be enclosed by a six (6) foot high fence, subject to the requirements in Article 6.00. The fence may be located on the side and rear property lines, but shall be setback a minimum of fifty (50) feet from any road right-of-way line.
- (5) Temporary Residency. Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.

d. *Swimming Pools Clubs*

- (1) Enclosure. Outdoor swimming pools in single family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Article 6.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.
- (2) Setbacks. Swimming pools in single family districts shall be set back at least 100 feet from any property line that abuts a residential district. In all other districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.
- (3) Swimming Pool Clubs. Swimming pool clubs in residential districts shall be incorporated as non-profit organizations and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision, or another clearly defined geographic area as specified in the club's articles of incorporation.

e. *Private Swimming Pools*

- (1) Location. Private swimming pools shall be permitted as an accessory structure to the rear or side of the principal structure in residential districts, and also in front of the principal residential structure in RR, RE, AG-SF, and AG-C districts, provided that pools in front shall be screened with landscaping or natural vegetation such that they cannot be seen from the road. Pools shall not be located in any road or utility right-of-way or easement. (revised 3/6/01)
- (2) Setbacks. Private swimming pools shall be located no closer than ten (10) feet to any side or rear property line and no closer than ten (10) feet to any building on the same parcel. Pools shall comply with the front yard setback for the district in which they are located, except that in no case shall a pool be located closer than thirty-five (35) feet to a road right-of-way line.
- (3) Fencing. Private swimming pools shall be enclosed within a minimum four (4) foot high fence. All fences shall be subject to the requirements in Article 6.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the pool side of the gate so that it is not readily available to children to open. Gates shall be securely locked when the pool is not in use. A fence shall not be required for pools that are wholly or partially above ground, provided that the wall of the pool is at least four (4) feet in height and that no ladder, deck, or other structure provides access to the pool while it is unattended. However, an automatic pool cover may be used in place of a fence in residential areas, per the Michigan Building Code, except in the R-1 and R-1-S Districts, high density developments, or where the pool would be within 100 feet of another property line. The automatic pool cover would need to be UL listed/approved and meet ASTM F 1346-91 standards.
- (4) All swimming pools shall be subject to the requirements in the Michigan Building Code.

2. Indoor Recreation Facilities

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

a. *Setbacks*

Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line which abuts a residential district.

b. *Adverse Impacts*

The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from noise generated by the use and loitering on the premises.

c. *Access*

Indoor recreation uses shall have direct access onto a principal arterial road.

d. *Arcades and Video Gaming Devices as Accessory Uses*

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 which contains the principal use. The arcade shall have no direct means of access to the exterior of the building.
- (3) The arcade shall operate only during the hours when the principal use is open for business.
- (4) Sufficient additional off-street parking shall be provided to serve the arcade facilities.
- (5) 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.

e. *Approvals.* Indoor recreations facilities shall comply with applicable state and Federal regulations.**X. Religious Institutions**

The following regulations shall apply to all religious Institutions, including churches, synagogues, temples, etc.:

1. Lot Width

The minimum lot width for religious institutions shall be one hundred and fifty (150) feet, unless a greater width is specified in the Schedule of Regulations for the district in which the institution is located.

2. Lot Area

The minimum lot area for religious institutions shall be two (2) acres, unless a greater lot area is specified in the Schedule of Regulations for the district in which the institution is located.

3. Parking Setback

Off-street parking shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property line.

4. Building Setback

Religious institutions shall comply with the following building setback requirements, unless larger setbacks are specified in the Schedule of Regulations for the district in which the institution is located.

- a. Front Yard: 50 feet
- b. Side Yards: 25 feet
- c. Rear Yard: 50 feet

5. Frontage and Access

Religious institutions shall be located on a paved collector or arterial road.

6. Landscaping

Religious institutions shall comply with the landscaping requirements set forth in Section 5.03.

7. Maximum Height

Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.

Y. Group Child Day Care Home

Pursuant to Public Act 110 of 2006, as amended, a Group Child Care Home (as defined in Section 1.03) shall be issued a special use permit if the facility meets of the following standards:

- a. The Group Child Care Home is located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group child care home.
 - (ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Michigan Public Act 218 of 1979, as amended.
 - (iii) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the public health code, Michigan Public Act 218 of 1979, as amended.
 - (iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
- b. For the safety of the children, the play yard shall be enclosed with a four (4) foot high fence, which shall comply with the requirements in Article 6.00 of the Zoning Ordinance.
- c. The property shall be maintained in a manner that is consistent with the characteristics of the neighborhood, and in compliance with the adopted Property Maintenance Code.
- d. The facility shall not exceed 16 hours of operation during a 24-hour period.
- e. Signs shall comply with Article 7.00 of the Zoning Ordinance.
- f. Parking shall comply with Article 4.00 of the Zoning Ordinance.
- g. All such facilities shall be licensed by the Department of Human Services or successor agency and shall comply with the minimum standards outlined by the Department for such facilities.

Z. Roadside Stands

The following regulations shall apply to all Roadside Stands, as defined in Section 1.03:

1. Building Size

Any building containing a roadside stand shall not be greater than two hundred fifty (250) square feet in size.

2. Site Maintenance

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. Building Setbacks.

Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the paved surface of any paved public road, and no closer than forty-five (45) feet to the improved gravel surface

of any unpaved public road.

4. Parking

Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 4.00, except that hard-surfacing shall not be required.

AA. Stables and Riding Arenas

1. Private Stables

Private stables, as defined in Section 1.03 of this Ordinance, are intended for the keeping of horses or other large animals for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements:

a. *Location*

Private stables shall not be located on land that is a part of a recorded plat unless the subdivision was designed to accommodate stables and equestrian activity.

b. *Minimum Size*

Private stables shall have a minimum of two (2) acres per animal but in no event shall there be less than five (5) acres.

c. *Setbacks*

All buildings in which animals are kept and paddocks shall be located a minimum of fifty (50) feet from any property line, any occupied dwelling or any other building used by the public. Horses may be pastured to the side or rear property line and to the front property line in the RE, AG-SF, RR, and AG-C districts. .

d. *Maintenance*

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 seventy (70) feet from any property line and shall be managed in accordance with Generally Accepted Agricultural and Management Practices.

2. Public Stables

Public stables, as defined in this Ordinance, shall comply with the following:

a. *Location*

Public stables shall not be located on land that is a part of a recorded plat.

b. *Minimum Size*

Public stables shall have a minimum of two (2) acres per animal but in no event shall there be less than forty (40) acres.

c. *Setbacks*

All buildings in which animals are kept and paddocks shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the front property line.

d. *Maintenance*

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 seventy (70) feet from any property line and shall be managed in accordance with Generally Accepted Agricultural and Management Practices.

e. *Supervision*

Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

3. Riding Arenas

Riding arenas may be permitted as an accessory building or use, subject to the following requirements:

a. *Location*

Riding arenas shall not be located on land that is a part of a recorded plat.

b. *Permitted Use*

Riding arenas, whether located inside or outside of a building, are permitted principally for the use and enjoyment of the residents or owners of the parcel on which the arenas are located. The principal use of riding arena facilities is intended to be for riding, exercising and training horses by residents or owners of the parcel. However, broader uses of arenas are permitted on a limited basis subject to the regulations herein, where such uses are consistent with the goals of the Township to promote continued rural land use. Additional permitted uses include, by way of example, horse competition events, training clinics and classes, and riding lessons. Such additional uses and events shall not be open to the general public as spectators; hence, grandstands and other public facilities for spectators are not permitted. However, observation platforms or similar viewing facilities for participants are permitted. Riding arenas may contain stables.

c. *Setbacks*

Riding arenas and outdoor practice tracks shall comply with the setback requirements specified in the Schedule of Regulations for the district in which they are located, except as follows:

- (1) Such facilities shall be located at least fifty (50) feet from any property line in the RR, RE, or AG-SF district.)
- (2) Such facilities shall be located at least two hundred (200) feet from any residential subdivision, condominium development, or multiple family residential development of record, as measured from the nearest edge of the facility to the nearest boundary line of the residential development.
- (3) Buildings in which animals are kept shall comply with the applicable setback requirements for stables.
- (4) Horses may be pastured to all property lines, including the front property line/road right-of-way line, provided that an eighteen (18) inch setback is provided for an electric fence, pursuant to Section 6.02, sub-section B.3.

d. *Floor Area*

Notwithstanding limitations in Section 2.03 on accessory building size, the gross floor area of any riding arena building shall not exceed 15,000 square feet.

e. *Maximum Height*

Riding arenas shall comply with the height requirements for the district in which they are located.

f. *Maintenance*

Riding arenas 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 seventy (70) feet from any property line and shall be managed in accordance with Generally Accepted Agricultural and Management Practices.

g. *Restrictions on Horse Competitions and Similar Events*

Although horse competitions and similar events may further the rural use of land, it is intended that such events not become commercial operations and that they be located, laid out, and operated in a manner that does not impair the continued enjoyment, use and future development of nearby properties. Consequently, such events shall adhere to the following restrictions:

- (1) Events at which horses or other animals must be trailered in shall occur no more frequently than twice per month. Such event shall last one (1) day only, between the hours of 8:00 a.m. to 8:00 p.m.

- (2) No more than thirty (30) trailers shall be brought onto the property at one time. Trailer and other vehicles shall be parked no closer than forty (40) feet to any property that is zoned or used for residential purposes. In consideration of the frequency of events, paving of parking and driveways shall not be required, provided that dust control is implemented when needed.
 - (3) Accessory food concession and restroom facilities are permitted, subject to the following:
 - i. Accessory facilities shall be contained within the riding arena building or other building.
 - ii. Accessory facilities shall be designed to serve the participants in the events, and shall not be open to the general public.
 - iii. Sales of merchandise shall not be permitted.
 - iv. Permanent restrooms in the arena building or another building are required; portable toilet facilities are not permitted.
 - (4) Overnight outdoor camping and overnight lodging within a building are not permitted.
 - (5) Signs shall comply with the requirements for Signs for Nonresidential Uses (Section 7.07, sub-section E).
 - (6) Exterior lighting shall comply with Section 2.12. Arena lighting to facilitate outdoor events after dark is prohibited.
 - (7) Loudspeaker outside of the arena building are prohibited, unless the applicant can demonstrate to the satisfaction of the those who have review authority at the Township that the loudspeakers will not disrupt the use and enjoyment of adjacent land.
 - (8) Horse competitions or similar events proposed in conjunction with a new arena or addition to an existing one shall be reviewed following the normal site plan review process. Where there is no new construction, such proposals shall be subject to review and approval by the Township Board.
- h. *Outdoor Tracks*
- Outdoor tracks shall be permitted, provided they are setback at least fifty (50) feet from any property line, and subject to review by the Township Engineer so as to minimize impact on drainage patterns in the area.
- i. *Written Agreement*
- All required conditions and limitations on the use of a riding arena shall be set forth in a written document, prepared in a recordable form. Upon approval the site plan and prior to issuance of a building permit, the agreement shall be recorded by the Township in the Ingham County Office of the Register of Deeds, unless otherwise agreed to by the Township Board.
- j. *Approval Criteria*
- The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:
- (1) All requirements set forth in this sub-section will be complied with.
 - (2) No living quarters will be located in the arena building.
 - (3) The arena will be compatible in terms of appearance and function with surrounding land uses.
 - (4) The arena is not likely to negatively affect the value of other property in the area in which it is located.
4. Stables for Breeding and Training Horses
- Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered farms, as defined in Section 1.03, and shall be subject to the regulations applicable to farms.

BB. Stamping Plants, Punch Presses, Press Brakes, and other Machines

The following regulations shall apply to stamping machines, punch presses, press brakes, and other machines:

1. General Requirements

All such machines shall have shock absorbing mountings and be placed on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. All such machines shall comply with the noise and vibration standards in Article 9.00.

2. Automatic Screw Machines

Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than three hundred (300) feet from any property zoned or used for residential purposes.

3. Setbacks

Punch and stamp presses, other than hydraulic presses shall comply with the following capacity standards:

Maximum Capacity (Tons)	Distance from Nearest Residential District (feet)
50	250
100	300
150	500

Hydraulic presses shall comply with the following capacity standards:

Maximum Capacity (Tons)	Distance from Nearest Residential District (feet)
50	250
750	300
1000	500

4. Press Brakes

Press brakes shall be set back at least three hundred (300) feet from any property line zoned for residential use.

CC. Utility Structures and Substations

Utility structures, substations, and similar uses shall comply with the following regulations:

1. Location

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.

2. Design

All such uses shall be contained in buildings that are architecturally compatible with buildings in the vicinity and shall be screened in accordance with Section 5.02, subsection E.

3. Off-site Impact

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.

4. Security Fencing

Security fencing may be permitted, subject to the requirements in Article 6.00.

DD. Veterinary Clinics

Veterinary clinics shall comply with the following requirements:

1. Small Animal Clinics**a. *Enclosure***

All activities shall be conducted within a completely enclosed building.

b. *Setbacks*

All buildings shall be set back at least two hundred (200) feet from abutting land that is zoned for residential use.

c. *Kennels*

Kennels associated with veterinary clinics shall comply with the following setback requirements:

- (1) Minimum setback for fully-enclosed kennel buildings: 200 feet from any residential structure on another parcel.
- (2) Minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors: 300 feet from any residential structure on another parcel.
- (3) Animals shall not be kept in outdoor runs between the hours of 6:00 p.m. and 8:00 a.m.

2. Large Animal Clinics**a. *Range of Services***

The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

b. *Access*

The veterinary clinic shall front on or have direct access to a hard-surfaced road.

c. *Accessory Office Uses*

Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

d. *Setbacks*

No building other than a stable shall be located closer than fifty (50) feet to any dwelling on the premise and seventy-five (75) feet to any adjacent property line.

e. *Kennels*

Kennels associated with veterinary clinics shall comply with the following setback requirements:

- (1) Minimum setback for fully-enclosed kennel buildings: 200 feet from any residential structure on another parcel.
- (2) Minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors: 300 feet from any residential structure on another parcel.

f. *Maintenance*

All stables and treatment areas 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 removed from the premises or spread and cultivated at least once per week so as to control odors and flies.

g. *Setback of Stable or Paddock*

No stable or confined paddock area shall be located nearer than fifty (50) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

h. *Minimum Lot Size*

Veterinary clinics shall have a minimum lot area of five (5) acres.

i. *Signs*

The veterinary clinic shall be permitted one (1) identification sign with a maximum size of twenty (20) square feet, in accordance with Article 7.00.

j. *Parking*

The veterinary clinic shall provide parking at the ratio of one (1) space per four hundred (400) square feet of usable floor area in the clinic, plus one (1) space per employee on the largest working shift. Parking shall comply with the requirements in Article 4.00.

EE. Retreat Centers

1. Minimum Lot Area

Retreat centers shall be located on parcels having a minimum size of ten (10) acres.

2. Access

Retreat centers shall have direct access to an existing paved public road.

3. Maximum Floor Area

The usable floor area of retreat centers shall not exceed three thousand (3,000) sq. ft.

4. Health Department Approval

Approval from the Health Department for the septic system, water supply well, and kitchen facilities shall be submitted prior to final Township approval.

5. Fire Department Approval

Fire Department inspection and approval shall be required prior to final Township approval. The Fire Department shall be requested to establish a maximum occupancy load for the facility.

6. Parking

Off-street parking shall be provided in the following amounts: One (1) space per person, based on the occupancy load of the building, plus one (1) space per employee. Parking areas shall be properly drained and surfaced with gravel but need not be paved.

7. Overnight Use

Overnight accommodations are prohibited.

8. Screening and Landscaping

Retreat centers shall comply with the screening and landscaping requirements for Non-Residential Uses in a Residential or Agricultural District [Section 5.03 (C)].

9. Building Inspector Approval

Building Inspector review of the site plan shall be required prior to final action by the Planning Commission and Township Board. This review shall not be considered a substitute for the normal review of construction plans prior to issuance of a building permit.

10. Setbacks

Retreat centers shall comply with the setback requirements for principal uses in the AG-SF district.

FF. Landscape Contractors' Operations

Landscape contractors' operations shall comply with the following requirements:

1. All vehicles and equipment shall be stored in a fully enclosed building.
2. Front loaders and similar equipment used on the site shall be limited to a one (1) yard bucket.
3. There shall be no outside storage or stock piling of materials or debris, other than peat, bark, stone and similar raw materials normally used in the nursery/landscaping business. Such materials shall be screened so they are not visible from any property line.
4. Building contractors, road contractors, and similar operations are prohibited.
5. No more than ten percent (10%) of the total site area shall be occupied by buildings, storage, parking, or other facilities associated with the landscaping contractor's operations.
6. The Planning Commission shall have the authority to establish hours of operation so as to minimize the impact of the facility on nearby residential uses.
7. Landscape contractors' operations, including buildings, storage areas, stockpiles, and vehicle and equipment parking, shall comply with the following minimum setback requirements: front: 50 feet, sides: 30 feet, and rear: 40 ft.

GG. Outdoor Events

1. Outdoor Events.

For the purposes of this Section, the words "Outdoor Events" shall mean any musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free. The regulations in this Section are not intended to apply to regular season baseball, soccer, football or other sports league games; sports or athletic activities or games organized and managed by the school district or Township; or, family gatherings of residents, such as reunions, where members of the general public are not invited. Applications for Outdoor Event permits shall initially be screened by the Planning Coordinator and Building Inspector, who shall make a determination whether a proposed event requires full review and approval pursuant to these regulations. The Planning Coordinator and Building Inspector may waive these requirements upon finding that a proposed event will be attended by less than 100 persons, provided that such a finding is based on written evidence in the form of a signed guest list, copies of written invitations, etc.

2. Application.

In addition to information required by the standard special land use application by the Township, the following information shall be provided on any application for a permit to operate an Outdoor Event:

- a. The names, residence and mailing addresses, and telephone numbers of the person responsible for the Outdoor Event and the owner of the property where the Outdoor Event is proposed to occur. If the applicant is an organization or business, then the name, address, and telephone number of a contact person shall be provided.
- b. A description of the proposed Outdoor Event.
- c. The date or dates, location, and proposed hours of operation of the Outdoor Event.
- d. If the applicant is not the owner of the property on which the Outdoor Event is proposed, then evidence of the applicant's right to use the premises for the Outdoor Event shall be submitted.
- e. A statement of the number of people expected to attend the Outdoor Event for each date it is conducted, and an explanation of the evidence of admission which will be used.

- f. An indemnification agreement to save and keep the Township free and harmless from any and all loss or damages or claims for damages, including attorney=s fees and litigation costs, arising from or out of the Outdoor Event. The indemnification agreement shall be subject to approval of the Township Attorney.
 - g. A plan and schedule for complete clean-up of the site following the Outdoor Event.
 - h. Other information necessary to demonstrate compliance with all of the regulations and standards set forth herein.
3. Site Plan. An application for a permit for an Outdoor Event shall be accompanied by a site plan, drawn to scale, showing the location and plan to supply or maintain the following systems and services:
 - a. Police and fire protection facilities and services.
 - b. Water supply and facilities.
 - c. Food supplies and facilities.
 - d. Sanitation facilities.
 - e. Medical and first-aid facilities.
 - f. Vehicle ingress and egress and parking facilities, including means of access for emergency vehicles.
 - g. The areas and facilities to be used for performances.
 - h. The areas and facilities to be used for seating, showing the locations of all aisles.
 - i. The location and type of temporary lighting, sound, and public address facilities.
 - j. The nature and locations of signs and markings to be used to direct people and delineate various areas and facilities.
 - k. All physical facilities to be constructed or placed on the premises, including, but not limited to, fences, ticket booths, grandstands, stages, concession facilities, and offices.
 - l. All other applicable site plan requirements specified in Section 29.02.
4. Minimum Requirements. No Outdoor Event shall be conducted or permitted unless all of the following requirements are met:
 - a. *Parcel Size*. Outdoor Events shall be permitted only on parcels that are forty (40) acres or larger.
 - b. *Hours of Operation*. Outdoor Events shall not begin before 10:00 a.m. nor extend later than 10:00 p.m., unless otherwise permitted by the Township upon finding that longer hours will have no impact on use of surrounding property.
 - c. *Fencing*. The premises shall be completely enclosed by a fence of sufficient height and strength to preclude persons in excess of the maximum permissible from gaining access and to aid in crowd control. Sufficient gates shall be provided to allow safe ingress and egress.
 - d. *Parking*. Adequate parking spaces shall be provided for persons attending the Outdoor Event by motor vehicle. At minimum, one (1) off-street parking space shall be provided for every three (3) persons expected to attend or be employed at an Outdoor Event. Parking along the shoulder of any road shall be prohibited. Properly marked barrier-free spaces shall be provided in accordance with the schedule in Section 4.01, subsection C.5. A plan illustrating the proposed parking layout, including method of delineating spaces and drive aisles, shall be submitted for approval. The parking layout shall comply with the dimensional and other applicable requirements in Article 4.00 of the Zoning Ordinance, although paving shall not be required for a temporary Outdoor Event.

- e. *Traffic Circulation and Control.* A plan for traffic circulation and control shall be submitted for review. The plan shall include provisions for emergency vehicle access at all times. Provisions shall be made for an adequate number of traffic control officers to provide for the safe, orderly, and expeditious movement of traffic, prior to, during, and after the Outdoor Event. The adequacy of the plan shall be subject to approval by the Meridian Township Police Department and Northeast Ingham Emergency Services Authority (NIESA). The sponsors of the Outdoor Event shall pay for the cost of such traffic control.
- f. *Security Guards.* A minimum of two (2) security guards shall be provided. One (1) additional security guard shall be provided for each two hundred (200) people (or fraction thereof) expected to be in attendance above the initial two (200) people, unless the Meridian Township Police Department determines that greater or fewer guards are needed to preserve order and protection property on and around the site of the Outdoor Event.
- g. *Potable Water.* Potable water shall be available in sufficient quantity and pressure for drinking and sanitation purposes for the entire Outdoor Event, including under conditions of peak demand. The water supply shall comply with applicable County and State laws and regulations.
- h. *Toilet Facilities.* A minimum of ten (10) toilet facilities shall be provided per five hundred (500) people anticipated to attend the Outdoor Event. In addition, two (2) toilet facilities shall be provided for each additional two hundred fifty (250) people. Public or common use toilets shall comply with Federal Americans with Disability (ADA) guidelines, which require that five percent (5%) of the total number, and not less than one (1) toilet facility per cluster of toilet facilities, shall be barrier-free. All toilet facilities shall be provided with soap and paper towels and shall comply with applicable County and State laws and regulations.
- i. *Liquid Waste Disposal.* Proper liquid waste disposal from the premises shall be provided so as to prevent a nuisance or menace to public health. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with County and State laws and regulations.
- j. *Solid Waste Disposal.* Proper solid waste storage and removal shall be provided so as to prevent a nuisance or menace to public health. Storage shall be in covered containers having a minimum capacity of thirty-six (36) gallons, provided at a rate of one (1) container per one hundred (100) persons expected to attend the Outdoor Event. The sponsor of the Outdoor Event shall provide the Township with a true copy of an executed agreement with a licensed solid waste disposal firm, which agreement shall provide for proper removal of solid waste from the premises within twenty-four (24) hours following the Outdoor Event. For multiple day events, solid waste shall be removed from the premises every day.
- k. *Electrical Service.* A plan for providing electrical service to the site shall be submitted, which plan shall be subject to approval by the Building Official. All electrical wiring shall be installed in compliance with the Michigan Building Code.
- l. *Noise Control.* Sound or noise resulting from the Outdoor Event, when measured at the property line, shall not exceed the normal ambient sound level on adjacent property between the hours of 10:00 p.m. and 10:00 a.m. At all other times, the sound or noise level produced by the Outdoor Event shall not exceed normal ambient sound level on adjacent property by more than five (5) decibels. Furthermore, no sound or noise shall be produced that causes annoyance to or a threat to the health and safety of the occupants of the adjacent property.
- m. *Illumination.* Electrical illumination shall be provided to all areas that are intended to be occupied after dark. A lighting plan shall be submitted showing the location and types of lighting fixtures and level of illumination for open areas reserved for spectators, stage areas, parking areas, and restroom and concession areas.
- n. *Communications Facilities.* An emergency communication system shall be provided and maintained for the duration of the Outdoor Event, which system shall be subject to approval by the County Sheriff's Office and the Chief of the Northeast Ingham Emergency Services Authority (NIESA).
- o. *Overnight Facilities.* Those who attend an Outdoor Event shall not be allowed to remain on the premises overnight. Overnight use of the premises by performers or employees of the Outdoor Event may be permitted, however, subject to review of detailed plans for the accommodations for overnight use, such as camper or trailer parking, sanitation facilities, and bathing facilities.
- p. *Signs.* Signs shall comply with the standards for "Community Special Event Signs" in Section 7.05, subsection

- C.
- q. *Food Service.* If food service is made available, it shall be delivered only through concessions licensed and operated in accordance with State and County laws and regulations.
 - r. *Medical Facilities.* If the Outdoor Event is expected to be attended by 2,000 or more people, emergency medical facilities shall be provided on the premises for the duration of the event.
 - s. *Prohibited Activities.* It shall be unlawful to conduct or permit any obscene display or entertainment; to cause or create a disturbance by obscene or disorderly conduct; to permit consumption or use of or make available liquor, narcotics, or narcotic drugs.
 - t. *Fire Protection.* Adequate fire protection shall be provided in accordance with guidelines provided by the Township Fire Board. Flammable vegetation and other fire hazards shall be removed from the site of the Outdoor Event. Equipment to extinguish fires, as required by the Chief of the Williamston Community Fire Department, shall be provided. Open fires are prohibited.
 - u. *Performance Guarantee.* A performance guarantee meeting the requirements of Section 2.18 shall be deposited with the Township to assure proper clean-up of the site in accordance with the clean-up plan that is required with the application.
 - v. *Insurance.* The applicant shall acquire and maintain, at its sole expense, public liability insurance, naming the Township as an additional insured. The insurance shall be purchased from companies approved by the Commissioner of Insurance of the State of Michigan, and shall cover bodily injury, property damage and personal injury in amounts specified by the Township Supervisor. The applicant shall furnish and deliver certificates of insurance demonstrating the existence of the insurance in the minimum amounts required by the Township. Each certificate shall provide that the Township shall receive not less than thirty (30) days written notice of cancellation, expiration, or termination.
5. Standards for Approval. The Township Board may approve an Outdoor Event special land use proposal upon receiving a recommendation from the Planning Commission and making the following findings:
- a. The Outdoor Event will be held at a location which complies with and meets all Township, County, and State health, zoning, fire, and safety ordinances, laws, and requirements.
 - b. All application and site plan information required by the Zoning Ordinance has been provided.
 - c. The Outdoor Event will be conducted in full accord with all requirements of the Zoning Ordinance and this section, in particular.
 - d. The Outdoor Event will be conducted in a manner that will not create a threat to health, safety and welfare, or adversely affect nearby residents' use and enjoyment of their properties.
 - e. All facilities and services required by this section will be furnished and that all prior approvals from State and County agencies have been obtained.
 - f. The Outdoor Event will not adversely affect the ability to furnish the remainder of Township with adequate police and fire protection.

HH. Nature Centers, Demonstration Farms

Nature Centers, Demonstration Farms, and similar uses shall comply with the following regulations:

1. Setbacks. Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
2. Parcel Size. The parcel on which such a facility is located shall be least ten (10) acres in size.
3. Impact on Surrounding Properties. The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties. The Planning

Commission may specify the hours of operation to assure compatibility with adjacent uses.

4. Parking. All parking for such facilities shall be provided in off-street parking lots, designed in accordance with Section 4.01, except as follows:
 - a. Off-street parking shall be set back a minimum of forty (40) feet from any property that is zoned or used for residential purposes.
 - b. The number of spaces required shall be determined on a case-by-case basis, upon consideration of the character of the specific use being proposed.
 - c. The Planning Commission may waive the paving requirements in Section 4.01(D)(4) for parking and driveways, upon making the determination that another type of surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving, the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). The Planning Commission may seek the advice of the Building Inspector and/or Township Engineer. If paving is not required, then the site plan shall include a commitment to provide dust control in parking areas and on driveways.
 - d. The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours.
 - e. The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on site satisfies the objectives of the Ordinance, as well as the intent to maintain the rural, non-commercial character of the site.
5. Accessory Facilities. Accessory retail, food concession, and restroom facilities may be permitted, subject to the following:
 - a. Accessory facilities shall be contained within the nature center building or other principal building.
 - b. Accessory facilities shall be designed only to serve the patrons of the Nature Center or Demonstration Farm.
 - c. Permanent restrooms in the nature center building or other principal building shall be required; portable toilet facilities shall not be permitted.
 - d. Overnight camping is not permitted. Overnight lodging within a building may be permitted, but only where such activity is incidental to the educational program being offered. Accommodations for overnight lodging shall be illustrated on the approved site plan.
6. Permits. Copies of all county, state and Federal permits required to operate the facility shall be submitted to the Township.
7. Identification of Species. The site plan application shall identify in writing any living species of flora or fauna that will be kept at the facility that does not occur naturally in Williamstown Township. Methods to prevent the release of these species into the Township environment shall be specified, where appropriate.
8. Manure Management. If animals are to be kept at a such a facility, then the site plan application package shall include a manure management plan, which shall describe where and how often the manure will be spread or otherwise disposed.
9. Signs. Signs shall comply with the requirements for Signs for Nonresidential Uses in Section 7.07, sub-section E.
10. Hunting. Hunting shall not be permitted on a Nature Center or Demonstration Farm site.
11. Single Family Dwelling. One single family dwelling shall be permitted, to serve as the principal residence of the owner or operator of the facility.

12. Trail Use. Trails shall be designed and used principally for pedestrian use. Motorized tours of the facility shall not be permitted.

II. Automobile Body, Frame, and Fender Straightening Shops, and Automobile Collision Repair Establishments

The following regulations apply to Automobile Body, Frame, and Fender Straightening Shops, and Automobile Collision Repair Establishments:

1. Minimum Lot Area

The minimum lot area required for such uses shall be 40,000 sq. ft.

2. Minimum Lot Width

The minimum lot width required for such uses shall be 200 ft.

3. Minimum Setbacks

All such establishments shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned or used for residential purposes.

4. Layout

All equipment related to the use shall be enclosed entirely within a building. Service bay doors and windows shall be oriented so they face away from public streets and roads and abutting residentially zoned or used property.

5. Services

All such uses shall take place within enclosed building. Overhead doors shall be kept closed except to bring vehicles, supplies, and equipment in or out.

6. Performance Standards/Use of Best Available Technology

All activities related to such uses must comply with the Performance Standards in Article 9.00, and the following additional requirements:

- a. All building walls and roof shall be double insulated with at least seven (7) inches of standard building insulation, to assure compliance with Township noise standards unless the applicant can demonstrate that another building design would be effective in controlling sound emissions.
- b. The applicant shall demonstrate to the satisfaction of the Planning Commission and Township Board that the facility will provide state of the art equipment and features, using the best available technology, so as to fully control emission of paint odors and air contaminants from the facility. Manufacturers specifications on equipment and paint should be submitted to demonstrate compliance with this requirement.

7. Outside Storage

Inoperable, wrecked or partially dismantled vehicles may be stored or parked outside for up to seven (7) days, during which time the vehicles must be stored in the rear yard within a six (6) foot high masonry screening wall or wood fence, constructed in accordance with Section 6.01. The Planning Commission may require landscaping outside of the required wall or fence.

8. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited, unless included as part of an approved site plan.

9. Land Use Compatibility

When considering whether such a use should be permitted on a particular site, the Planning Commission and Township Board shall consider the nature of surrounding existing land use and the character of new development in the surrounding neighborhood. The Planning Commission and Township Board may require landscaping and

screening above and beyond the specific standards set forth in this Ordinance where necessary to achieve compatibility with existing or planned land use; or, the Planning Commission may recommend denial and/or the Township Board may deny special land use approval if land use compatibility cannot be achieved.

JJ. Small Wine Makers and Hard Cider Producers

It is the intent of the regulations in this sub-section to permit small wine makers and hard cider producers in the interest of providing jobs, promoting agritourism and enhancing rural character. It is further the intent of these regulations to prevent development of small wine makers and hard cider producers that are out of scale or out of character with surrounding land use. Accordingly, small wine makers and hard cider producers, as defined in Section 1.03 of the Zoning Ordinance, shall comply with the following regulations:

1. **Setbacks.** Principal and accessory buildings shall comply with the setback requirements for the district in which they are located.
2. **Location.**
 - a. Small wine makers and hard cider producers shall not be located on land that is part of a recorded residential plat or residential condominium.
 - b. Small wine makers and hard cider producers located in the Rural Residential District or Rural Estates District shall be located within 300 feet of an existing commercial establishment or Commercial-Agricultural district.
3. **Impact on Surrounding Properties.** The location, layout, design, operation and size of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties. The Planning Commission may specify the hours of operation to assure compatibility with adjacent uses.
4. **Performance Standards.** Small Wine Makers and Hard Cider Producers shall comply with the Performance Standards in Article 9.00.
5. **Parking.** All parking shall be provided in off-street parking lots, designed in accordance with Section 4.01, except as follows:
 - a. Off-street parking shall be set back a minimum of thirty (30) feet from any property that is zoned or used for residential purposes.
 - b. The number of spaces required shall be determined on a case-by-case basis, based on consideration of the types and sizes of facilities proposed.
 - c. The Planning Commission may waive the paving requirements in Section 4.01(D)(4) for parking and driveways, upon making the determination that another type of surface will be adequate to handle the anticipated level of traffic, and in consideration of the desire to maintain the rural, non-commercial character of the site through use of a pervious surface. In making a determination regarding paving, the Planning Commission shall consider the types of vehicles anticipated (for example, whether there will be bus traffic). If paving is not required, then the site plan shall include a commitment to provide dust control in parking areas and on driveways.
 - d. The Planning Commission may waive parking lot lighting requirements, in the interest of preserving the rural residential character, and upon making the determination that the facility will be used only during daylight hours.
 - e. The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on site satisfies the objectives of the Ordinance.
6. **Accessory Retail Facilities.** Accessory retail facilities, such as a wine or hard cider tasting room, a gift shop limited to merchandise related to the wine or hard cider business, or retail sales of wine or cider, may be permitted, subject to the following:
 - a. Accessory retail facilities shall be clearly incidental to the principal small wine maker or hard cider producer use and shall be designed to serve only the patrons of the small wine maker or hard cider producer use. Retail facilities shall occupy no more than twenty-five percent (25%) of the gross floor space in the accessory building.
 - b. Accessory retail facilities shall be fully contained within a building.
 - c. All such accessory retail facilities shall be clearly demarcated on the site plan.
 - d. Permanent restroom facilities shall be required; portable toilet facilities shall not be permitted.
 - e. Accessory buildings shall comply with the dimensional requirements of the district in which they are located.
7. **Permits and Licenses.** Copies of all state and federal permits and licenses required to operate the facility shall be submitted to the Township.

8. **Signs.** In the RR, RE, AG-SF, and AG-C districts, signs shall comply with the requirements for Signs for Nonresidential Uses in Section 7.07, sub-section E. In the B-1, B-2, and I-1 districts, signs shall comply with the requirements for Nonresidential District Signs in Section 7.08.
9. **Single-Family Dwelling.** In the RR, RE, AG-SF, and AG-C districts, one single-family dwelling shall be permitted, to serve as the principal residence of the owner or operator of the facility.
10. **Special Outdoor Events.** A special outdoor event, which may include music, food, wine tasting, and the like, if the proposed event will be attended by 50 or more persons at one time, shall require a temporary use permit issued by the Building Official pursuant to Section 2.07.
11. **Production Limits.** Small wine makers and hard cider producers in the RR, RE, and AG-SF districts shall manufacture or bottle no more than 25,000 gallons in one calendar year. Small wine makers and hard cider producers in the AG-C, B-1, B-2, and I-1 districts shall manufacture or bottle no more than 50,000 gallons in one calendar year.

KK. Wind Energy Systems

Recognizing the potential for future growth in locally-sited wind energy systems, the Township intends to permit such uses subject to the requirements below and subject to maintaining the rural character of the Township.

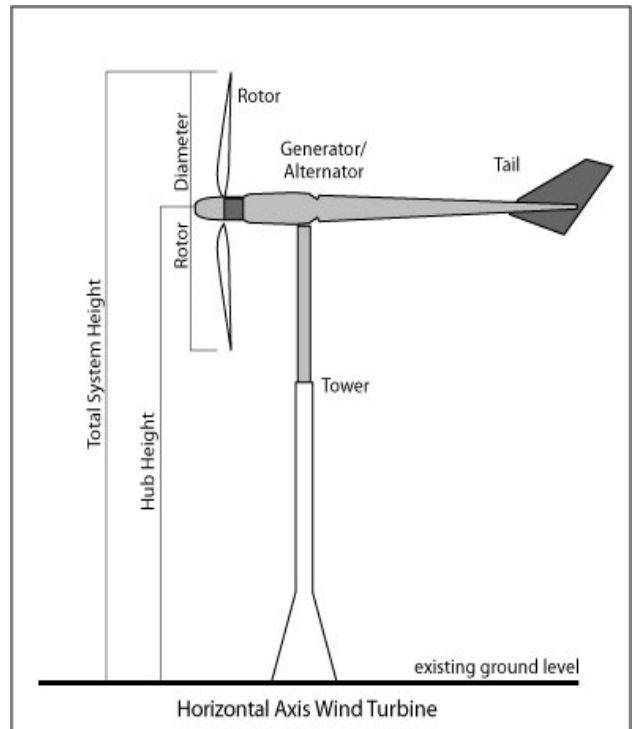
1. General Standards

a. *Permits Required*

- (1) All wind energy systems must comply with local and state electrical and construction codes. A building permit shall be obtained after site plan approval and before construction may begin.
- (2) Any wind energy system within 1½ miles of an airport may require approvals from the Federal Aviation Administration (Form 7460-1) and the Michigan Aeronautics Commission. All towers shall comply with the Michigan Airport Zoning Act (1950 PA 23, as amended) and the Michigan Tall Structures Act (1959 PA 259, as amended).

b. *Sound Level*

- (1) Wind energy systems shall not exceed 55 db(A) at the property line closest to the wind energy system.
- (2) The maximum permitted sound level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- (3) If the ambient sound level exceeds 55 db(A), the maximum permitted sound level shall be the ambient level plus 5 db(A).



2. On-Site Wind Energy Systems

For wind energy systems intended to primarily provide electrical power to the owner, the following standards shall apply:

- a. A site plan shall be required for all wind energy systems and anemometer towers. A special use permit shall be required for any wind energy system or anemometer tower located on a parcel less than 10 acres in area.
- b. No more than one tower or turbine shall be permitted per parcel, except that up to three anemometer towers may be permitted on a temporary basis, subject to all other regulations of this section.

- c. The maximum turbine size that may be permitted by site plan review is 100 kilowatts. Turbines up to 500 kilowatts may be permitted by special use permit.
- d. Maximum height: 130 feet, measured from the existing ground level at the base of the tower to the center of the hub for a horizontal-axis wind turbine or to the highest point of a vertical-axis wind turbine.
- e. Minimum clearance between the ground and the tip of any blade: 20 feet.
- f. Minimum setback from property lines or inhabited structures: 100% of total system height, measured to the top of the blade in its full vertical position.
- g. *Interconnection with utility grid*

The standards in this section shall not be construed to prevent the owner of an on-site wind energy system from sending excess electricity back to the utility grid. Any wind energy system connected to the utility grid shall comply with applicable state and federal standards, including but not limited to the regulations of the Michigan Public Service Commission and the Federal Energy Regulatory Commission.

3. **Utility Grid Wind Energy Systems.** Any wind energy system larger than 500 kilowatts and designed to primarily provide electricity to the larger utility grid shall only be permitted by special use permit on parcels of 40 acres or more in the AG-C district. In hearing a request for a special use permit for a wind energy system, the Township shall consider the impacts of the proposed land use with regard to noise levels, shadow flicker, natural environment (including birds and wildlife), potential ice shedding, electromagnetic interference, airports/airfields, and impacts on the visual character of the Township.

LL. Auctions

Auctions shall comply with the following regulations:

1. **Application and review requirements.** Auction types that are permitted by Special Land Use shall comply with the requirements of Sections 29.02 and 29.03 of the Zoning Ordinance. Accordingly, site plan review and special land use applications shall be completed and submitted, along with a site plan that contains all of the information required in Section 29.02(E). The requirements in this sub-section shall not apply to auctions that are Principal Permitted Uses; site plan review is not required for such auctions.
2. **Noise.** Outside permanently affixed public address systems are prohibited. Portable address systems are permitted for use during the auction only. Auctions shall comply with the noise standards in Section 9.02, sub-section A.
3. **Parking.** Permanent live auctions that are permitted by special land use shall provide off-street parking at the rate of 1 space per 125 square feet of gross floor area. Permanent on-line auctions shall provide off-street parking at the rate of 1 space per 200 square feet of gross floor area. The applicant may provide data to justify need for fewer parking spaces for consideration by the Planning Commission and Township Board. Parking for permanent auctions shall be paved, pursuant to Section 4, sub-section E.4.
4. **Hours of Operation.** Auctions shall not begin earlier than 8:00 a.m. and shall not continue beyond 10:00 p.m. The proposed hours of operation shall be specified in the application, which shall be subject to approval by the Township.
5. **Retail Operations.** Retail operations shall not be conducted at an auction facility, unless the facility is located in a district that provides for retail use and site plan approval has been obtained.
6. **Storage.** Auction facilities shall not be used for long-term storage. Storage of goods shall be limited to those that will be sold in the next scheduled auction or within six (6) months, as appropriate. Outside storage shall be screened in accordance with Section 5.02(E).
7. **Signs.** Auction facilities shall comply with the sign requirements for the districts in which they are located.
8. **Minimum Size.** The parcel size for permanent agricultural auctions shall be a minimum of twenty (20) acres.

MM. Medical Marijuana Facilities

A registered primary caregiver may be permitted, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law, MCL 333.26421 (the "Act") and the requirements of this Section in the zoning districts specified herein. Nothing in this Section or Ordinance is

intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. The following requirements for a registered primary caregiver shall apply:

1. **General Rules of the MDCH.** The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. **Drug Free Zone.** A parcel of land occupied by a registered primary caregiver shall not be closer than one thousand (1,000) feet to a parcel of land occupied by a school, park, or a state-licensed facility for child day care.
3. **No. of Caregivers per Parcel.** Not more than one (1) primary caregiver shall be permitted per parcel. The caregiver shall service no more than five (5) qualifying patients on the parcel. The caregiver may be an additional qualifying patient.
4. **Containment.** All medical marijuana shall be contained within the structure in an enclosed facility equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient. Containment facilities shall be subject to inspection by the Township Building Inspector. Routine inspection by local law enforcement authorities may be appropriate.
5. **Permits.** Where required, building, electrical, plumbing and mechanical permits shall be obtained for any portion of the building in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of marijuana are used.
6. **Inspections.** That portion of the structure occupied as a grow room, and the storage of any chemical, such as herbicides, pesticides, and fertilizers, shall be subject to inspection and approval by the Northeast Ingham Emergency Services Authority (NIESA) to ensure compliance with the Michigan Fire Protection Code and other applicable codes and ordinances.
7. **License.** The caregiver shall provide the Township with a copy of the license initially issued to him/her by the state of Michigan, as well as subsequent renewals that authorize him/her to be a primary caregiver.
8. **Consumption of the Premises.** There shall be no consumption or use of marijuana on the premises in the B-1, B-2 or I-1 districts; however, the caregiver may use marijuana on the premises if he/she is a qualified patient in the R-1, R-1-S, RR, AG-SF, RM-1, and AG-C districts.
9. **Individual Use of Medical Marijuana.** Nothing in this ordinance shall be construed to prohibit a qualifying patient from growing, possessing, and using medical marijuana in one's own home for one's own use, pursuant to the Michigan Medical Marijuana Act.
10. **Caregiver Occupancy.** In the R-1, R-1-S, RR, RE, AG-SF, RM-1 and AG-C districts the caregiver must be an owner-occupant of the property.

NN. Brewpubs and Microbreweries

1. The following regulations shall apply to **brewpubs**, as defined in Section 1.03:
 - a. Brewery production shall not exceed five thousand (5,000) barrels per year.
 - b. The sale of alcoholic liquor by a brewpub is subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.
 - c. A brewpub may not sell its beer to other retailers or wholesalers.
 - d. Storage of hops, barley, wheat or other grain used in the brewing process may be stored in a detached, separate structure, such as a silo, provided that any such accessory structure complies with the setback requirements for the district in which it is located. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not longer than twenty-four (24) hours.
 - e. Brewpubs shall comply with the Performance Standards specified in Article 9.00.

- f. Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent (25%) of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages.¹
 - g. No more than fifty percent (50%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
 - h. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 2.07, subsection (A)(5). Outside table service may be permitted in areas not designated for parking or loading/unloading.
 - i. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, brewpubs shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Article 4.00.
 - j. A brewpub's taproom or restaurant shall comply with State of Michigan regulations with respect to hours of operation.
2. The following regulations shall apply to **microbreweries**, as defined in Section 1.03:
- a. Microbrewery production shall not exceed thirty thousand (30,000) barrels of beer per year.
 - b. A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailers. Direct sales to licensed retailers are prohibited.
 - c. Storage of hops, barley, wheat or other grain used in the brewing process may be stored in a detached, separate structure, such as a silo, provided that any such accessory structure complies with the setback requirements for the district in which it is located. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not longer than twenty-four (24) hours.
 - d. Microbreweries shall comply with the Performance Standards specified in Article 9.00.
 - e. Microbreweries shall include a restaurant that provides full meal service for consumption by patrons while seated on the premises.
 - f. No more than sixty-five percent (65%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
 - g. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 2.07, subsection (A)(5). Outside table service may be permitted in areas not designated for parking or loading/unloading.
 - k. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, microbreweries shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Article 4.00.

OO. Agricultural Tourism

The following provisions shall apply to agricultural tourism operations, as defined in Section 1.03:

¹ The provision regarding "25% of the gross sales" is a State of Michigan requirement and would not be subject to local enforcement.

1. **Buildings.** More than one (1) building may be permitted per parcel. Unless a building is exempt because it is an agricultural structure, all buildings shall be subject to inspection under the Single State Construction Code Act and Property Maintenance Code.
2. **Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use, based on evaluation of the following features: type of event, anticipated number of attendees, duration of event, geographic size of the event, and use of disposable beverage or food containers.
3. **Restrooms.** A sufficient number of restrooms shall be available for public use, based on evaluation of the following features: type of event, number of attendees, duration of event, availability of food and beverages, and special needs of attendees (e.g., families with children, people with disability needs, etc.).
4. **Building Setbacks.** Buildings shall comply with the setbacks for the district in which they are located.
5. **Building Height.** Buildings related to agricultural tourism shall not exceed thirty-five (35) feet in height.
6. **Parking.** All parking shall be provided in off-street parking lots, designed in accordance with the regulations in Section 4.01, except as follows:
 - a. Off-street parking shall be set back a minimum of forty (40) feet from any property that is zoned or used for residential purposes.
 - b. The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed.
 - c. The Planning Commission may waive the requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control.
 - d. The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours.
 - e. The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.
7. **Signs.** Agricultural tourism uses shall comply with the requirements for Wall Signs and Freestanding Signs in Section 7.08, sub-sections D and E.
8. **Exterior Lighting.** Parking lot and pedestrian route lighting shall be required for any agricultural tourism use that operates after dusk or before dawn, subject to Section 2.12. Adequate lighting shall be provided to assure the safety of pedestrians and drivers.
9. **Overnight Accommodations.** Overnight accommodations related to an agricultural tourism operation shall comply with the regulations for bed-and-breakfast establishments in Section 8.02, subsection F.
10. **Hours of Operation.** Exterior uses related to Minor agricultural tourism shall open no earlier than 9:00 a.m. and close no later than 8:00 p.m. each day. The Planning Commission shall establish the hours of operation for Major uses to assure compatibility with nearby uses.
11. **Size.** For the purposes of determining whether an agricultural tourism use should be a principal permitted use or special land use, such operations are classified "Minor" or "Major" based on the following characteristics:

	Minor Operation ^{1, 2}	Major Operation ²
Time Span³	Less than or equal to 3 weeks/event	More than 3 weeks/event
Event Acreage⁴	Less than or equal to 5 acres	More than 5 acres
Number of Events	One or two per calendar year	Three or more per calendar year
Number of Attendees	Less than or equal to 50 at any one time	More than 50 at any one time

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Footnotes

- 1 Agricultural tourism operations must satisfy all four criteria to be considered Minor.
- 2 Minor and major operations require site plan approval. Major operations also require special land use approval.
- 3 By way of example, a minor tourism operation could include one that is open for business 21 consecutive days or one that is open 3 weekends within a 3-week period.
- 4 Event acreage includes the land occupied by the event plus ancillary facilities (such as parking), and not necessarily the total acreage of the parcel on which the event is located.

12. **Exclusions.** The provisions in this subsection OO do not apply to the following uses:
 - Nature centers or demonstration farms, to the extent that they are regulated by Section 8.02, subsection HH.
 - Recreation facilities, which are regulated by Section 8.02, subsection W.
 - Outdoor events, which are regulated by Section 8.02, subsection GG.
 - Event Barns, which are regulated by Section 8.02, subsection SS.
 - Roadside stands, which are regulated by Section 8.02, subsection Z.
 - Wineries, to the extent that such uses are regulated by Section 8.02, subsection JJ.
 - Distilleries.
 - Bed-and-breakfast establishments, which are regulated by Section 8.02, subsection (F).
 - Brewpubs and Microbreweries, which are regulated by Section 8.02, subsection (NN).
 - Riding stables, which are regulated by Section 8.02, subsection (AA).
 - Any use for which zoning regulations are superseded by Generally Accepted Agricultural and Management Practices (GAAMPS), such as farm markets.

13. **Examples.** In combination with a conventional farm, the following activities may constitute an agricultural tourism event: bakery, bonfires, carnival rides, cider mill, cooking demonstrations, corn mazes, fishing pond, food service, haunted barn/trails, petting farms, and playscapes. This list is not intended to be all inclusive of activities that may be considered agricultural tourism.

14. **Impact on Surrounding Properties.** The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.

PP. Small Distiller

The following regulations shall apply to **small distillers**, as defined in Section 1.03:

1. **Setbacks.** Principal and accessory buildings shall comply with the setback requirements for the district in which they are located.

2. **Location.** Small distillers are permitted by special land use approval in the RR, RE, AG-SF, and AG-C District. In the B-1, B-2, and I-1 Districts small distillers are principal permitted uses. Small distillers shall be subject to the following additional locational requirements:
 - a. Small distillers shall not be located on land that is part of a recorded residential plat or residential condominium.
 - b. Small distillers located in the Rural Residential District or Rural Estates District shall be located within 300 feet of an existing commercial establishment or Commercial-Agricultural district.

3. **Impact on Surrounding Properties.** The location, layout, design, operation and size of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties. The Planning Commission may specify the hours of operation to assure compatibility with adjacent uses.

4. **Storage.** All operations of the small distillery shall be contained within a fully enclosed building. There shall be no open storage of bottles, pallets, containers, or other material.

5. **Performance Standards.** Small distillers shall comply with the Performance Standards in Article 9.00.

6. **Parking.** All parking shall be provided in off-street parking lots, designed in accordance with Section 4.01, except as follows:
 - a. Off-street parking shall be set back a minimum of thirty (30) feet from any property that is zoned or used for residential purposes.
 - b. The number of spaces required shall be determined on a case-by-case basis, based on consideration of the types and sizes of facilities proposed.
 - c. The Planning Commission may waive the paving requirements in Section 4.01(D)(4) for parking and

- driveways, upon making the determination that another type of surface will be adequate to handle the anticipated level of traffic, and in consideration of the desire to maintain the rural, non-commercial character of the site through use of a pervious surface. In making a determination regarding paving, the Planning Commission shall consider the types of vehicles anticipated (for example, whether there will be bus traffic). If paving is not required, then the site plan shall include a commitment to provide dust control in parking areas and on driveways.
- d. The Planning Commission may waive parking lot lighting requirements, in the interest of preserving the rural residential character, and upon making the determination that the facility will be used only during daylight hours.
 - e. The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on site satisfies the objectives of the Ordinance.
7. **Accessory Facilities.** Accessory facilities, such as a sampling room or a place to sell spirits to consumers for on-premises or off-premises consumption, may be permitted, subject to the following:
 - a. Limited to the AG-C, B-1, B-2, and I-1 zoning districts.
 - b. All such accessory facilities shall be clearly incidental to the principal small distillery, and shall be designed to serve only the patrons of the small distillery. Accessory facilities shall occupy no more than twenty-five percent (25%) of the gross floor space.
 - c. Accessory retail facilities shall be fully contained within a building.
 - d. All such accessory retail facilities shall be clearly demarcated on the site plan.
 - e. Permanent restroom facilities shall be required; portable toilet facilities shall not be permitted.
 - f. Accessory buildings shall comply with the dimensional requirements of the district in which they are located.
 8. **Permits and Licenses.** Copies of all state and federal permits and licenses required to operate the facility shall be submitted to the Township.
 9. **Signs.** In the RR, RE, AG-SF, and AG-C districts, signs shall comply with the requirements for Signs for Nonresidential Uses in Section 7.07, sub-section E. In the B-1, B-2, and I-1 districts, signs shall comply with the requirements for Nonresidential District Signs in Section 7.08.
 10. **Single-Family Dwelling.** In the RR, RE, AG-SF, and AG-C districts, one single-family dwelling shall be permitted, to serve as the principal residence of the owner or operator of the facility.
 11. **Special Outdoor Events.** A special outdoor event, which may include music, food, wine tasting, and the like, if the proposed event will be attended by 50 or more persons at one time, shall require a temporary use permit issued by the Building Official pursuant to Section 2.07.
 12. **Production Limits.** Small distillers in the RR, RE, and AG-SF districts shall manufacture or bottle no more than 25,000 gallons annually. Small distillers in the AG-C, B-1, B-2, and I-1 districts shall manufacture or bottle no more than 60,000 gallons annually.

QQ. Solar Energy Systems

1. **Purpose:** It is the purpose of this sub-section to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.
2. **Findings:** The Township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by solar energy systems will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.
3. **Definition:** For the purposes of this subsection, the following definition shall apply:

Solar Energy System: The components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use by consumers. Photovoltaic power systems, solar thermal systems, and solar hot water systems are types of solar energy systems.

Community Solar: Community solar, also called "shared solar," is defined by the U. S. Department of Energy's National Renewable Energy Laboratory as "a solar-electric system that provides power and/or financial benefit to multiple community members." Customers of a community solar program subscribe to a

portion of a shared renewable energy facility located elsewhere in the community and the power generated results in each subscriber receiving their portion of the benefit based on their investment.

4. **Solar Energy Systems Serving a Single Residence or Business (typically for on-site use):**
 - a. **Roof-Mounted and Building-Mounted Solar Energy Systems:** Roof- and building-mounted solar energy systems for individual use are permitted accessory structures in all zoning districts, subject to the following regulations:
 - i. **Height:** Roof-mounted systems shall not extend more than 4 feet above the roof surface to which it is affixed.
 - ii. **Location:** Solar energy systems shall not protrude beyond the edge of the roof.
 - iii. **Building and Electrical Permits:** Building and electrical permits shall be required for installation of roof- and building-mounted systems.
 - b. **Ground-Mounted Solar Energy Systems:** Ground-mounted solar energy systems for individual residential or business use are permitted accessory structures in all zoning districts, subject to the following regulations:
 - i. **Location and Setbacks:** Solar energy systems shall be considered accessory structures and may be located in the front, side, or rear yard, subject to the setback requirements for accessory buildings.
 - ii. **Height:** The height of the solar energy system and any mounts shall not exceed twenty (20) feet when oriented at maximum tilt.
 - iii. **Screening.** Landscaping shall be provided to screen the racking from view on all sides when visible from adjacent properties
 - iv. **Building and Electrical Permits:** Building and electrical permits shall be required for any ground-mounted solar energy system.
 - v. **Area:** Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.
 - c. **Batteries:** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
 - d. **Removal:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the property owner shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.
5. **Solar Energy Systems – Utility Grade and Community Solar (for off-site use, operated by a utility company, government entity, or quasi-governmental entity):**
 - a. **Utility Grade Ground-Mounted Solar Energy Systems:** Utility grade ground mounted solar energy systems, typically over 10 kW capacity, are permitted subject to the following regulations:
 - i. **Location and Setbacks:** The solar energy system shall meet the minimum front, side and rear yard setbacks of the zoning district.
 - ii. **Permitted Zoning Districts:** Utility grade and community solar energy systems are subject to site plan and special land use approval in the AG-C, Commercial Agriculture, AG-SF, Agriculture Small Farms, and I-1, Light Industrial districts. Community solar systems are also permitted

subject to special land use approval in the RE, Rural Estates District, RR, Rural Residential District, GD, Green Zone Planned Development District, and PD, Planned Development District.

- iii. **Height:** The height of the solar energy system and any mounts shall not exceed twenty (20) feet when oriented at maximum tilt.
 - iv. **Screening.** Evergreen landscaping shall be provided to screen the racking from view from the road and from adjacent residential land uses.
 - v. **Building Permit:** A building permit shall be required for any ground-mounted solar energy system.
 - vi. **Area:** Utility grade ground-mounted solar energy systems shall not be subject to the maximum lot coverage standards of the zoning district, but other structures on the parcel are subject to maximum lot coverage requirements.
 - vii. **Power Line Placement:** Power lines serving the solar energy system shall be located underground.
 - viii. **Landscaping:** Suitable ground cover shall be provided and maintained beneath the solar panels. Native Michigan plants are recommended.
 - ix. **Sign:** A sign shall be posted at the entrance(s) to the facility, which shall be kept up-to-date with the name and contact information of the operator.
 - x. **Glare:** Solar energy panels shall not produce any glare that is visible from the street or from adjacent or nearby residences.
 - xi. **Locations Where Not Permitted:** Solar energy systems shall not be located over a working septic system; in a floodplain or wetland; on land that is registered in the Michigan Farmland Preservation Program; or on land that is the habitat of special status, threatened, endangered, candidate or fully protected species, pursuant to state or Federal law.
 - xii. **Fencing:** Utility grade solar energy systems shall be fully enclosed within a six (6) foot high fence that meets the requirements of Article 6.00.
 - xiii. **Maintenance Plan:** At the time of site plan review, the applicant shall present a detailed plan for maintenance of the facility, including equipment, landscaping, and groundcover maintenance.
 - xiv. **Lighting:** Lighting shall comply with Section 2.12 of the Zoning Ordinance.
- b. **Batteries:** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- c. **Removal:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.
- d. **Decommission Plan:** The SES project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.
- i. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within twelve (12) months of the end of project life or facility abandonment.
 - ii. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the type of surety to be provided prior to construction.

e. Abandonment

- i. A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Township or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SES, unless otherwise approved by the Township.
- ii. Upon determination of abandonment or other violation(s), the Township shall notify the party (or parties) responsible they must remove the SES and restore the site to its condition prior to development of the SES within three hundred and sixty five (365) days of notice by the Township.
- iii. If the responsible party (or parties) fails to comply, the Township may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a nonhazardous pre-development condition.
- iv. Facilities deemed by the Township to be unsafe, and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the Planning and Building Departments shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.

f. Surety:

- i. The owner(s) and/or operator of the SESS shall post a surety in a form acceptable to the Township, such as security bond, irrevocable letter of credit, escrow, or other form deemed acceptable by the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs, prior to issuance of a building permit. The cost of decommissioning shall be reviewed between the operator and the Township Board every five (5) years to ensure adequate funds are allocated for decommissioning; the surety shall be appropriately adjusted to reflect the current decommissioning estimate.
- ii. The surety shall be established and maintained with a company licensed in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township.
- iii. The company providing the surety shall provide the Township with 90 days' notice of the expiration of the surety. Lapse of a valid security bond is grounds for the actions defined in subpart 5 below.
- iv. In the event of sale or transfer of ownership and/or operation of the SESS, a surety shall be maintained throughout the entirety of the process.
- v. If at any time during the operation of the SESS or prior to, during, or after the sale or transfer of ownership and/or operation of the SESS the surety is not maintained, the Township may take any action permitted by law, revoke the special use permit, order a cessation of operations, and order removal of the structure and reclamation of the site in accordance with the decommissioning plan.
- vi. The Township shall have access to surety, for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner(s)/operator within twelve (12) months of the end of the project life or facility abandonment as defined.
- vii. The Township is granted right of access to the site, pursuant to reasonable notice, in the event that decommissioning is not completed by the owner(s)/operator within twelve (12) months of the end of the project life or facility abandonment as defined.

g. Required Information: The following additional information shall be required with any site plan submittal:

- i. Evidence of ownership or control of the property on which the solar energy system is to be located.

- ii. A copy of the agreement with the utility company that will be purchasing the electricity generated by the solar energy system.

RR. Keeping of Farm Animals on Non-Farm Parcels or Lots

1. Introduction.

Certain farm animals may be kept on non-farm parcels or lots as an accessory to a principal permitted single family residential use, subject to the regulations in this section.

The regulations in this section apply to non-farm parcels or lots that are three (3) acres or smaller in areas zoned One Family Residential (R-1), Suburban Residential (R-1-S), Rural Residential (RR), Rural Estates (RE), Agricultural Small Farms (AG-SF), and Commercial Agriculture (AG-C).

The regulations in this section shall not apply to the keeping of farm animals on a farm operation that is on a parcel that is greater than three (3) acres in area zoned Commercial Agriculture (AG-C), Agricultural Small Farms (AG-SF), Rural Estates (RE), or Rural Residential (RR), where keeping of farm animals is permitted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated therein (see subsection L, Farms). The regulations in this section also shall not apply to the keeping of horses in a stable or riding arena, pursuant to subsection AA.

Williamstown Township recognizes the many benefits of locally grown and produced agricultural products. The adoption of these regulations is intended to legalize, but more importantly, encourage residents to raise small farm animals in a responsible manner.

These regulations are further intended to complement the sensible agricultural practices taught by the Future Farmers of America (FFA), 4-H, and similar organizations. Notwithstanding the requirements set forth herein, animals that are part of a documented FFA or 4-H program may be kept on non-farm parcels or lots, provided that a minimum parcel or lot size of two (2) acres shall be required for animals exceeding 175 pounds.

Existing facilities regulated by these regulations are subject to the nonconforming use provisions in Article 3.00 of the Zoning Ordinance, provided that the facilities comply with the sanitary and nuisance requirements in item 5, following.

2. Purpose

The regulations in this subsection are intended to establish the conditions under which certain farm animals may be kept in semi-urban residential areas of Williamstown Township. Some residents on non-farm parcels or lots wish to raise their own food because of a desire for healthier dietary practices, community sustainability and resilience, and greater access to safe and healthy food options. Concerns about disease and pestilence exist when farm animals and people live in proximity. Nuisance concerns also exist, due to odors, noises, and other impacts associated with farm animals. The regulations in this subsection are intended to address these concerns, allow agriculture on residential parcels and lots, and minimize social conflict and public health impacts.

3. Private, Non-Commercial Use

Livestock and poultry kept and maintained under this subsection shall be for private, non-commercial use only.

4. Definitions

For the purposes of this subsection, the following definitions shall apply:

- a. **Poultry.** Domesticated fowl collectively, especially those valued for their meat and eggs, such as chickens, turkeys, ducks, geese, and guinea fowl.
- b. **Small Farm Animal.** A domesticated animal that is kept for the purpose of a farm product or service to humans and does not exceed a mature weight of 175 pounds. Small farm animals include, but are not limited to goats, miniature pigs, sheep, and rabbits.

5. Sanitary Requirements; Nuisances

It is unlawful and shall be considered a nuisance for any person to keep or maintain, or allow to be kept or maintained, upon any premises owned, controlled, or occupied by the person, any livestock or poultry that are in foul, obnoxious, malodorous, or filthy conditions or that may become detrimental to the public health, safety and

welfare. All places where livestock and poultry are kept shall be maintained in sanitary condition and shall be cleaned as often as necessary to avoid being a nuisance.

6. Zoning Permit Required

A person intending to keep any of the farm animals cited in this subsection RR on a non-farm parcel or lot shall obtain a zoning permit from the Township prior to acquiring the animals. By signing the permit application, the applicant attests that he/she will abide by all the regulations contained herein for as long as the farm animals are kept. Enforcement related to a permit shall be predicated on a finding that there has been a specific violation of these regulations or that keeping of farm animals has created a nuisance. A zoning permit for the keeping of farm animals shall not be transferrable from one property owner to another.

7. Applicability of Private Restrictions

Notwithstanding the regulations set forth in this subsection, private restrictions on the use of property for keeping of farm animals shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, restrictions in condominium master deeds and bylaws, subdivision association bylaws, and covenant deeds. The interpretation and enforcement of private restrictions is the sole responsibility of the private parties involved.

8. Poultry

The keeping of poultry is permitted, subject to the following regulations:

a. **Gender.** Only female poultry (hens) shall be kept on non-farm parcels or lots. For example, keeping of mature roosters is prohibited.

b. **Number of Hens.** The following chart indicates the maximum number of hens permitted on a parcel or lot:

Size of Parcel or Lot	Maximum Number of Hens
Less than ½ acre	6
½ acre to 1 acre	12
Each additional ½ acre	Up to 6

c. **Location and Setbacks.**

- i. In the R-1, R-1-S, and RR districts, facilities and structures related to the keeping of poultry shall be located to the rear of the residence.
- ii. Coops and pens in all districts shall comply with the following setbacks:
 - Coops and pens shall comply with the minimum front yard setback requirements for principal structures specified in the Schedule of Regulations, Section 28.02.
 - Coops and pens shall be set back a minimum of thirty (30) feet from side and rear property lines.
 - Coops and pens shall be set back a minimum of fifty (50) feet from any building on an adjacent property used as a dwelling.
 - Coops and pens shall be set back a minimum of twenty (20) feet from the applicant's residence.
- iii. Manure storage facilities shall be located to the rear of the residence and set back a minimum of fifty (50) feet from all property lines.

d. **Coop and Pen Design.** A **coop** (also called a henhouse) is a completely enclosed structure that provides shelter for chickens or other poultry. A **pen** is a fenced enclosure, typically attached to the coop, that is mostly open to the elements, that allows the chickens or other poultry to leave the coop while remaining in a predator safe environment. The coop and pen shall comply with the following specifications:

- i. Materials. Coops and pens must be constructed of durable, weather-resistant materials. The use of corrugated metal or fiberglass, sheet metal, plastic tarps, scrap lumber, or similar materials that would detract from the appearance of the property and neighborhood shall be prohibited.
- ii. Elevation of Structures. The coop shall be designed to prevent rodents or other animals from being harbored underneath, inside, or within the walls of the structure. One method of achieving this is by elevating the coop at least eighteen (18) inches above grade.

- iii. Coop Features. Coops shall have a roof and doors that can be tightly secured. They shall be readily accessible for cleaning. They shall be properly ventilated and have adequate sunlight.
 - iv. Coop and Pen Size. Each bird must have a minimum of three (3) square feet of space in the coop and ten (10) square feet in the pen.
 - v. Pen Height. If the pen is not covered, then it must be at least forty-two (42) inches in height and the birds' wings must be clipped to prevent them from leaving the pen.
 - vi. Cleaning Requirements. Coops and pens shall be cleaned regularly to prevent accumulation of food, fecal matter, and nesting material that would create a nuisance or unsanitary conditions due to odor, vermin, debris, or decay.
- e. **Additional Regulations.**
- i. Feed Storage. Feed shall be stored in sealable containers to prevent access by rodents or other animals.
 - ii. Containment. Poultry shall be always kept inside a pen and must be shut in their coop from sunset to sunrise.
 - iii. Sales. Selling of poultry on-site is prohibited.
 - iv. Slaughtering. Slaughtering of poultry shall be conducted in a fully enclosed building.
 - v. Removal of Dead Poultry. Dead poultry and waste eggs shall be promptly bagged and disposed of.
 - vi. Manure Storage and Removal. Stored manure shall be placed in a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed from the site.
9. Small Farm Animals (other than poultry)
The keeping of small farm animals on non-farm parcels or lots is permitted, subject to the following regulations:
- a. **Non-commercial Use**. The keeping of small farm animals on non-farm parcels or lots shall be for non-commercial use only. Consequently, milk producing, cheese producing, yogurt making, soap making, baby formula making, or fertilizer production for commercial use or sale is prohibited.
 - b. **Minimum Open Space**. Except for rabbits, a minimum of one (1) acre of open space or pasture is required to keep any small farm animals.
 - c. **Number of Small Farm Animals**. No more than six (6) small farm animals shall be permitted per acre of open space or pasture, except that up to ten (10) rabbits of breeding age shall be permitted per acre. Additional small farm animals are permitted for weaning under subitem d, Breeding. No fewer than two (2) goats shall be kept on a parcel or lot.
 - d. **Breeding**. Small farm animals may be bred if all the following conditions are met:
 - i. Time Limits. Young animals shall be kept for no more than sixty (60) days after birth to allow for weaning from the mother.
 - ii. Reduction in Number. Small farm animals exceeding the number allowed in subitem c may not be kept more than sixty (60) days after the day they are born.
 - iii. Buckling Goats. Buckling goats shall be separated from female goats six (6) weeks after birth. Any buckling being permanently retained shall be made a wether (a castrated male goat) and dehorned in no more than seven (7) weeks after birth.
 - e. **Location and Setbacks.**
 - i. In the R-1, R-1-S, and RR districts, facilities and structures related to the keeping of small farm animals shall be located to the rear of the residence.

- ii. Shelters and pens in all districts shall comply with the following setbacks:
 - Shelters and pens shall comply with the minimum front yard setback requirements for principal structures specified in the Schedule of Regulations, Section 28.02.
 - Shelters and pens shall be set back a minimum of thirty (30) feet from side and rear property lines.
 - Shelters and pens shall be set back a minimum of fifty (50) feet from any building on an adjacent property used as a dwelling.
 - Shelters and pens shall be set back a minimum of twenty (20) feet from the applicant's residence.
 - iii. Manure storage facilities shall be located to the rear of the residence and set back a minimum of fifty (50) feet from all property lines.
- f. **Shelter and Pen Design.** A **shelter** is an enclosed structure that provides protection for the small farm animals from the elements and predators. A **pen** is a fenced outdoor enclosure, typically attached to the shelter, that allows the small farm animals to leave the shelter while remaining in a predator safe environment. The shelter and pen shall comply with the following specifications:
- i. Materials. Shelters and pens must be constructed of durable, weather-resistant materials. The use of corrugated metal or fiberglass, sheet metal, plastic tarps, scrap lumber, or similar materials that would detract from the appearance of the property shall be prohibited.
 - ii. Shelter Features. Shelters shall have a solid roof and shall be designed to secure the animals. They shall be readily accessible for cleaning.
 - iii. Shelter and Pen Size. Shelters and pens shall comply with the size requirements in the following chart:

	Shelter Size (per animal)	Pen Size (per animal)
Goat	Doe and kid: 18 sq. ft.; Wether: 15 sq. ft.	250 sq. ft.
Pig	Market pig: 9.1 sq. ft.; Sow with litter: 35 sq. ft.	250 sq. ft.
Sheep	Market lamb, 45-65 lbs.: 7.5 sq. ft.; 65-90 lbs.: 9 sq. ft.; 91-110 lbs.: 11 sq. ft.; Ewe: 14-20 sq. ft.	250 sq. ft.
Rabbit	Small breed: 1.5 sq. ft.; Large breed: 5.0 sq. ft.	Not applicable

- iv. Pen Features. The pen must be constructed in a way to prevent animals from getting out. The pen must be accessible by the animals from their shelter when they are not secured in the shelter.
 - v. Cleaning Requirements. Shelters and pens shall be cleaned regularly to prevent accumulation of food and fecal matter, that would create a nuisance or unsanitary conditions due to odor, vermin, debris, or decay.
 - vi. Prohibited Containment. Small farm animals may not be kept in a residence, porch, or attached garage.
- g. **Additional Regulations.**
- i. Male Goats (Bucks). No male goats, also called bucks, shall be kept.
 - ii. Hay and Grain Storage. Hay shall be stored to prevent mold or excess moisture in the hay. Grain shall be stored in sealable containers to prevent access by rodents or other animals.
 - iii. Containment. Animals shall be kept inside a pen at all times and must be kept in their shelter from sunset to sunrise.

- iv. **Slaughtering.** Slaughtering of small farm animals is prohibited on non-farm parcels, except in the following instances:
 - a. where slaughtering on-site is required by a legitimate, verifiable religious practice, in which case the slaughtering shall be conducted in a fully enclosed building, or
 - b. where slaughtering on-site is required to alleviate the suffering of an injured animal.
- v. **Manure Storage and Removal.** Stored manure shall be placed in a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed from the site.
- vi. **Removal of Dead Animals.** Dead animals shall be disposed of within twenty-four hours after death, following procedures cited in the Bodies of Dead Animals Act, Michigan Public Act 239 of 1982, as amended.

10. **Bees**

The keeping of bees is permitted, subject to the following regulations:

- a. **Hives.** Honeybee colonies shall be kept in hives with removable combs that are capable of being inspected.
- b. **Hive Density.** The following chart indicates the maximum permitted density of honeybee colonies relative to parcel or lot size:

Size of Parcel or Lot	Number of Colonies Permitted
Up to ¼ acre	2
More than ¼ acre, less than ½ acre	4
More than ½ acre, less than ¾ acre	6
1 acre or more	**

**On parcels or lots larger than one acre there is no limit on the number of colonies if either of the following conditions exist:

- All hives are situated at least fifty (50) feet in any direction from all property lines of the parcel or lot.
- All adjoining property within a one hundred (100) foot radius of any hive is undeveloped (has no structures or facilities for human use or occupancy).

- c. **Hive Location.** Hives shall comply with the following location requirements:
 - i. **Minimum Setback.** Hives are not permitted within thirty (30) feet of any lot line and occupied buildings.
 - ii. **General Location Requirements.** Hives shall be located in a quiet area of the lot or parcel, away from roads, sidewalks, and public rights-of-way.
 - iii. **Flyway Barrier.** When placing hives on lots less than an acre in size or in locations within two hundred (200) feet of the developed portion of any property, a solid fence, wall, or dense vegetative barrier shall be erected to prevent a direct line of flight from the hives into neighboring properties. The barrier shall start at the ground, be a minimum of six (6) feet in height and shall extend beyond the direct line of sight from the entrance of the hive to the neighboring property.
 - iv. **Hive Entrance.** Hive entrances shall be oriented so that bees fly across the beekeeper's property.
- d. **Provision of Water.** Where adequate fresh water from a nearby pond or stream is not available, a water source shall be provided that will be available throughout the active flight season, so that the bees do not fix on neighborhood swimming pools, bird baths, or pet water sources.
- e. **Beekeeper's Responsibilities.** If a hive becomes defensive or exhibits unusually aggressive characteristics, the beekeeper shall determine the cause and requeen with gentle stock if necessary. Beekeepers should perform hive manipulations when neighbors are not working or relaxing outdoors. Hive manipulations shall be performed as quickly as possible, with minimum disturbance to the bees. Extended

hive manipulations, particularly removing honey, should be planned to accommodate neighbors' outdoor activities.

SS. Event Barns

1. Site Plan and Special Land Use Approval.

- a. Event Barns shall require site plan and special land use review and approval, pursuant to Sections 29.02 and 29.03.
- b. The initial special land use approval shall be limited to one (1) year. Following the initial year of operation, the applicant may apply to the Township Board for continuation of special land use approval for an additional three (3) year period. The Township Board may grant approval for an additional three (3) years if it finds that the Event Barn is in full compliance with all Ordinance requirements. In considering the request for approval, the Township Board shall also consider complaints about the Event Barn received at the Township Hall or by the Meridian Township Police.

If the initial year of operation is completed to the satisfaction of the Township Board such that the Township Board approves continuation of special land use approval, then the applicant may request an increase in the permitted frequency of events (see item 22, following).

Following the fourth year of operation, the applicant may apply to the Township Board for ongoing special land use approval, provided that the Event Barn remains in full compliance with all Ordinance requirements and that there are no unresolved complaints about the Event Barn.

2. **Health Department Approval.** The septic system, water supply well, and kitchen facilities shall be subject to approval by the Ingham County Health Department prior to final Township approval.
3. **Emergency Service Agencies Approvals.** NIESA inspection and approval shall be required prior to final Township approval, pursuant to the current adopted Fire Code. NIESA shall be requested to establish a maximum occupancy load for the facility, determine if the facility must be sprinkled, and approve the fire access route to the Event Barn and within the site. Emergency access routes shall be durable all-season driveways that remain unobstructed during events.

Event Barns shall also be subject to review and approval by the Meridian Township Police.

4. **Building Inspector Approval.** All buildings and improvements shall be subject to inspection by the Williamstown Township Building Inspector. Event Barns shall comply with the regulations in the current adopted Michigan Building Code covering Assembly Group A, including but not limited to the regulations dealing with egress in Section 1029 of the Building Code. Following approval of a site plan for an Event Barn, the applicant shall apply for a building permit, pursuant to Section 29.02(D)(8) of the Zoning Ordinance.
5. **General Public Excluded.** Food service and other Event Barn facilities shall be made available only to patrons of scheduled events; such facilities shall not be open to the general public. This regulation is not intended to prevent agricultural tourism operations and sale of farm products to the general public, which may be permitted under Section 8.02(OO) of the Zoning Ordinance.
6. **Number of Event Barns.** No more than one (1) Event Barn shall be permitted per parcel.
7. **Minimum Lot Area.** Event Barns shall not be permitted on parcels that are less than forty (40) acres in size.
8. **Transportation and Access.** Event Barns shall have access to a paved County primary road or to Grand River Avenue (M-43). Event Barns that have access to Grand River Avenue (M-43) shall require approval by the Michigan Department of Transportation (MDOT). Event Barns that have access to County primary roads shall require approval by the Ingham County Road Department (ICRD). Driveways for ingress and egress shall also be subject to review and approval by the Planning Commission and the Northeast Ingham Emergency Services Authority (NIESA).

A Transportation Impact Analysis (TIA) shall be required prior to the approval of any Event Barn. The TIA shall be prepared by a traffic or transportation engineer who has a minimum of three (3) years of experience preparing TIAs. The TIA shall be based on accepted engineering standards and methods established by the Institute of Transportation Engineers, Michigan Department of Transportation, and Ingham County Road Department.

The TIA shall contain the following elements, at minimum:

- a. Description of the project.
 - b. Existing traffic conditions within the impact area of the project, such as, but not necessarily limited to the number of lanes and right-of-way of each road impacted by the project, a.m. and p.m. peak traffic counts, Average Daily Traffic (ADT) counts, and accident history within five hundred (500) feet of the site.
 - c. Projections, using maps and narrative to estimate the impact of the proposed project on traffic.
 - d. Analysis of data collected, including at minimum:
 - i. Analysis of the impact of the projected traffic on the capacity of roads serving the Event Barn.
 - ii. A gap study to analyze the frequency and duration of gaps in the flow of traffic.
 - iii. Maps and narrative to analyze access (location and design of proposed access driveways, sight distance limitations, distance to existing adjacent driveways and intersections, etc.).
 - e. Mitigation measures needed to accommodate the projected traffic generated by the Event Barn.
9. **Parking.** One (1) off-street parking space shall be provided per three (3) people, based on the occupancy load of the building. Parking areas shall comply with the following setbacks:

Minimum setback from road right-of-way	75 ft.
Minimum setback from side or rear property lines	100 ft.

Parking in the road or road right-of-way is prohibited.

Parking shall comply with applicable requirements in Section 4.01 of the Zoning Ordinance. However, the Planning Commission may waive the requirement for parking lot paving, upon making the determination that a gravel surface will be adequate to handle the anticipated level of traffic. In making such a determination, the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control. All parking areas shall be clearly defined by gravel, wheel stops, fences, and/or other visible markings.

Compliance with the barrier-free parking requirements in Section 4.01(C)(6) shall be required. Barrier-free spaces and side aisles shall be paved, even if the remainder of the parking is gravel surfaced.

10. **Overnight Use.** Overnight accommodations and parking are prohibited.
11. **Alcoholic Beverages.** Alcoholic beverages may be served for on-premises consumption during scheduled events, but only if the alcoholic beverages are sold pursuant to properly obtained license(s) from the Michigan Liquor Control Commission and sold in a manner compliant with the MLCC’s rules and regulations.
- The person(s) responsible for serving the alcoholic beverages shall be identified. A copy of the MLCC license(s) shall be submitted to the Township prior to any event at which alcohol will be served.

12. **Building Design.** Any new building constructed to be used as an Event Barn shall emulate the architectural features of an historic agricultural building, as described in the Michigan Barn and Farmstead Survey Manual published by Michigan State University. For example, appropriate Event Barn roof shapes include gable, gambrel, gothic, ogee, round, monitor, and hip. Typical accessory barn features include cupolas, dormers, lightning rods, ventilators, and weathervanes. The architectural design of any ancillary buildings shall emulate the architecture of the main building.

13. **Screening and Landscaping.** Event Barns shall comply with the screening and landscaping requirements for Non-Residential Uses in a Residential or Agricultural District (Section 5.03 (C)). Generally, required screening shall be located along the property line (rather than next to the Event Barn). The Planning Commission and Township Board may require additional landscaping, beyond the requirements in Section 5.03(C), to achieve adequate screening and to mitigate potential impacts on surrounding properties and on the visual character of adjacent public road corridors. Plantings and berms shall be laid out to shield vehicle lights from shining on adjacent residences.

14. **Setbacks.** Event Barns, including outdoor gathering areas, shall comply with the following setback requirements:

Minimum setback from road right-of-way	75 ft.
Minimum setback from side or rear property lines	300 ft.

15. **Lighting.** Parking areas, sidewalks, and outdoor areas used after dark shall be adequately lit. Exterior lighting shall comply with the requirements in Section 2.12. Exterior lighting must be turned off at the conclusion of the event, except where needed for clean-up or tear down after the event.
16. **Permitted Months of Operation.** Event Barns shall be permitted to operate only between May 1st and October 31st of each year.
17. **Hours of Operation.** Events shall not start before 9:00 a.m. or extend beyond 9:00 p.m. Set-up operations shall be completed within these hours but tear down operations may extend to 10:00 p.m.
18. **Noise and Other Nuisances.** Event Barn activities shall comply with the requirements in the Blight Control Ordinance and the Performance Standards in Article 9 of the Zoning Ordinance with respect to noise and other nuisances. Amplified music and voice are permitted indoors only, provided that the level of sound emitted from the Event Barn does not exceed normal conversation when measured at or within the property boundary of the receiving district, i.e., 55 dBA.
19. **Signs.** Signs shall comply with the requirements for agricultural seasonal events in the table in Section 7.05(C).
20. **Residential Dwelling Requirement.** An Event Barn shall be permitted on a parcel only if the parcel is also occupied by an owner-occupied residential dwelling, which is occupied as a principal residence by the title holder, including the entire time that the Event Barn is in operation.
21. **Attendance Limits.** Event Barns shall limit attendance at any wedding or other event to 150 people, not including staff and vendors.
22. **Permitted Frequency and Duration of Events.** An Event Barn shall hold no more than two (2) events per month and no more than one (1) event per week. No event shall last longer than one (1) day. The proprietor of the Event Barn shall maintain a log of events held for review by the Township. The log shall record date and purpose of the event, number of attendees, and whether alcohol was served.
23. **Minimum Open Space.** A minimum of thirty-three percent (33%) of any parcel occupied by an Event Barn shall be reserved as undeveloped open space or farmland, which shall comply with the following requirements:
 - a. Exclusions. Reserved open space shall not include the area of any public road or road right-of-way, the area of any easement providing access to the site, the area of any outdoor gathering area, the area of any conventional storm water retention or detention basin, and any area used for off-street parking.
 - b. Open Space Objectives. Open space shall be located on the site to meet the following objectives:
 - i. To preserve distinctive natural features, wooded areas, and rural features.
 - ii. To preserve farmlands.
 - iii. To minimize impact on wetlands, streams, and other sensitive environmental features.
 - c. Reservation of Open Space. Required open space shall be permanently protected by the property owner with a recordable instrument that assures that the open space will remain undeveloped or will be farmed for the entire time that the Event Barn is in operation. This can be accomplished, by way of example, through a deed restriction, or an irrevocable conveyance, such as a conservation easement or restrictive covenant that runs with the land, whereby development rights are conveyed to a land conservation organization or other public body. Evidence that this document has been recorded with the Ingham County Register of Deeds shall be provided to the Township prior to issuance of any permits to commence construction.
24. **Performance Guarantee and Cost Recovery.** To ensure compliance with the requirements in this subsection RR and any conditions of approval, the Planning Commission or Township Board shall require that a performance guarantee be deposited with the Township, pursuant to Section 2.18 of the Zoning Ordinance.

The owner of the Event Barn shall be liable for the expense of police or other enforcement action by Township-authorized personnel when there is a documented violation of this Ordinance. The "expense of police or other enforcement action" means the direct and reasonable costs incurred by Williamstown Township when personnel acting on behalf of the Township respond to the violation. These costs include all salaries and wages of personnel responding to the violation, all salaries and wages of personnel engaged in investigation and report preparation, and all costs related to any prosecution of the person causing the violation.

25. **Additional Site Plan and Special Land Use Requirements.** In addition to the information required in Sections 29.02 and 29.03 for site plan and special land use review, the following information shall be included with an Event Barn application:
- a. The planned frequency of events and the maximum number of attendees to be accommodated at any single event.
 - b. Months of operation.
 - c. Delineation of all portions of the parcel to be part of the Event Barn operation, including parking areas and outdoor gathering and activity areas.
 - d. Food preparation facilities that are to be part of the Event Barn.
 - e. Delineation on the site plan of permanently protected open space, pursuant to the preceding subsection 23.

Section 8.03 -- Site Development Standards for Residential Uses

A. Accessory Apartment

Accessory apartments shall comply with the following regulations:

1. **Accessory Apartment Defined.** An accessory apartment is a dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An accessory apartment typically has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.
2. **Residence an Incidental Use.** The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
 - a. Accessory apartments shall be established in, and attached to owner-occupied homes only by means of a fully-enclosed, insulated and heated space.
 - b. Only one (1) such accessory residence shall be permitted on each parcel.
 - c. The total floor area of the accessory residence shall not exceed eight hundred (800) square feet.
3. **Setbacks and Placement on the Parcel.** Accessory residences shall comply with all setback requirements for the district in which they are located.
4. **Compatibility with Surrounding Land Use.** The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.
5. **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
6. **Termination.** An accessory apartment that is no longer needed for the purposes outlined herein shall be incorporated into and become a part of the single-family home to which it is attached.

B. Multiple Family and Single Family Attached Housing Requirements

The following site development standards shall apply to attached housing developments, including development in the RM-1, Multiple Family Residential Districts:

1. Permitted Density

- a. *Basic Formula.* The permitted density of development in multiple family districts shall be based on the total number of rooms (excluding kitchen, dining, and bathrooms), in accordance with the following formula:

RM-1 District: The maximum number of rooms permitted shall be equal to the area of the parcel in square feet divided by 1,200.

- b. *Minimum Room Requirements.* All units in the RM-1 district shall have at least one (1) living room and one (1) bedroom, and no more than twenty-five percent (25%) of the units may be one (1) bedroom units.
 - c. *Method of Measuring Land Area.* The computations of land area for the purposes of determining density shall not include areas occupied by road rights-of-way or easements, or subaqueous areas. The first twenty thousand (20,000) square feet of a site that is not served by an approved public sanitary sewer shall be excluded from density computations.
- 2. Building Length.** Multiple family buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together.
- 3. Building Spacing.** The minimum distance between any two (2) buildings shall be based on the following table:

Relationship Between Buildings	Minimum Distance Between Buildings
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

- 4. **Street Address.** 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.
- 5. **Access and Circulation.** Multiple family developments shall comply with the following requirements for access and circulation (see illustration):
 - a. *Access to Roads.* RM-1 developments shall have direct access to a paved collector or arterial road. However, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:
 - (1) The property directly across the street from the development under consideration is zoned for multiple family or non-residential use, or
 - (2) The property directly across the street is developed with permanent uses other than single family residences, or
 - (3) The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.
 - b. *Emergency Access.* All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, 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:

- (1) All roadways 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 median strip is a minimum of twenty-five (25) feet in width, and the width of each paved moving lane in each direction is at least fifteen (15) feet.
 - (2) Streets with no outlet shall be terminated with a T-turnaround, designed in accordance with standards established and periodically updated by the Ingham County Road Commission. Such streets with no outlet shall not exceed three hundred (300) feet in length.
 - (3) Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.
- c. *Street Dimensions.* On-site streets and drives shall comply with the standards in Section 2.10, subsection C.
6. **Sidewalks.** Sidewalks shall be provided within the development, located no less than five (5) feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with Section 2.17.
7. **Parking.** In addition to the requirements set forth in Article 4.00, multiple family developments shall comply with the following requirements:
- a. *Location.* Required parking shall be located in parking lots or individual driveways, and not in streets 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 public 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.
 - b. *Distance from Dwelling Units.* 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.
 - c. *Parking for Community Building.* Parking shall be provided for community buildings as specified in Article 4.00.
8. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 2.12.
9. **Landscaping.** Multiple family developments shall be landscaped in accordance with Section 5.03, subsection B.
10. **Open Space.** Open space shall be provided in any multiple family development containing eight (8) or more units. The open space shall comply with the following requirements:
- a. *Size.* Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space.

Type of Unit	Open Space Required per Unit
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit

- b. *Location.* Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.
- c. *Use of Open Space.* Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor

recreation facilities.

- d. *Phasing.* Open space improvements shall be completed in proportion to the number of units constructed in each phase.
- 11. **Garages.** Garages shall be permitted for each unit, in accordance with the provisions for accessory uses in Section 2.03.
- 12. **Antennae.** Each multiple family building shall be permitted to erect one (1) antenna, subject to the requirements in Section 2.22.

C. Open Space Preservation

Open Space Preservation developments may be approved in the R-1, R-1-S, RR, RE, AG-SF, and AG-C districts, subject to the standards and review procedures set forth herein.

- 1. **Purpose.** The purpose of Open Space Preservation is to preserve undeveloped land, thereby maintaining rural character and agricultural lands. The regulations in this sub-section C propose to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

As used in this subsection, the term “undeveloped state” shall have the meaning given to it in Section 102(t) of the Michigan Zoning Enabling Act (P.A. 110 of 2006), which states the following:

“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- 2. **Applicability.** Parcels measuring twenty (20) acres or larger in the R-1, R-1-S, RR, RE, AG-SF, and AG-C districts shall be developed according to the Open Space Preservation requirements in this sub-section, unless the proprietor/developer can demonstrate to the satisfaction of the Planning Commission and Township Board that Open Space Preservation would be infeasible or ineffective. If developed as an Open Space Preservation subdivision the property shall be developed under the conditions and requirements in this sub-section, other applicable zoning regulations, and other applicable Township ordinances. The Open Space Preservation Option may be used in the R-1 district only if the subject property is served by a public sanitary sewer system.
- 3. **Review and Approval Process.** Proposals for Open Space Preservation development shall be reviewed following the same procedures used for conventional subdivision or condominium proposals, except that the applicant shall complete a site features inventory prior to development. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: existing vegetation, topography at two-foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on Natural Resources Conservation Service soils information or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site.
- 4. **Permitted Density.** The overall density of residential uses in an Open Space Preservation development shall not exceed the density that would be permitted if the site were developed as a conventional single family subdivision as specified in the following chart:

Zoning District	Overall Density	Maximum Number of Units Per Acre
R-1	1 unit/0.46 acres	2.17
R-1-S	1 unit/0.92 acres	1.09
RR	1 unit/2.07 acres	0.48
RE	1 unit/3.33 acres	0.30
AG-SF	1 unit/6.66 acres	0.15
AG-C	1 unit/10 acres	0.10

The permitted density shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be

counted as buildable), steep slopes, existing and proposed road rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes.

The permitted density shall also be regulated by the parent parcel’s road frontage. Alternately, the parent parcel’s road frontage may be increased by construction of a new public road on the subject parcel, in which case the permitted density shall be regulated by frontage on the new public road, as specified in the following chart:

Zoning District	Minimum Parent Parcel Road Frontage Per Proposed Lot	Minimum Frontage on New Road Per Proposed Lot
R-1	100 ft.	75 ft.
R-1-S	120 ft.	90 ft.
RR	240 ft.	180 ft.
RE	300 ft.	225 ft.
AG-SF	300 ft.	225 ft.
AG-C	330 ft.	250 ft.

To assist the Planning Commission in determining net buildable area and maximum density, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.

Modifications permitted under the Open Space Preservation Option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this subsection.

5. Dimensional Standards.

- a. *Setbacks.* Open Space Preservation developments shall comply with the following minimum yard setback requirements:

Building Setbacks

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	35 ft.
Along an internal collector or local road	40 ft.
Along an internal arterial road	50 ft.
Setback from a lake, pond, stream or wetlands	60 ft.

The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.

Parking Lot Setbacks

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	20 ft.
Setback from lakes, ponds, streams, and wetlands	60 ft.

Docks, bulkheads, patios, terraces, decks, gazebos, and pathways shall be permitted within the 60-ft. waterfront/wetland setback, subject to review and approval by the Township Board, upon receiving a recommendation from the Planning Commission.

- b. *Minimum Lot Size.* Open Space Preservation developments shall comply with the following minimum lot size requirements:

Zoning District	Minimum Lot Size
R-1	9,000 sq. ft.
R-1-S	18,000 sq. ft.
RR	32,750 sq. ft.
RE	32,750 sq. ft.

Zoning District	Minimum Lot Size
AG-SF	32,750 sq. ft.
AG-C	32,750 sq. ft.

Variation from these lot size standards may be required or permitted where the Planning Commission finds that either of the following circumstances exists:

- (1) A larger lot size is required to satisfy Ingham County Health Department septic system standards, or
- (2) A smaller lot size is required to achieve the density permitted under sub-section C.4, above.

In the absence of public sanitary sewer service and wastewater treatment, development in the R-1 and R-1-S districts shall comply with the minimum lot area requirements specified for the RR district.

- c. *Distances between Buildings.* Any detached single-family structure (or accessory structure thereto) shall be located at least thirty (30) feet from any other detached single family structure or accessory structure.
- d. *Floor Area and Height Standards.* Buildings in an Open Space Preservation development shall comply with the floor area and height standards for the district in which the development is located.

6. **Open Space Requirements.** Open Space Preservation developments shall provide and maintain open space in an undeveloped state, which shall comply with the following requirements:

- a. Open Space Preservation developments shall reserve at least fifty percent (50%) of the parcel in an undeveloped state.
- b. Open space shall be located on the parcel to meet the following objectives:
 - (1) To preserve distinctive natural features, scenic or wooded conditions, and rural characteristics.
 - (2) To preserve farmlands.
 - (3) To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
 - (4) To maintain open, rural character along main roads.

In addition, no more than twenty-five percent (25%) of the open space may be developed with children’s play facilities, picnic facilities, trails, and similar passive recreational facilities to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

- c. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any stormwater retention or detention pond.
- d. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:
 - (1) Indicate the proposed use(s) of the required open space.
 - (2) Provide for the privately-owned open space to be maintained by private property owners having an interest in the open space.
 - (3) Provide maintenance standards and a maintenance schedule.
 - (4) Provide notice of possible assessment to the private property owners by the Williamstown Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
 - (5) After approval from the Township, the developer shall record with the Ingham County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township prior to issuance of any permits to commence construction.

7. **Building Location.** Where feasible, Open Space Preservation developments shall comply with the following building location requirements. Modification to these locational requirements may be approved by the Township

as part of the 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.
 - b. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent.
 - c. Buildings shall not be located in wetlands or floodplains.
 - d. Buildings shall be set back as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.
8. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation developments. Accordingly, Open Space Preservation developments shall comply with the following standards:
- a. Roads shall follow existing contours to minimize the amount of cut and fill.
 - b. Where sites include linear features, such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
 - c. Roads shall not be located in open fields.
 - d. Use of shared driveways to serve up to four (4) units is permitted to minimize the amount of paving and reduce the number of curb cuts onto public roads. Shared driveways shall comply with the requirements in Section 18.02, sub-section E.4. (revised 7/6/04)
9. **Stormwater Management.**
- a. Existing natural drainage shall be maintained to the maximum extent feasible.
 - b. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
10. **Landscaping and Lawns.**
- a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
 - b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
 - c. Where landscaping is proposed, native species shall be used. Appropriate native species shall be based on a list kept on file at the Township Hall which may be updated from time-to-time.
11. **Existing Structures.**
- a. When a parcel contains existing structures deemed to be of historic, cultural, or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.
 - b. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

D. Single Family Development Options

The following site development standards shall apply to Average Lot Size and Single Family Attached developments:

1. **Intent.** The intent of these provisions is to provide limited flexibility in the regulation of single family developments for the purposes of:
 - a. Providing improved living and working environments in the Township,

- b. Preserving the natural beauty of the Township,
- c. Promoting more economic residential designs,
- d. Encouraging ingenuity and originality in the total site design, and
- e. Providing adequate usable open space, tree cover, recreation areas, and scenic vistas.

These provisions shall not be used to achieve higher density development on parcels where portions cannot be developed because of wetlands.

2. **Scope of Requirements.** Average Lot Size and Single Family Attached developments may be approved in the R-1 and R-1-S districts, whether developed as conventional single family subdivision plats or as single family condominium projects, subject to review and approval as provided for herein.
3. **Eligibility Criteria.** In considering any proposal for Average Lot Size or Single Family Attached development, the Township shall make their determinations on the basis of the following criteria:
 - a. *Compatibility with Adopted Plans and Ordinances.* The proposed development shall be consistent with the general principles and objectives of the adopted Township Master Plan, the Subdivision Ordinance, and all applicable building codes.
 - b. *Compliance with Applicable Zoning Standards.* The proposed development shall comply with applicable standards of this Ordinance, except as modified in accordance with the procedures and standards in this section.
 - c. *Impact on the Township.* The proposed development shall not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities, and other matters affecting the public health, safety, and welfare.
 - d. *Impact on the Neighboring Property.* The proposed development shall be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property.
 - e. *Design Diversity.* Diversity and originality in layout and building design shall be encouraged to achieve the best possible relationship between the development and the land.
 - f. *Impact on Residents.* Individual lots (if applicable), buildings, units, and parking areas shall be situated to avoid any adverse effects from shadows, noise, and traffic on the residents of the development.
 - g. *Impact on Natural Features.* Individual lots (if applicable), buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features of the site which are intended to be preserved.
 - h. *Access to Open Space.* Open space intended for recreation or public use shall be easily accessible to pedestrians and shall meet the needs of the handicapped and elderly.
 - i. *Usability of Open Space.* The usability of open space which is intended for recreation or public use shall be determined by the size, shape, and topography of the site and the location requirements of the principal buildings or uses on the site.
4. **Average Lot Size Requirements.**
 - a. *Permitted Modifications.* Lot size and lot width may be reduced below the minimum standards for the zoning district in which the development is located, in accordance with the standards specified in this section. All such reductions shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

In no case shall the maximum dwelling unit density standards of the zoning district in which the development is located be exceeded. Except as specified in this section, other applicable standards for the district in which the development is located shall not be modified or changed.

This requirement shall be predicated on the following base densities:

	Base Density
R-1 District	2.2 units/acre
R-1-S District	1.1 units/acre

- b. *Lot Standards.* Reduction in minimum lot size, lot width, and yard setback standards in Average Lot Size developments shall be permitted as specified in the following table provided that each lot is capable of satisfying minimum County and Township requirements with respect to septic system/sanitary waste treatment and potable water, or provided that each lot in the development is served by public sanitary sewers and a public water system:

Zoning District	Minimum Lot Area per Unit (sq. ft)	Lot Width (ft.)
R-1	16,000	80
R-1-S	32,000	100

- c. *Open Space Requirements.* Common open space shall be permanently reserved and maintained as landscaped park or recreation space for the benefit of residents of the Average Lot Size development. The size, configuration, and location of such open space shall be subject to review and approval by the Planning Commission. Man-made stormwater retention areas shall not be counted toward required open space.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, or through a conservation easement, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

- (1) Specify ownership of the open space,
- (2) Provide for maintenance of the open space by the private property owners having an interest in the open space,
- (3) Provide for maintenance standards and a maintenance schedule,
- (4) Provide for maintenance insurance, and
- (5) Include any other specifics deemed necessary by the Planning Commission.

- d. *Review and Approval Process.* Proposals for Average Lot Size development shall be reviewed in accordance with applicable procedures for Special Land Uses, Section 29.03.

5. **Single Family Attached Development.** Single family attached development may be permitted in the R-1 District, subject to the following conditions:

- a. *Permitted Modifications.* Subject to review and approval procedures which follow, a mixture of two (2) to four (4) dwelling units may be attached, either through a common dwelling unit wall, a common garage wall, or an architectural feature, such as an archway, provided that the common wall of adjoining dwelling units shall not overlap by more than fifty percent (50%). However, common garage walls may overlap for their full distance on both sides.

In no case shall the maximum dwelling unit density standards of the zoning district in which the development is located be exceeded. This requirement shall be predicated on a base density of 2.2 dwelling units per acre in the R-1 District.

Modifications permitted under this option that result in reduction of land area dedicated to individual dwelling unit, shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

In no case shall the maximum dwelling unit density standards of the zoning district in which the development is located be exceeded. Except as specified in this section, other applicable standards for the district in which the development is located shall not be modified or changed.

- b. *Setbacks.*
 - (1) The front yard setback requirements for the district in which the development is located shall be complied with on all sides of a development which abuts a public road or street.
 - (2) A 75-foot setback shall be provided along the entire perimeter of a development, except on sides which abut a public road or street.
 - (3) Dwelling units shall be set back a minimum of twenty (20) feet from the easement of right-of-way line of any private road or drive serving the development.
 - (4) The minimum distance between any two (2) building clusters shall be based on the standards in Section

8.03, sub-section B.3.

- c. *Minimum Floor Area and Height Standards.* Dwelling units in a Single Family Attached development shall comply with the floor area and height standards for the district in which the development is located.
- d. *Landscaping.* Single Family Attached developments shall comply with the landscaping requirements in Section 5.03, sub-section C.
- e. *Open Space Requirements.* The Township may require that common open space be permanently reserved and maintained as landscaped park or recreation space for the benefit of residents of the Single Family Attached development. The size, configuration, and location of such open space shall be subject to review and approval by the Planning Commission.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, or through a conservation easement, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

- (1) Specify ownership of the open space,
 - (2) Provide for maintenance of the open space by the private property owners having an interest in the open space,
 - (3) Provide for maintenance standards and a maintenance schedule,
 - (4) Provide for maintenance insurance, and
 - (5) Include any other specifications deemed necessary by the Planning Commission.
- f. *Building Design.* Housing units shall be designed in a manner that is compatible with surrounding development and the natural environment. Accordingly, when a development faces or abuts a conventional single-family subdivision the facades and orientation of the conventional units shall be used as a guide for the design and layout of the single family attached units.
 - g. *Roads and Utilities.* Proposed roads and utilities in a single family attached development shall comply with adopted Township standards and shall be subject to review and approval by the Township Engineer.
 - h. *Review and Approval Process.* Proposals for Single Family Attached development shall be reviewed in accordance with applicable procedures for Special Land Use Section 29.03.

E. Senior Housing

Senior housing shall be subject to the following regulations:

1. **Intent.** It is the intent of these regulations to permit the development of senior housing in the Township upon determining that the location, size, design, and operating characteristics of the use will be compatible with the surrounding neighborhood. In making this determination, consideration shall be given to the scale, coverage, and density of development; to the availability of utilities and services; to the generation of traffic and capacity of surrounding roads; and to other relevant impacts.
2. **Minimum Site Size.** The minimum site size for a senior housing development shall be based on compliance with setbacks, maximum coverage, parking, open space, and other requirements set forth herein.
3. **Project Density.** The number of dwelling units within the facility shall not exceed twelve (12) units per net acre for senior apartments, congregate housing and other types of independent living, and twenty-four (24) units per net acre for assisted living and other types of dependent living. Wetlands on the site may be counted as part of the net acreage for the purposes of determining project density. However, the overall density on the upland portion of the site, together with the wetlands-related density, shall not exceed 130% of the density allowed on the upland portion alone.
4. **Setbacks.** The minimum setbacks for senior housing shall be as follows:
 - a. Front: 40 feet from the planned road right-of-way line
 - b. Each Side: 30 feet
 - c. Rear: 30 feet
5. **Spacing between Buildings.** Where more than one building is proposed in a senior housing complex, the

minimum spacing between buildings shall be in accordance with the following requirements:

Building Relationship	Minimum Building Separation
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Side to Side	20 feet
Front to Side	50 feet
Rear to Side	50 feet

6. **Minimum Floor Area Per Unit.** The minimum floor area per dwelling unit shall be as follows:

Type of Unit	Independent Living (Including senior apartments and congregate housing)	Dependent Living (Including assisted living)
Studio or Efficiency	450 sq. ft.	325 sq. ft.
1 bedroom	600 sq. ft.	425 sq. ft.
2 bedrooms	800 sq. ft.	600 sq. ft.
3 or more bedrooms	800 sq. ft. + 150 sq. ft for each additional room over four	600 sq. ft. + 150 sq. ft for each additional room over four

7. **Building and Site Design.**

- a. *Building Length.* The maximum permitted building length along any one continuous plane shall be 225 feet. A continuous plane is defined as an uninterrupted wall, without breaks or corners, other than architectural features customarily found, such as porches, bay windows, projections and/or recesses. A building that turns a corner of at least a 90-degree angle shall be considered an “end” at that corner.
- b. *Building Articulation.* Building facades of greater than one hundred (100) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
- c. *Roof.* Roofs shall be sloped with a pitch of no less than 5:12. Variations in roof lines are encouraged to reduce the scale of the building and to add interest.
- d. *Sidewalks.* Sidewalks shall be provided from the main building entrance(s) to parking areas and to sidewalks along adjacent public or private roads.
- e. *Resident Access.* The pick-up/drop-off of residents shall be provided at the front entrance of the building with a covered canopy.

8. **Building Height.** The senior housing facility shall comply with the maximum building height for the district in which it is located.

9. **Maximum Coverage.** The maximum coverage of the site by buildings shall be limited to twenty-five percent (25%) of the net site area (not including planned right-of-way).

10. **Parking.** Parking for senior housing shall comply with the following requirements:

Use	Required Number of Parking Spaces per Unit of Measure*
Senior Apartments	2 spaces per Dwelling Unit
Dependent Living, Assisted Living	One (1) per four (4) units, plus one (1) per employee based on the greatest number of employees in any one shift
Congregate Care	One (1) per two (2) units, plus one (1) per employee based on the greatest number of employees in any one shift
Independent Living	One (1) per unit, plus one (1) per employee based on the greatest

Use	Required Number of Parking Spaces per Unit of Measure*
	number of employees in any one shift

* The Planning Commission may reduce the parking requirements set forth in this table if the applicant provides credible evidence that fewer spaces are needed due to, for example, the operation of a transportation system for residents.

11. **Loading.** Loading areas shall be located to the side or rear of the building being served such that it is screened from view from adjoining roads and adjacent residential area.
12. **Vehicular Access.** All vehicular access to the site shall be from a paved collector or primary road. The Planning Commission may allow secondary access from local streets upon making the determination that such access will not create or exacerbate traffic congestion or create unsafe traffic or pedestrian conditions. Vehicles must be able to easily circulate within and through the site to designated pick-up/drop-off areas with impeding circulation on the site or traffic on adjacent roads.
13. **Open Space.** Common outdoor landscaped open space shall be provided for residents, subject to the following:
 - a. Landscaped open space for residents shall constitute a minimum of fifteen percent (15%) of the total site. Enclosed courtyards may be counted as landscaped open space.
 - b. Recreation facilities such as paved walkways and covered sitting areas shall be provided in a manner that meets the needs of the resident population.
 - c. Road rights-of-way, required setback areas, and access drives shall not be counted as required landscaped open space. Ten percent (10%) of the submerged land areas of a pond, lake, or stream, and wetlands may be counted as required landscaped open space.
14. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the safety of persons using such areas and the security of property, in accordance with the requirements set forth in Section 2.12.
15. **Landscaping and Screening.** Senior housing developments shall comply with the landscaping and screening requirements in Article 5.00.
16. **Resident Services.** Support services offered solely to residents may be permitted provided that such services are contained with the principal building and are accessory to the principal senior residential use. Such support services include, but are not necessarily limited to: congregate dining, health care, personal services, private meeting rooms, and social, recreational and educational facilities and programs.

F. Model Homes

Model homes in subdivisions shall comply with the following standards:

1. **Permitted Use.** The model home shall be used solely as a sales and promotion office for the subdivision in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.
2. **Termination.** Use of the home for sales and promotion shall cease as soon as all lots in the subdivision are sold to potential end users or in two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.
3. **Appearance.** The model home and site shall be maintained to look like a typical single family dwelling at all times. However, one identification sign shall be permitted, subject to the following requirements:
 - Maximum size: six (6) square feet
 - Maximum height: six (6) feet
 - Type: ground or wall
 - Location: sign shall comply with setback requirements for district

4. **Parking.** A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Article 4.00.

ARTICLE 9.00

Performance Standards

Section 9.01 Intent and Scope of Application

A. Intent

The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

B. Scope of Application

After the effective date of this Ordinance, no structure or tract of land shall hereafter be used, created or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Article. No site plan or other land use or development application shall be approved unless evidence is presented to indicate conformity with the requirements of this Article.

C. Submission of Additional Data

Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Article, provided that the Planning Commission finds that no harm to the public health, safety and welfare will result and that the intent of this Ordinance will be upheld.

Section 9.02 Performance Standards

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section. Agricultural operations are exempt from these performance standards provided the agricultural operation is in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

A. Noise

1. Definitions

The terms used in this section shall have the meaning ascribed to them as follows. Terms used in this section but not defined below or in Section 1.03 shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

- a. *A-Weighted Sound Level*: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. *Day-Night Average Sound Level*: The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by 10 dB(A) before averaging.
- c. *Emergency*: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- d. *Impulsive Sound*: Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- e. *Noise*: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

- f. *Noise Disturbance*: Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. For the purposes of this ordinance, a Noise Disturbance shall be further defined as any sound which exceeds the limits set forth in Table A, following, or other standards set forth in this section.
- g. *Noise Sensitive Zone*: An area which contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
- h. *Pure Tone*: Any sound which can be distinctly heard as a single pitch or a set of single pitches.
- i. *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.
- j. *Sound Level*: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.
- k. *Vibration*: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

2. Noise Disturbances Prohibited

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Examples of noise disturbances include, but are not limited to:

- a. *Sounds Which Exceed Limits in Table A*. Any sound which exceeds the limits set forth in Table A, following, shall be deemed a Noise Disturbance.
- b. *Loading and Unloading*. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
- c. *Construction*. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound therefrom creates a noise disturbance across a residential district boundary or within a noise sensitive zone, between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday or any time on Sundays or holidays. This provision shall not apply to emergency work of public service utilities.
- d. *Vibration*. Operating of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.
- e. *Noise Sensitive Zones*. Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the values shown in Table A, provided that conspicuous signs are displayed indicating the presence of the zone.

3. Exceptions

- a. *Emergency Exceptions*. The provisions in this section shall not apply to (a) the emission of sound for the purpose of alerting persons to existence of an emergency, or (b) the emission of sound in the performance of emergency work.
- b. *Additional Exceptions*. The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
 - Snow plowing, street sweeping, and other public works activities.
 - Agricultural uses.
 - Church bells, chimes, and carillons.
 - Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.

- Licensed vehicles being operated on a road or street.
- Trains and aircraft when on the ground.

4. Variances

An application for a variance from the provisions in this section may be submitted to the Zoning Board of Appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of sound from the equipment on the overall sound level in the area. The statement shall include a study of the background sound levels, predicted level of sound at the boundary line due to the proposed operation, and justification for the variance. Upon review of the request for a variance, the Zoning Board of Appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance would not create a threat to the health, safety, and welfare of the public. The Zoning Board of Appeals may impose conditions of operation when granting a variance.

5. Maximum Permitted Sound Levels by Receiving Zoning District

Sound emitted by any source is considered a Noise Disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in Table A, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Table A		
Maximum Permitted Average A-Weighted Sound Levels		
Receiving Zoning District	Time	Average Sound Level dB(A)
Residential Districts	7:00 a.m. to 9:00 p.m.	55
	9:00 p.m. to 7:00 a.m.	50
Commercial, Office, and Industrial Districts	7:00 a.m. to 6:00 p.m.	62
	6:00 p.m. to 7:00 a.m.	55

Notes Related to Table A

- a. Correction for Tonal Sounds.** For any source of sound which emits a pure tone sound, the maximum sound level limits in Table A shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. Correction for Impulsive or Impact-Type Sounds.** For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in Table A shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. Planned Development.** Where the receiving district is a planned development district, the applicable standard in Table A shall be based on the types of uses within the planned development.

6. Permitted Land Use

No new or substantially modified structure shall be approved for construction unless the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will not generate a Noise Disturbance as set forth in this section at the time of initial full-scale operation of such activities.

B. Surface Water Flow

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the County Drain Commissioner.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be 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.

D. Odor

Offensive, noxious, or foul odors 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.

E. Glare and Heat

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) foot candle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Impacts from Other Activities

Proper owners shall provide the Township with evidence of compliance with county, state and federal laws, ordinances, rules and regulations related to any of the following activities:

1. Storage and handling of flammable liquids, liquefied petroleum, and explosives.
2. Use of above or below ground storage tanks to contain flammable or toxic material.
3. The storage, use or manufacture of detonable material.
4. Operation of a waste water treatment plant.
5. Emission of gasses that could be injurious or destructive to life or property.
6. Use of electronic equipment in an industrial, commercial or other operation.
7. Use of radioactive material and production of radioactive waste.

Section 9.03 Procedures for Determining Compliance

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. Official Investigation

Upon receipt of evidence of possible violation, the Zoning Administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.

2. A description of the existing or proposed machinery, processes, and products.
3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article.
4. Measurement of the amount or rate of emissions of the material purported to be in violation.

B. Method and Cost of Determination

The Zoning Administrator shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and spec equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the Township.

C. Appropriate Remedies

If, after appropriate investigation, the Zoning Administrator determines that a violation does exist, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed response shall be given written notice of the violation. The Zoning Administrator shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

1. Correction of Violation within Time Limit

If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Administrator shall note "Violation Corrected" on the Township's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Administrator may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.

2. Violation Not Corrected and No Reply from Owner or Operator

If there is no reply from the owner or operator within the specified time limits (thus establishing admission of violation, as provided Section 9.03, sub-section A), and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the Zoning Administrator shall take such action as may be warranted to correct the violation.

3. Reply Requesting Extension of Time

If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the Zoning Ordinance, but that more time is required than was granted by the original notice, the Zoning Administrator may grant an extension if-

- a. The Zoning Administrator deems that such extension is warranted because of the circumstances in the case, and
- b. The Zoning Administrator determines that such extension will not cause imminent peril to life, health, or property.

4. Reply Requesting Technical Determination

If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within thirty (30) calendar days, the Township shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be paid by the Township.

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ARTICLE 10.00

Establishment of Zoning Districts

Section 10.01 Creation of Districts

For the purposes of this Ordinance, Williamstown Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

Residential Districts

R-1	One-Family Residential
R-1-S	Suburban Residential
RR	Rural Residential
RE	Rural Estates
AG-SF	Agricultural Small Farms
RM-1	Multiple-Family Residential
MHP	Mobile Home Park District

Nonresidential Districts

AG-C	Commercial Agriculture
OS-1	Office Service
B-1	Limited Business
B-2	Commercial Center
I-1	Light Industrial
GD	Green Zone Planned Development District

Other District

MU	Mixed Use Overlay District
	M-43 Corridor Overlay District
PD	Planned Development

Section 10.02 Adoption of Zoning Map

The boundaries of the Zoning Districts listed in Section 10.01 are hereby established as shown on the Official Zoning Map of the Township of Williamstown. The Zoning Map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this Ordinance as if fully described herein.

In accordance with the provisions of this Ordinance and Michigan Public Act 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in Article 29.00 of this Ordinance.

Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township.

Section 10.03 Interpretation of District Boundaries

The following rules shall apply to the interpretation of zoning district boundaries:

- A. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center line.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- D. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as approximately following the shoreline of a body of water shall be construed to follow such shoreline; in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as parallel to or as an extension of features cited in paragraphs A through E above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.
- G. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.
- H. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

Section 10.04 Zoning of Vacated Areas

Whenever any street, alley, or other public way within the Township is vacated, such street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it attaches, and shall be subject to the standards for said Zoning District.

Section 10.05 Zoning of Filled Land

Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches.

Section 10.06 -- District Requirements

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this Zoning Ordinance, including but not limited to Article 28.00 -- Schedule of Regulations.

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ARTICLE 11.00

R-1, One Family Residential District

Section 11.01 Statement of Purpose

The intent of the One Family Residential District is to provide areas of the Township for the construction and continued use of single family detached dwellings within safe, stable neighborhoods. It is intended that R-1 zoned development occur within approved platted subdivisions, condominiums, or similar developments located adjacent to collector or arterial roads in locations that are served by adequate public services, particularly a municipal sanitary sewer and waste water treatment system. Where sanitary sewer service is not available, it is the intent of this district to allow development within the R-1 District, but at a lower density and in accordance with regulations considered appropriate in areas that lack such services.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district.

It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law.

Section 11.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned R-1, One Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. One family detached dwellings.
2. Manufactured homes, subject to the provisions in Section 2.05.
3. Family care homes, as defined in Section 1.03.
4. Essential services, subject to the provisions in Section 2.16.
5. Adult Foster Family Homes, Family Child Day Care Homes, Child Foster Family Homes, Child Foster Family Group Homes, any of which shall have a capacity of no more than 6.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the R-1 District shall be permitted, subject to the provisions in Section 2.03:

1. Uses and structures incidental to and customarily associated with one family detached dwelling units.
2. Private parks owned and maintained by a homeowner's association that are part of an approved plat or condominium project.
3. Home occupations and home-based businesses, subject to the provisions in Section 2.06.
4. Pens and enclosures for household pets.
5. Private swimming pools, subject to the provisions in Section 8.02, sub-section W.
6. Signs, subject to the provisions in Article 7.00.
7. Off-street parking, subject to the provisions in Article 4.00.

C. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. An accessory apartment, subject to the provisions in Section 8.03, sub-section A.
2. Publicly owned and operated parks, parkways, and recreation facilities, institutional or community recreation centers, and non-profit swim clubs, subject to the provisions in Section 8.02, sub-section W.
3. Municipal buildings and uses that do not require outside storage of materials or equipment.
4. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
5. Cemeteries, subject to the provisions in Section 8.02, sub-section G.
6. Adult Foster Care Small Group Homes and Group Child Care Homes. Group Child Care Homes shall be subject to the requirements in Section 8.02, sub-section Y.
7. Religious institutions, subject to the provisions in Section 8.02, sub-section X.
8. Public or private golf courses, subject to the provisions in Section 8.02, sub-section N.
9. A model home to promote sales in new residential developments, subject to the provisions in Section 8.03, sub-section F.
10. Private kennels, subject to the provisions in Section 8.02, sub-section P.
11. Bed and breakfast establishments, subject to the provisions in Section 8.02, subsection F.
12. Medical marijuana facilities, subject to the requirements in Sections 2.02 and 8.02, subsection MM.
13. Roof and building-mounted solar energy systems for individual use, subject to the requirements in Section 8.02, subsection QQ.4.

Section 11.03 – Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except principal and accessory structures and uses, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the One Family Residential District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	20,000 sq. ft.
Minimum Lot Width	100 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	20%
Minimum Front Setback	25 ft.
Minimum Side Setback	10 ft.
Minimum Rear Setback	35 ft.

Regulations	
Minimum Usable Floor Area	900 sq. ft.

C. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with Section 29.04.

D. Single Family Development Options

Single family development in the R-1, One Family Residential District may be developed in accordance with the Open Space Preservation, Average Lot Size and Single Family Attached options in Section 8.03, sub-section D.

Section 11.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 12.00

R-1-S, Suburban Residential District

Section 12.01 Statement of Purpose

The intent of the Suburban Residential District is to provide areas of the Township for the construction and continued use of single family detached dwellings within safe, stable neighborhoods. Generally, it is intended that R-1-S zoned development occur adjacent to collector or arterial roads. In certain R-1S neighborhoods included with the June 12, 2000 Agreement for Conditional Transfer of Property pursuant to 1984 PA 425, single-family development may be facilitated by the future availability of sanitary sewer service.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district.

It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law.

Section 12.02 -- Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned R-1-S, Suburban Residential District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. One family detached dwellings.
2. Manufactured homes, subject to the provisions in Section 2.05.
3. Essential services, subject to the provisions in Section 2.16.
4. Adult Foster Family Homes, Family Day Care Homes, Child Foster Family Homes, and Child Foster Family Group Homes.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the R-1-S District shall be permitted, subject to the provisions in Section 2.03:

1. Uses and structures incidental to and customarily associated with one family detached dwelling units.
2. Other accessory uses and structures permitted in Section 11.02, sub-section B.

C. Special Uses

Special uses permitted in Section 11.02, sub-section C, may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; and any conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; subject to the procedures and requirements in Section 29.03.

Section 12.03 -- Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except principal and accessory structures and uses, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Suburban Residential District are subject to the area, height, bulk and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	40,000 sq. ft.
Minimum Lot Width	120 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	20%
Minimum Front Setback	25 ft.
Minimum Side Setback	10 ft.
Minimum Rear Setback	35 ft.
Minimum Usable Floor Area	900 sq. ft.

C. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with Section 29.04.

D. Single Family Development Options

Single family development in the R-1-S, Suburban Residential District may be developed in accordance with the Average Lot Size and Single Family Attached options in Section 8.03, sub-section D.

E. Open Space Preservation Option

The Open Space Preservation Option is permitted in the R-1-S District as a means of permitting residential use and preserving open space and agricultural lands, subject to the provisions in Section 8.03, sub-section C.

Section 12.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 13.00

RR, Rural Residential District

Section 13.01 Statement of Purpose

The Rural Residential District is intended to provide areas of the Township for orderly low-density residential growth and restricted agricultural uses. The standards in this district are intended to assure that permitted uses peacefully coexist in a low-density setting, while preserving the rural-like features and character of certain portions of the Township. Low-density residential development is further intended to protect the public health in areas where it is not likely that public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district.

It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law.

Section 13.02 – Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned RR, Rural Residential District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. One family detached dwellings.
2. Generalized and specialized farming and other activities related to the definition of "farm" in Section 1.03, subject to the provisions in Section 8.02, sub-section L.
3. Idle cropland that is being maintained so as to prevent the erosion of soil.
4. Manufactured homes, subject to the provisions in Section 2.05.
5. Adult Foster Family Homes, Family Day Care Homes, Child Foster Family Homes, and Child Foster Family Group Homes.
6. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
7. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
8. Essential services, subject to the provisions in Section 2.16.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the RR District shall be permitted, subject to the provisions in Section 2.03:

1. Uses and structures incidental to and customarily associated with one family detached dwelling units.
2. Other accessory uses and structures permitted in Section 11.02, sub-section B.
3. Barns, silos, sheds, equipment storage and other farm buildings, as defined in Section 1.03.
4. One roadside stand for the sale of agricultural products raised on the property, subject to the provisions in Section 8.02, sub-section Z.

- 5. Private kennels, subject to the provisions in Section 8.02, sub-section P.
- 6. Roof and building-mounted solar energy systems, subject to the requirements in Section 8.02, subsection QQ.4.
- 7. Private stables and riding arenas, subject to the provisions in Section 8.02, sub-section AA.

C. Special Uses

Unless otherwise permitted in this Section, the following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

- 1. Special uses permitted in Section 11.02, sub-section C.
- 2. Raising or growing of plants, trees, shrubs, and nursery stock, including any buildings or structures used for such activities, or for the storage of equipment and materials necessary for such activities.
- 3. The growing, stripping, and removal of sod, provided that all stripped land shall be reseeded by fall of the year in which it was stripped so as to prevent the erosion of soil by wind or water.
- 4. Small wine makers and hard cider producers, subject to a minimum lot size of four (4) acres and the regulations in Section 8.02(JJ).
- 5. Cemeteries, subject to the provisions in Section 8.02, sub-section G.
- 6. Small distillers, subject to a minimum lot size of four (4) acres and the regulations in Section 8.02(OO).
- 7. Community solar facilities, subject to the requirements in Section 8.02, subsection QQ.5.

Section 13.03 Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except principal and accessory structures and uses, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Rural Residential District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	90,000 sq. ft.
Minimum Lot Width	240 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	15%
Minimum Front Setback	50 ft.
Minimum Side Setback	30 ft.
Minimum Rear Setback	35 ft.
Minimum Usable Floor Area	900 sq. ft.

C. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with Section 29.04.

D. Open Space Preservation Option

The Open Space Preservation Option is permitted in the RR District as a means of permitting residential use and preserving open space and agricultural lands, subject to the provisions in Section 8.03, sub-section C.

Section 13.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 14.00

RE, Rural Estate District

Section 14.01 Statement of Purpose

The Rural Estate District is intended to address conditions in rural portions of the Township where low-density residential development has occurred and is expected to continue in a rural setting. The Rural Estate District provides opportunity for additional low-density rural residential development, while accommodating continued agricultural use.

The standards in this district are intended to assure that permitted uses peacefully coexist in a low-density setting, while preserving the rural-like features and character of certain portions of the Township. Low-density residential development is further intended to protect the public health in areas where it is not likely that public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district.

It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law.

Section 14.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned RE, Rural Estate District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. One family detached dwellings.
2. Generalized and specialized farming and other activities related to the definition of "farm" in Section 1.03, subject to the provisions in Section 8.02, sub-section L.
3. Raising or growing of plants, trees, shrubs, and nursery stock, including any buildings or structures used for such activities, or for the storage of equipment and materials necessary for such activities.

Retail sales of such items and items reasonably related to the raising and growing of plant material may be permitted in conjunction with such a use if the following conditions are met:

The retail component shall not occupy more than 20% of the total area of the site. The retail component includes buildings and structures related to retail sales, outside display and sales areas, customer parking, and other accessory retail facilities. The retail component includes plants on display for sale, but does not include areas occupied by plants, trees, shrubs, and nursery stock that are being grown and tended for future sale.

4. Idle cropland that is being maintained so as to prevent the erosion of soil.
5. Manufactured homes, subject to the provisions in Section 2.05.
6. Adult Foster Family Homes, Family Day Care Homes, Child Foster Family Homes, and Child Foster Family Group Homes.
7. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
8. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
9. Essential services, subject to the provisions in Section 2.16.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the RE District shall be permitted, subject to the provisions in Section 2.03:

1. Uses and structures incidental to and customarily associated with one family detached dwelling units.
2. Other accessory uses and structures permitted in Section 11.02, sub-section B.
3. Barns, silos, sheds, equipment storage and other farm buildings, as defined in Section 1.03.
4. One roadside stand for the sale of agricultural products raised on the property, subject to the provisions in Section 8.02, sub-section Z.
5. Private kennels, subject to the provisions in Section 8.02, sub-section P.
6. Private stables and riding arenas, subject to the provisions in Section 8.02, sub-section AA.
7. Roof and building-mounted solar energy systems for individual use, subject to the requirements in Section 8.02, subsection QQ.4.

C. Special Uses

Unless otherwise permitted in this Section, the following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. Special uses permitted in Section 11.02, sub-section C.
2. Golf driving ranges, subject to the provisions in Section 8.02, sub-section N.
3. Commercial stables and riding arenas, subject to the provisions in Section 8.02, sub-section AA.
4. Commercial kennels, subject to the provisions in Section 8.02, sub-section P.
5. Veterinary clinics, subject to the provisions in Section 8.02, sub-section DD.
6. Radio, television, and telephone transmitting towers, subject to the provisions in Section 8.02, sub-section V.
7. Oil and gas processing facilities, subject to the provisions in Section 8.02, sub-section T.
8. The growing, stripping, and removal of sod, provided that all stripped land shall be reseeded by fall of the year in which it was stripped so as to prevent the erosion of soil by wind or water.
9. Nature Centers, demonstration farms, and similar uses, subject to the provisions in Section 8.02, sub-section HH.
10. Small wine makers and hard cider producers, subject to a minimum lot size of four (4) acres and the regulations in Section 8.02(JJ).
11. Small distillers, subject to a minimum lot size of four (4) acres and the regulations in Section 8.02(OO).
12. Community solar facilities, subject to the regulations in Section 8.02, subsection QQ.5.

Section 14.03 Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except principal and accessory structures and uses, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Rural Estate District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	5 acres
Minimum Lot Width	300 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	10%
Minimum Front Setback	50 ft.
Minimum Side Setback	30 ft.
Minimum Rear Setback	40 ft.
Minimum Usable Floor Area	900 sq. ft.

Section 14.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 15.00

AG-SF, Agricultural-Small Farms District

Section 15.01 Statement of Purpose

The Agricultural-Small Farms District is intended to address conditions in those portions of the Township where agriculture is a logical and reasonable use, but where it also reasonable to allow limited non-farm residential development. In contrast with the Rural Estate District, the Agricultural-Small Farms District provides for lower density development (i.e., larger minimum lot size), thereby providing greater opportunity to preserve agricultural uses. The Agricultural-Small Farms District also provides for limited accessory agricultural uses on parcels occupied by non-farm single family dwellings.

The standards in this district are intended to assure that permitted uses peacefully coexist in a low-density setting, while preserving the rural-like features and character of certain portions of the Township. Low-density residential development is further intended to protect the public health in areas where it is not likely that public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district.

It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law.

Section 15.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned AG-SF, Agricultural-Small Farms District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. One family detached dwellings.
2. Generalized and specialized farming and other activities related to the definition of "farm" in Section 1.03, subject to the provisions in Section 8.02, sub-section L, or the Generally Accepted Agricultural and Management Practices (GAAMPs), whichever is applicable.
3. Raising or growing of plants, trees, shrubs, and nursery stock, including any buildings or structures used for such activities, or for the storage of equipment and materials necessary for such activities.
4. The growing, stripping, and removal of sod, provided that all stripped land shall be reseeded by fall of the year in which it was stripped so as to prevent the erosion of soil by wind or water.
5. Idle cropland that is being maintained so as to prevent the erosion of soil.
6. Manufactured homes, subject to the provisions in Section 2.05.
7. Adult Foster Family Homes, Family Day Care Homes, Child Foster Family Homes, and Child Foster Family Group Homes.
8. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
9. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
10. Essential services, subject to the provisions in Section 2.16.
11. Minor agricultural tourism uses, subject to the regulations in Section 8.02, subsection OO.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the AG-SF District shall be permitted, subject to the provisions in Section 2.03:

1. Uses and structures incidental to and customarily associated with one family detached dwelling units.
2. Other accessory uses and structures permitted in Section 11.02, sub-section B.
3. Barns, silos, sheds, equipment storage and other farm buildings, as defined in Section 1.03.
4. One roadside stand for the sale of agricultural products raised on the property, subject to the provisions in Section 8.02, sub-section Z.
5. Private kennels, subject to the provisions in Section 8.02, sub-section P.
6. Private stables and riding arenas, subject to the provisions in Section 8.02, sub-section AA.
7. Roof and building-mounted solar energy systems for individual use, subject to the requirements in Section 8.02, subsection QQ.4.

C. Special Uses

Unless otherwise permitted in this Section, the following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. Special uses permitted in Section 11.02, sub-section C.
2. Golf driving ranges, subject to the provisions in Section 8.02, sub-section N.
3. Public stables and riding arenas, subject to the provisions in Section 8.02, sub-section AA.
4. Commercial kennels, subject to the provisions in Section 8.02, sub-section P.
5. Veterinary clinics, subject to the provisions in Section 8.02, sub-section DD.
6. Radio, television, and telephone transmitting towers, subject to the provisions in Section 8.02, sub-section V.
7. Oil and gas processing facilities, subject to the provisions in Section 8.02, sub-section T.
8. Landscape contractor's operation, subject to the provisions in Section 8.02, sub-section FF.
9. Outdoor events, subject to the provisions in Section 8.02, sub-section GG.
10. Retreat centers, subject to the provisions in Section 8.02, sub-section EE.
11. Nature Centers, demonstration farms, and similar uses, subject to the provisions in Section 8.02, sub-section HH.
12. Small wine makers and hard cider producers, subject to a minimum lot size of four (4) acres and, subject to the regulations in Section 8.02(JJ)
13. Permanent agricultural auctions, subject to the provisions in Section 8.02, sub-section LL.
14. Major agricultural tourism uses, subject to the regulations in Section 8.02, subsection OO.
15. Small distillers, subject to a minimum lot size of four (4) acres and, subject to the regulations in Section 8.02(OO).
16. Community solar facilities and Utility Grade solar facilities, subject to the regulations in Section 8.02, subsection QQ.5.
17. Event Barns, subject to the provisions in Section 8.02, subsection SS.

D. Accessory Special Land Uses

The following uses and structures may be permitted in the AG-SF District provided that such uses and structures shall be accessory to permitted principal uses and structures, and subject to the provisions in Section 2.03, the conditions specified for each use, review and approval by the Planning Commission and Township Board, and the procedures and requirements in Section 29.03:

1. A landing area or airport for personal aircraft use, subject to the provisions in Section 8.02, sub-section B, and the following additional provision:

A minimum parcel size of twenty (20) acres shall be required, unless the applicant demonstrates that a smaller parcel size will be appropriate for the category, class and type of aircraft that will normally use the landing area, and that such use will not create a negative impact or safety concern on adjoining land. The Township Board may consider operational characteristics of the aircraft permitted to use the landing area.

Section 15.03 Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except principal and accessory uses and structures, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Agricultural-Small Farms District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	10 acres
Minimum Lot Width	300 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	10%
Minimum Front Setback	50 ft.
Minimum Side Setback	30 ft.
Minimum Rear Setback	35 ft.
Minimum Usable Floor Area	900 sq. ft.

C. Planned Development

Planned Development is permitted as a means to achieve the basic intent of this district, in accordance with Section 29.04.

D. Open Space Preservation Option

The Open Space Preservation Option is permitted in the AG-SF District as a means of permitting residential use and preserving open space and agricultural lands, subject to the provisions in Section 8.03, sub-section C.

Section 15.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and

then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 16.00

MHP, Mobile Home Park District

Section 16.01 Statement of Purpose

The Mobile Home Park District is intended to provide for the location and regulation of mobile home parks. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, mobile home parks shall be located in proximity to Multiple Family Districts and shall serve as a transition zone between residential and non-residential districts. Mobile home parks should not be located where they would interrupt the continuity of permanent single family neighborhoods. Furthermore, the location of a mobile home park shall not have an adverse impact on the proper functioning of community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the educational system.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Mobile Home Commission Rules govern all mobile home parks. When regulations in this Article exceed the state law or the Mobile Home Commission Rules they are intended to insure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

Section 16.02 Permitted Uses and Structures

In all areas zoned MHP, Mobile Home Park District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal uses:

1. Mobile home parks.
2. Multiple family and attached single family housing, subject to the requirements in Section 8.03, sub-section B.
3. Adult Foster Family Homes, Family Child Day Care Homes, Child Foster Family Homes, Child Foster Family Group Homes, any of which shall have a capacity of no more than 6.
4. Essential services, subject to the provisions in Section 2.16.
5. Uses and structures accessory to the above, subject to the provisions in this Article.

Section 16.03 Development Standards

A. Site Plan Review

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, 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 Section 29.02 of this Ordinance, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Mobile Home Commission Rules.

Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

B. Minimum Requirements

Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Mobile Home Commission Rules and, in addition, shall satisfy the following minimum requirements:

1. Parcel Size for Overall Park

The minimum parcel size for mobile home parks shall be fifteen (15) acres.

2. Minimum Site Size

The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. These 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R 125.1946, Rule 946, and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

3. Setbacks

Mobile homes shall comply with the following minimum distances and setbacks:

- a. Twenty (20) feet from any part of an adjacent mobile home.
- b. Ten (10) feet from any on-site parking space of an adjacent mobile home site.
- c. Ten (10) feet from any accessory attached or detached structure of an adjacent mobile home.
- d. Fifty (50) feet from any permanent building.
- e. One hundred (100) feet from any baseball softball or similar recreational field.
- f. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Mobile homes and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road with the mobile home park.
- g. Seven and one-half (7.5) feet from any parking bay.
- h. Seven (7) feet from a common pedestrian walkway.
- i. All mobile homes and accessory buildings shall be set back not less than fifty (50) feet from any park boundary line, including the future right-of-way line of abutting streets and highways.
- j. Forty (40) feet from the edge of any railroad right-of-way.

4. Maximum Height

Buildings in the MHP district shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.

5. Roads

Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Mobile Home Commission Rules except as follows:

- a. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted on one side only, and 41 feet where parallel parking is permitted on both sides of the street.
- b. One-way streets shall have a minimum width of 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted on one side only, and 33 feet where parallel parking is permitted on both sides of the street.
- c. Dead-end streets shall terminate in a cul-de-sac having an adequate turnaround with paving that is a minimum of fifty (50) feet in diameter. No parking shall be permitted in the cul-de-sac turnaround.
- d. The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.
- e. All roads shall be constructed with curbs and gutters.

6. Parking

- a. All mobile home sites shall be provided with two (2) parking spaces per Mobile Home Commission Rules 925 and 926.
- b. In addition, a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served.
- c. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
- d. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage areas shall be shown on the site plan. No part of any such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting.

7. Sidewalks

Sidewalks having a minimum width of three (3) feet shall be provided along each side of the street upon which mobile home sites front.

8. Accessory Buildings and Facilities

- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.
- b. All buildings constructed on-site within a mobile home park shall be constructed in compliance with the Williamstown Township Building Codes and shall require all applicable permits. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Williamstown Township Building Codes. Site plan approval shall be required prior to construction of any on-site building within a mobile home park, except for storage sheds or garages for individual mobile homes.
- c. Each mobile home shall be permitted one storage shed or garage not to exceed four hundred (400) square feet in area. The installation of any such shed or garage shall comply with codes and ordinances of Williamstown Township and shall require a building permit. Storage underneath a mobile home or outside on any mobile home site is prohibited.

9. Open Space

Open space shall be provided in any mobile home park containing eight (8) or more units. The open space shall comply with the following requirements:

- a. A minimum of three hundred (300) square feet of well-drained, usable open space shall be provided for each mobile home site.
- b. Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited use areas shall not be included in the required open space.

10. Screening

- a. All mobile home parks shall be screened from existing adjacent residential land use by either a six (6) foot wall or a densely planted landscaped greenbelt.
- b. Required screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.

- c. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

11. Signs

- a. One permanent residential entranceway sign shall be permitted at each entrance to the mobile home park. Such signs shall not be more than six (6) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.
- b. Management offices in the Mobile Home Park District shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

12. Trash Dumpsters

If proposed, trash dumpsters shall comply with the following requirements:

- a. Dumpsters shall be set back a minimum distance of fifty (50) feet from the perimeter of the mobile home park and at least fifteen (15) feet from any building in a location that is clearly accessible to the servicing vehicle.
- b. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. 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.
- c. Dumpsters shall be placed on a concrete pad. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

13. Canopies and Awnings

Canopies and awnings may be attached to any mobile homes and may be enclosed for use as a sunroom or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Article and shall require a building permit.

14. Operational Requirements

No mobile home shall be permitted to be placed in a mobile home park until a permit has been granted by the Building Official and a license has been issued by the Michigan Department of Commerce. No individual mobile home site shall be occupied until the required improvements, including utilities and access roads which serve the site are in place and are functioning. A Certificate of Occupancy issued by Williamstown Township shall be required prior to use of any buildings constructed on-site.

15. Sale of Mobile Homes

The business of selling new or used mobile homes as a commercial operation in connection with the operation of a mobile home park shall be prohibited. New or used mobile homes located on sites within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit such sale.

Section 16.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 17.00

RM-1, Multiple Family Residential District

Section 17.01 Statement of Purpose

The intent of the Multiple Family Residential District is to address the varied housing needs of Township residents by providing locations for development of multiple family housing at higher density than is permitted in single family districts. In addressing these housing needs, multiple family housing in the RM-1 District should be designed in consideration of the following objectives:

1. It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law.
2. Multiple family housing should be provided with necessary services and utilities, including public sanitary sewers and wastewater treatment, usable outdoor recreation space, and a well-designed internal road network.
3. Multiple family housing should be designed to be compatible with surrounding or nearby single family housing. Accordingly, multiple family development generally should be located where it serves as a transition zone between nonresidential and single family uses.
4. Multiple family developments should have direct access to a collector or arterial road.

Section 17.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned RM-1, Multiple Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. All principal uses permitted in the R-1 District, Section 11.02, sub-section A.
2. Two-family dwellings.
3. Multiple family and single family attached housing, subject to the requirements in Section 8.03, sub-section B.
4. Temporary real estate auction, subject to the provision in Section 8.02, sub-section LL.
5. Temporary general auction, subject to the provision in Section 8.02, sub-section LL.
6. Adult Foster Family Homes, Family Child Day Care Homes, Child Foster Family Homes, Child Foster Family Group Homes, any of which shall have a capacity of no more than 6.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the RM-1 District shall be permitted, subject to the provisions in Section 2.03:

1. Uses and structures incidental to and customarily associated with one family detached, two family, or multiple family dwelling units.
2. Private parks owned and maintained by a homeowner's association that are part of an approved plat or condominium project, or that are owned and maintained by the proprietor of the housing development.
3. Home occupations and home based businesses, subject to the provisions in Section 2.06.
4. Pens and enclosures for household pets.

5. Private swimming pools, subject to the provisions in Section 8.02, sub-section W.
6. Signs, subject to the provisions in Article 7.00.
7. Off-street parking, including private garages, carports, and community garages, subject to the provisions in Article 4.00.

C. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. An accessory apartment associated with a single family dwelling, subject to the provisions in Section 8.03, sub-section A.
2. General hospitals, subject to the provisions in Section 8.02, sub-section O.
3. Housing for the elderly.
4. Nursing homes and convalescent homes, subject to the provisions in Section 8.02, sub-section S.
5. Publicly owned and operated parks, parkways, and recreation facilities, institutional or community recreation centers, and non-profit swim clubs, subject to the provisions in Section 8.02, sub-section W.
6. Municipal buildings and uses that do not require outside storage of materials or equipment.
7. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
8. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical, or religious education, subject to the following standards:
 - a. Minimum site size: forty (40) acres.
 - b. Minimum building setback: eighty (80) feet.
9. Adult Foster Care Large Group Homes and Adult Foster Care Congregate Facilities.
10. Religious institutions, subject to the provisions in Section 8.02, sub-section X.
11. Public or private golf courses, subject to the provisions in Section 8.02, sub-section N.
12. Group Day Care Homes or Child Care Center, subject to the requirements in Section 8.02, sub-section Y.
13. Medical marijuana facilities, subject to the requirements in Sections 2.02 and 8.02, subsection MM:

Section 17.03 Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except detached one family residential uses, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Multiple Family Residential District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	See Section 8.03(B)
Minimum Lot Width	200 ft.
Maximum Height	3 stories, 35 ft.
Maximum Building Coverage	25%
Minimum Front Setback	50 ft.
Minimum Side Setback	50 ft.
Minimum Rear Setback	50 ft.
Minimum Usable Floor Area	See Section 6.02, footnote P

C. Planned Development

Planned Development is permitted as a means to achieve the basic intent of this district, in accordance with Section 29.04.

Section 17.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

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ARTICLE 18.00

AG-C, Commercial Agricultural District

Section 18.01 Statement of Purpose

It is intended that developments in this district be designed to preserve significant natural features and promote public health, safety, and welfare. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other natural features is encouraged, consistent with state law. This district is further established to achieve the following objectives:

1. To discourage the encroachment of urban and suburban services into agricultural and rural portions of the Township.
2. To create a stable environment for agricultural production.
3. To permit services and uses that are necessary to support agricultural activities.
4. Encourage use of land that promotes public health, safety and welfare.

Section 18.02 – Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned AG-C, Commercial Agricultural, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Farms and other agricultural activities related to the definition of "farm" in Section 1.03, subject to the provisions in Section 8.02, sub-section L, or the Generally Accepted Agricultural and Management Practices (GAAMPs), whichever is applicable.
2. Barns, silos, sheds, equipment storage and other farm buildings, as defined in Section 1.03.
3. One farm dwelling per farm, which serves as the principal residence of the owner, operator, or employee(s) of the farm.
4. Idle cropland, provided that such land is maintained so as to prevent the erosion of soil.
5. Raising and growing of plants, trees, shrubs, and nursery stock, including any buildings or structures used for such activities.
6. The growing, stripping, and removal of sod, provided that all stripped land shall be reseeded by the fall of the year in which it was stripped so as to prevent the erosion of soil by wind or water.
7. Forestry and forest management.
8. Riding arenas or boarding stables, subject to the provisions in Section 8.02, sub-section AA.
9. One roadside stand for the sale of agricultural products raised on the farm, subject to the provisions in Section 8.02, sub-section Z.
10. Home occupations and home based businesses, subject to the provisions in Section 2.06.
11. Adult Foster Family Homes, Family Child Day Care Homes, Child Foster Family Homes, Child Foster Family Group Homes, any of which shall have a capacity of no more than 6.
12. Housing for migrant farm laborers, subject to the requirements for Agricultural Labor Camps in Part 124 of the Michigan Environmental Health Code.
13. Retail sales of ornamental trees, shrubs, and nursery stock that is grown on the premises.

14. Commercial livestock operations that are subject to compliance with the GAAMPS standards.
15. "U-pick" agricultural operations, provided that sufficient parking is provided.
16. The Township may permit a second single family dwelling unit on a parcel used and occupied as a farm in addition to the principal dwelling unit permitted in Section 18.02(A), where the additional unit is for use by those engaged in the farm operation, including owners/operators, partners, or laborers on the farm, and their families, subject to the following conditions:
 - a. The applicant shall submit a plot plan that illustrates the location of the proposed dwelling unit in relation to property lines and existing buildings on the parcel. The proposed dwelling shall be set back a sufficient distance from other buildings and property lines so that it could eventually be split off on a separate parcel in conformance with the standards in the Rural Residential district. If the dwelling is split off on a separate parcel, the parent parcel must comply with all of the standards in the Commercial Agricultural district.
 - b. In the event that the additional dwelling ceases to be used by persons associated with the farm operation, then it shall be split off on a separate parcel in conformance with the standards in the Rural Residential district.
 - c. Only one such second dwelling unit shall be permitted on a parcel. If such a dwelling is split off on a separate parcel, another dwelling unit shall not be permitted on the parent parcel.
 - d. Proposals to place a second dwelling unit on a parcel shall be subject to approval by the Planning Commission, who shall be responsible for determining if the additional unit will be used by those engaged in the farm operation.
17. Essential services, subject to the provisions in Section 2.16.
18. Uses and structures accessory to the above, subject to the provisions in Section 2.03.
19. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
20. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
21. Minor agricultural tourism uses, subject to the regulations in Section 8.02, subsection OO.

B. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. Commercial agricultural service establishments whose principal function is performing agricultural or horticultural services on a fee or contract basis, including but not limited to:
 - a. Crop dusting, seeding and spraying.
 - b. Farm equipment sales, service and repair.
 - c. Veterinary clinics, subject to the provisions in Section 8.02, sub-section DD.
 - d. Bulk feed, seed or fertilizer sales, storage or mixing.
 - e. Auction sales facilities, subject to the requirements in Section 8.02, sub-section LL.Special approval shall not be required for farms and agricultural activities that are permitted principal uses and that provide one or more of the services listed in this sub-item 1 to other farms on a fee or contract basis, provided that such fee or contract services do not become the principal use of the site.
2. Commercial egg production.
3. Game preserves.
4. Gun clubs.
5. Sand, gravel or mineral extraction, subject to the provisions in Section 2.13.

6. Commercial kennels, subject to the provisions in Section 8.02, sub-section P.
7. Municipal buildings and uses.
8. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
9. Adult Foster Family Group Homes and Group Child Day Care Homes, which may have a capacity of greater than 6 but not more than 12. Group Child Day Care Homes shall be subject to the regulations in Section 8.02, sub-section Y.
10. Cemeteries, subject to the provisions in Section 8.02, sub-section G.
11. Religious institutions, subject to the provisions in Section 8.02, sub-section X.
12. Public or private golf courses, including country clubs and driving ranges, subject to the provisions in section 8.02, sub-section N.
13. Radio and television transmitting and receiving towers, subject to the provisions in Section 8.02, sub-section V.
14. Oil and gas processing facilities, subject to the provisions in Section 8.02, sub-section T.
15. Confined animal feeding operations (CAFO), also known as feedlots.
16. Wireless communications facilities on monopoles, subject to the standards and conditions in Section 8.02(V).
17. Airports for public use, landing areas for other than personal use, and related accessory uses, subject to the provisions in Section 8.02, sub-section B.
18. Landscape contractor's operation, subject to the provisions in Section 8.02, sub-section FF.
19. Outdoor events, including outdoor events in the Williamstown Township Park, subject to the provisions in Section 8.02, sub-section GG.
20. Nature Centers, demonstration farms, and similar uses, subject to the provisions in Section 8.02, sub-section HH.
21. Wineries, subject to the provisions in Section 8.02, sub-section JJ.
22. Permanent agricultural auctions, subject to the provisions in Section 8.02, sub-section LL.
23. Medical marijuana facilities, subject to the requirements in Sections 2.02 and 8.02, subsection MM.
24. Major agricultural tourism uses, subject to the regulations in Section 8.02, subsection OO.

C. Option to Permit a Lot Split for an Existing Dwelling

In addition to conventional methods of land division permitted by this or other ordinances or laws, every farm which contains a single family dwelling at the time of adoption of these regulations shall be allowed to split one (1) lot from the main farm acreage to create a new lot for the existing dwelling. This new lot shall comply with the lot size requirements in this sub-section C unless additional land is needed to meet the setback requirements. The purpose of these standards is to permit division and sale of lots for residential use while providing the opportunity for continued farming or open space preservation.

1. Compliance with Subdivision Control Act

No lot split shall be permitted where the split would be in violation of the lot split provisions in the Subdivision Control Act (Michigan Public Act 288 of 1967, as amended).

2. Minimum Lot Dimensions

Lot splits permitted by this sub-section shall comply with the following dimensional standards:

- a. **Lot Area:** Lots created pursuant to the regulations in this sub-section shall be at least two (2) acres and no larger than five (5) acres in size, plus-or-minus five percent (5%), unless a larger lot area is required to accommodate a septic system as required by the Ingham County Health Department.
- b. **Minimum Lot Width:** 240 feet
- c. **Minimum Setbacks for Principal and Accessory Buildings:** As specified for single family lots in the RR district.

3. Septic System

Each lot shall contain one (1) replacement drain field approved by the Ingham County Health Department prior to issuance of a building permit. The location of the field shall be illustrated on building plans submitted to the Building Inspector. A building, structure, or impervious surface shall not be placed or constructed over any active, proposed, or replacement drain field area.

4. Conforming Status of New Lots

Both lots legally created using the procedures outlined herein shall be considered conforming with respect to minimum lot size.

D. Accessory Special Land Uses

A landing area or airport may be permitted in the AG-C District provided that such a use is accessory to permitted principal uses and structures on the same parcel, and subject to the provisions in Sections 2.03 and 8.02(B), review and approval by the Planning Commission and Township Board, and the procedures and requirements in Section 29.03.

E. Option to Permit Lot Splits for Non-Farm Dwellings

In addition to other methods of land division permitted by this or other ordinances or laws, land division to create lots for non-farm dwellings shall be permitted by right in the AG-C district, subject to the requirements in this sub-section. The purpose of these requirements is to permit division and sale of lots for residential use while providing the opportunity for continued farming or open space preservation.

1. Maximum Number of Lot Splits

The maximum number of lots that may be created shall be based on the following formula (provided that minimum lot dimensions can be met):

$$\text{Total acreage of parcel divided by 10} = \text{Maximum number of lots}$$

When the above calculation results in a fractional number, round down to the nearest integer to determine the permitted number of lots.

2. Compliance with the Land Division Act

No parcel split shall be permitted where the split would be in violation of the land division requirements of the Land Division Act (Michigan Public Act 288 of 1967, as amended).

3. Minimum Lot Dimensions

	Option A: Frontage on Public Road	Option B: Shared Driveway Option
Maximum Lot Area	2 acres, +/- 5%*	2 acres, +/- 5%*
Minimum Lot Area	40,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	200 feet	120 feet
Minimum Frontage on a Public Road	200 feet	200 feet**
Front Setback	50 feet	50 feet
Side Setback	30 feet	30 feet

Rear Setback	40 feet	40 feet
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*A larger lot area may be permitted if required by the Ingham County Health Department to accommodate a septic system.

**The Township Board, upon receiving a recommendation from the Planning Commission, may waive the requirement for 200 feet of frontage on a public road for no more than four (4) lots served by a shared driveway upon finding that:

- a. The proposal to create up to four (4) lots lacking public road frontage would be superior (compared to one with public road frontage) for one or more of the following reasons:
 - i. It would maintain the Township’s rural character and image by allowing houses in locations where they are all fully or substantially screened from the public road.
 - ii. It would allow development on the parts of the parent parcel that are best suited for development, because of suitability of soils for septic systems and least disruption to sensitive environmental areas, such as wetlands, floodplains, and woodlands.
 - iii. It would allow development that is compatible with surrounding land use.
- b. The shared driveway meets all of the requirements of the following sub-section 4.
- c. The shared driveway would provide adequate emergency access. Where the shared driveway is longer than 600 feet in length, then a circular turnaround shall be provided at the end of the shared driveway with a minimum radius of sixty (60) feet.

4. Shared Driveway Option

Vehicular access to lots created pursuant to this sub-section E may be provided by a shared driveway, subject to the following requirements:

- a. A shared driveway may provide access to no more than four (4) parcels.
- b. A shared driveway shall not exceed 1,320 feet in length.
- c. The minimum width of a shared driveway shall be eighteen (18) feet.
- d. Prior to issuance of a building permit for any lot served by a shared driveway, proof shall be submitted that a driveway easement has been recorded and that an easement maintenance agreement has been executed and recorded.
- e. The driveway easement shall provide for unrestricted access for emergency and public vehicles and normal ingress and egress for property owners served by the driveway, their families, guests, invitees, tradespeople, and others traveling to or leaving properties served by the driveway.
- f. The driveway maintenance agreement shall provide for ongoing maintenance and a means of funding such maintenance.
- g. Shared driveways shall comply with the requirements in Section 2.10, sub-section D. Such driveways shall provide sufficient horizontal and vertical clearance to allow the free passage and maneuvering of fire apparatus, subject to review by the Fire Chief. There shall be a minimum of 12 feet vertical and 18 feet horizontal clearance.

5. Buffer Zone

A buffer zone shall be required along lots which have public road frontage, which shall be densely planted with trees and shrubs (“densely planted,” for example, would be a double row of spruce trees, planted 15 feet on-center). The buffer zone shall occupy a commons area and shall not occupy any portion of the frontage lots. For the purposes of this sub-section, a buffer zone is a strip of land having a minimum width of fifty (50) feet, containing a variety of trees and shrubs that achieve the following purposes:

- a. Screens development from view from the road, and

- b. Maintains or enhances rural character.
Prior to completion of the lot split(s), the developer or property owner shall post a bond for the full cost of the proposed landscaping plus installation to assure trees and shrubs are properly planted in accordance with the plans. Plantings shall be continuously maintained and dead or diseased plant material shall be replaced in the same growing season that the dead or diseased condition is noted.

6. Development of the Remainder of the Parcel

The development rights on the farmland or open space that is intended to be preserved shall be conveyed to the Township or to an approved open space or agricultural preservation trust so that such land may be only used for agriculture or left as open space in perpetuity. The legal instrument by which the development rights are conveyed shall be subject to review and approval by the Township Attorney.

The ownership of the preserved land (minus the development rights) may be retained by the property owner who initiates the land division, or the ownership may be conveyed to the owners of the newly created lots, the open space or agricultural preservation trust, or to another owner. If the permitted number of lot splits is not completed all at once, then the conveyance may provide for additional future splits, provided that the total number of splits shall not exceed the maximum specified in sub-item 1.

7. Septic System

Each lot shall identify the location of one (1) primary and one (1) replacement drain field approved by the Ingham County Health Department prior to issuance of a building permit. The location of the septic fields shall be shown on the building plans submitted to the Building Inspector. A building, structure, or impervious surface (e. g., a driveway) shall not be placed or constructed over any active, proposed, or replacement septic drain field.

8. Conforming Status of New Lots

Lots legally created using the procedures outlined herein shall be considered conforming with respect to lot dimensional requirements.

Section 18.03 Development Standards

A. Site Plan Review

Site plan review and approval is required for all uses except principal and accessory structures and uses, in accordance with Section 29.02.

B. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Commercial-Agricultural District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes, and exceptions.

Regulations	
Minimum Lot Area	40 acres***
Minimum Lot Width	330 ft.
Maximum Height	2 ½ stories, 35 ft.
Maximum Building Coverage	10%
Minimum Front Setback	50 ft.
Minimum Side Setback	50 ft.

Minimum Rear Setback	50 ft.
Minimum Usable Floor Area	900 sq. ft.

***Creation of lots or parcels that are less than forty (40) acres may be permitted in the following instances:

- a. When the lot or parcel that is less than forty (40) acres is an entire quarter-quarter section or a half of a half of a quarter section, or
- b. When the land division creating the new lot or parcel would permit use of the land in accordance with the purposes of the Commercial Agricultural district (see Section 18.01) and with the Township Master Plan, and where the existing parent parcel being divided is between seventy-four (74) and eighty (80) acres. In this instance, a lot or parcel being created through land division may be as small as thirty-five (35) acres.

C. Open Space Preservation Option

The Open Space Preservation Option is permitted in the AG-C District as a means of permitting residential use and preserving open space and agricultural lands, subject to the provisions in Section 8.03, sub-section C.

Section 18.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

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ARTICLE 19.00

OS-1, Office Service District

Section 19.01 Statement of Purpose

The intent of the OS-1, Office Service District is to accommodate various types of administrative and professional offices, as well as certain personal service businesses, which can serve as a transitional use between more intensive land uses (such as commercial uses) and less intensive residential uses.

This district is intended to prohibit those types of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, and other impacts that could negatively affect the use or enjoyment of surrounding property.

Section 19.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned OS-1, Office Service District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Office buildings for any of the following occupations: administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, or writing.
2. General office buildings and uses, provided that goods are not manufactured, exchanged, or sold on the premises.
3. Medical and dental clinics or offices.
4. Financial institutions, including banks, credit unions, and savings and loan associations.
5. Offices of a municipality or other public entity, including public utility buildings, provided there is no outside storage of materials or vehicles.
6. Electronic data processing and computer centers, including software development.
7. Sales facilities, such as call centers and facilities dedicated to internet sales.
8. Photographic studios.
9. Religious institutions, subject to the provisions in Section 8.02, sub-section X.
10. Essential services, subject to the provisions in Section 2.16.
11. Other uses similar to the above, subject to the provisions in this Article.
12. Uses and structures accessory to the above, subject to the provisions in Section 2.03.
13. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
14. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.

B. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. Business schools, vocational training schools, dance schools, music and voice schools, and art studios.
2. Accessory retail uses customarily related to principal office uses permitted in this Section, including but not limited to a pharmacy or apothecary shop, sales of home-health care equipment, optical services, barber shop or beauty salon, or other retail or service business that is intended to serve the occupants and patrons of the principal uses. Such uses may be permitted only under the following conditions:
 - a. There shall be no exterior display or advertising, and
 - b. Any such use shall be an incidental in a building that accommodates a principal office use. The floor space set aside for the interior display and sale of merchandise shall occupy no more than twenty-five percent (25%) of the total usable floor area of the building.
3. Mortuaries, funeral homes, subject to the provisions in Section 8.02, sub-section M.
4. Personal service establishments, including barber shops and beauty salons.
5. Standard restaurants when located within an office building or as a part of a multiple building complex.
6. Medical or dental laboratories, excluding the manufacturing of pharmaceutical or other products for wholesale distribution.
7. Child care centers or day care centers.
8. Antiques malls located in a single building not exceeding 15,000 square feet in area devoted to the display and sale of antiques. All display and sale of goods must be conducted entirely within the building.

Section 19.03 Development Standards

A. Required Conditions

Unless otherwise noted, buildings and uses in the OS-1 Office Service District shall comply with the following requirements:

1. All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building. No displays of merchandise or products or signs advertising such merchandise or products shall be visible from the outside.
3. There shall be no outside storage of any goods, inventory, vehicles, or equipment.
4. Commercially used or licensed vehicles with a rated capacity of one (1) ton or more shall not be parked on the site, except for a short duration during normal deliveries.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 29.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Office Service District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	20,000 sq. ft.
Minimum Lot Width	100 ft.
Maximum Height	2 stories, 35 ft.
Minimum Front Setback	45 ft.
Minimum Side Setback	10 ft.
Minimum Rear Setback	20 ft.

D. Planned Development

Planned Development is permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 29.04.

Section 19.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

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ARTICLE 20.00

B-1, Limited Business District

Section 20.01 Statement of Purpose

The intent of the B-1, Limited Business District is to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas. Intensive commercial uses that generate large volumes of traffic or that have other characteristics that tend to adversely affect the quality of surrounding residential areas are not permitted in this District.

Section 20.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned B-1, Limited Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Retail businesses that supply commodities on the premises for persons residing in nearby residential areas, such as groceries, meats, dairy products, alcoholic beverages, baked goods and other foods, drugs, dry goods, notions, hardware, books, stationery and school supplies, records, video cassette sales and rental, bicycles, flowers, hobby equipment, paints, periodicals, shoes, sporting goods, sundry small household articles, and tobacco products.
2. Establishments that perform services on the premises for persons residing in nearby residential areas, such as beauty and barber shops; watch, radio, television, clothing
3. Office buildings and uses, provided that goods are not manufactured, exchanged, or sold on the premises.
4. Financial institutions, including banks, credit unions, and savings and loan associations.
5. Laundry and dry cleaning customer outlets and similar operations.
6. Carry-out and standard restaurants, as defined in Section 1.03.
7. Child care centers and day care centers.
8. Municipal buildings and uses, including post offices, provided there is no outside storage.
9. Photographic studios.
10. Data processing and computer centers.
11. Essential services, subject to the provisions in Section 2.16.
12. Wireless communications facilities on monopoles, subject to the standards and conditions in Section 8.02, sub-section V.
13. Wineries, subject to the provisions in Section 8.02, sub-section JJ.
14. Other uses similar to the above, subject to the provisions in this Article.
15. Temporary real estate auction, subject to the provisions in Section 8.02, sub-section LL.
16. Temporary general auction, subject to the provisions in Section 8.02, sub-section LL.
17. Medical marijuana facilities, subject to the requirements in Sections 8.02, subsection MM, and Section 2.02.

- 18. Brewpubs, subject to the requirements in Section 8.02, subsection NN.
- 19. Uses and structures accessory to the above, subject to the provisions in Section 2.03.

B. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

- 1. Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations, and switchboards, but excluding outside storage yards, subject to the provisions in Section 8.02, sub-section CC.
- 2. Theaters, assembly halls, concert halls or similar places of assembly, private or public clubs, and lodge halls subject to the following conditions:
 - a. All operations shall be conducted within a completely-enclosed building.
 - b. All buildings shall be set back at least one hundred (100) feet from any residential district or use.
- 3. Bars and lounges.
- 4. Mortuaries and funeral homes, subject to the provisions in Section 8.02, sub-section M.
- 5. Wireless communications facilities on towers other than monopoles, subject to the standards and conditions in Section 8.02, sub-section V.
- 6. Permanent on-line auctions, subject to the provisions in Section 8.02, sub-section LL.
- 7. Microbreweries, subject to the requirements in Section 8.02, subsection NN.

Section 20.03 Development Standards

A. Required Conditions

Unless otherwise noted, buildings and uses in the B-1 Limited Business District shall comply with the following requirements:

- 1. All such businesses shall be retail or service establishments dealing directly with consumers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
- 2. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
- 3. All business, servicing, or processing, except off-street parking or loading, shall be conducted within a completely enclosed building.
- 4. There shall be no outside storage of goods, inventory, or equipment.
- 5. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.
- 6. Development in the B-1 District shall comply with the access and service road requirements in Section 2.10.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 29.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Limited Business District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	40,000 sq.ft.
Minimum Lot Width	200 ft.
Maximum Height	2 stories, 35 ft.
Minimum Front Setback	45 ft.
Minimum Side Setback	20 ft.
Minimum Rear Setback	20 ft.

D. Planned Development

Planned Development is permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 29.04.

Section 20.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 21.00

B-2, Commercial Center District

Section 21.01 Statement of Purpose

The intent of the B-2, Commercial Center District is to provide for commercial development that offers a broad range of goods and services to meet the convenience and comparison shopping needs of Township residents. Because of the variety of business types permitted in the B-2 District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining uses. Accordingly, Commercial Center developments should be:

- compatible in design with adjacent commercial development,
- designed as part of a planned shopping center in coordination with development on adjoining sites,
- buffered from or located away from residential areas, and
- served by a minor or principal arterial road.

Section 21.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned B-2, Commercial Center District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. All principal uses permitted in the B-1, Limited Business District, Section 20.02, sub-section A.
2. Veterinary clinics and hospitals, subject to the provisions in Section 8.02, sub-section DD.
3. Business schools or colleges, vocational training schools, dance schools, music and voice schools, and art studios.
4. Indoor recreation uses such as bowling establishments, gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, and similar recreation facilities, subject to the provisions in Section 8.02, sub-section W.
5. Mortuaries and funeral homes, subject to the provisions in Section 8.02, sub-section M.
6. Restaurants, taverns, bars/lounges, and other uses serving alcoholic beverages, including catering and banquet halls, where the patrons are served while seated within a building occupied by such establishments, but not drive-in restaurants.
7. Outdoor seating for such restaurants may be permitted subject to Special Land Use review.
8. Offices, showrooms, or workshop of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, decorator, or similar trade, subject to the following:
 - a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - b. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales, and display.
 - c. There shall be no outside storage of materials or goods of any kind.
9. Fitness centers.
10. Public transit waiting stations or park-and-ride lots.

11. Newspaper offices and print shops with minor printing facilities.
12. Crematoriums.
13. Wireless communications facilities on monopoles, subject to the standards and conditions in Section 8.02, sub-section V.
14. Tattoo parlors.
15. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
16. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
17. Other uses similar to the above, subject to the provisions in this Article.
18. Medical marijuana facilities, subject to the requirements in Sections 8.02, subsection MM, and Section 2.02.
19. Brewpubs, subject to the requirements in Section 8.02, subsection NN.
20. Child care centers and day care centers.
21. Uses and structures accessory to the above, subject to the provisions in Section 2.03.

B. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. Automobile filling and service stations and automobile repair garages, including tire, battery, muffler, and rustproofing establishments and quick oil change and lubrication stations, subject to the provisions in Section 8.02, sub-section D, and the following additional conditions:
 - a. In general, major repair, as defined in Section 1.03, shall not be permitted in the B-2 District, except as provided for under item 18, below.
 - b. The servicing and repair of vehicles shall be limited to those which may be serviced during a normal workday.
 - c. Outside parking of vehicles overnight is prohibited except for the operable vehicles of the employees working at the station and up to two (2) service vehicles used by the service station.
 - d. There shall be no outside display of parts or products.
2. Automobile wash or car wash establishments, subject to the provisions in Section 8.02, sub-section E.
3. New and used automobile, truck and tractor, boat, mobile home, recreational vehicle and trailer sales, subject to the provisions in Section 8.02, sub-section C.
4. Arcades, when developed as an accessory use in a larger indoor recreation facility, a restaurant or bar, or a club or lodge, subject to the provisions in Section 8.02, sub-section W.
5. Hotels and motels, subject to the provisions in Section 8.02, sub-section R.
6. Mini-warehouses, subject to the provisions in Section 8.02, sub-section Q.
7. Open-air display and sales of nursery plants and materials; lawn furniture; playground equipment and swimming pools; garden supplies; and similar open-air displays, subject to the provisions in Section 8.02, sub-section U.
8. Outdoor recreation facilities, such as a children's amusement park and par-3 golf courses, subject to the provisions in Section 8.02, sub-section W.

9. Drive-in, drive-through, and fast-food restaurants, subject to the provisions in Section 8.02, sub-section K.
10. Drive-in establishments (other than drive-in restaurants), subject to the provisions in Section 8.02, sub-section J.
11. Adult book or supply stores, adult motion picture theaters, adult live stage performing theaters, adult motion picture arcades, adult motels, adult model studios, group "A" cabarets, massage parlors or establishments, and similar adult uses, subject to the provisions in Section 8.02, sub-section A.
12. Lumber yards or building material sales establishments that have storage in partially open structures, subject to the following conditions:
 - a. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
 - b. Open storage structures shall be enclosed on three sides and shall have a roof.
 - c. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence or masonry wall, constructed in accordance with Article 6.00.
13. Recycling collection stations.
14. Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations, and switchboards, but excluding outside storage yards, subject to the provisions in Section 8.02, sub-section CC.
15. Theaters, assembly halls, concert halls or similar places of assembly, private or public clubs, and lodge halls subject to the following conditions:
 - a. All operations shall be conducted within a completely-enclosed building.
 - b. All buildings shall be set back at least one hundred (100) feet from any residential district or use.
16. Owner-occupied residential uses in combination with a principal permitted use, subject to the following requirements:
 - a. Residential uses shall not occupy more than fifty percent (50%) of the gross floor area of the building.
 - b. Residential uses shall be permitted only on upper levels or to the rear of the principal business use in the building.
 - c. Off-street parking shall be provided pursuant to the requirements in Article 4.00, except that parking for the residential use shall be located behind the building.
 - d. A minimum of three hundred (300) square feet of usable outdoor open space shall be reserved for the exclusive use of each such residential unit. The open space shall not be located within a required setback.
17. Wireless communications facilities on towers other than monopoles, subject to the standards and conditions in Section 8.02, sub-section V.
18. Automobile body, frame, and fender straightening, and similar collision repair service, subject to the provisions in Section 8.02, sub-section II, and the following additional conditions:
 - a. Hours of operation shall be limited to between 7:00 a.m. to 6:00 p.m.
 - b. Service shall be limited to cars, vans, and small trucks.
19. Permanent on-line auctions, subject to the provisions in Section 8.02, sub-section LL.
20. Permanent auction house, subject to the provisions in Section 8.02, sub-section LL.
21. Permanent general purpose auctions, subject to the provisions in Section 8.02, sub-section LL.
22. Microbreweries, subject to the requirements in Section 8.02, subsection NN.

Section 21.03 Development Standards

A. Required Conditions

Unless otherwise noted, buildings and uses in the B-2 Commercial Center District shall comply with the following requirements:

1. All such businesses shall be retail or service establishments dealing directly with consumers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
2. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.
3. All business, servicing, or processing, except off-street parking or loading, shall be conducted within a completely enclosed building.
4. There shall be no outside storage of goods, inventory, or equipment.
5. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.
6. Development in the B-2 District shall comply with the access and service road requirements in Section 2.10.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 29.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Commercial Center District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	40,000 sq. ft.
Minimum Lot Width	200 ft.
Maximum Height	2 stories, 35 ft.
Minimum Front Setback	45 ft.
Minimum Side Setback	20 ft.
Minimum Rear Setback	20 ft.

D. Planned Development

Planned Development is permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 29.04.

Section 21.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

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ARTICLE 22.00

I-1, Light Industrial District

Section 22.01 Statement of Purpose

The intent of the I-1, Light Industrial District is to provide locations for planned industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or commercial uses. Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well-designed buildings on amply-landscaped sites, with adequate off-street parking and loading areas.

Section 22.02 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned I-1, Light Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Greenhouses and plant nurseries.
3. Essential services, subject to the provisions in Section 2.16.
4. Wireless communications facilities on monopoles, subject to the standards and conditions in Section 8.02, sub-section V.
5. Wineries, subject to the provisions in Section 8.02, sub-section JJ. Uses and structures accessory to the above, subject to the provisions in Section 2.03.
6. Temporary real estate auctions, subject to the provisions in Section 8.02, sub-section LL.
7. Temporary general auctions, subject to the provisions in Section 8.02, sub-section LL.
8. Medical marijuana facilities, subject to the requirements in Sections 8.02, subsection MM, and Section 2.02.

B. Special Land Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements set forth in Section 29.03.

1. The manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, jewelry, instruments, neon or electric signs, optical goods, pharmaceuticals, toiletries, food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts), hardware, and cutlery.
2. The manufacturing, compounding, assembling, or treatment of articles or goods from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, yarns, sheet metal, wax, wire, and wood.

3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
4. The manufacture or assembly of musical instruments, toys, novelties, sporting goods, photographic equipment, and metal or rubber stamps, or other small molded rubber products.
5. The manufacture light sheet metal products, including heating and ventilating equipment, cornices, eaves, and similar products.
6. Metal polishing and buffing, but not including metal plating.
7. Laboratories involved in basic research, experiment, design, testing, or prototype product development.
8. The manufacturing or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
9. Manufacturing and repair of electric or neon signs.
10. Printing, lithography, blueprinting, and similar uses.
11. Warehousing and wholesale activities.
12. Tool, die, gauge, and machine shops.
13. Data processing and computer centers, including electronic data processing and computer equipment service establishments.
14. Lumber yards or building material sales establishments, which may have storage in partially open structures, subject to the following conditions:
 - a. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
 - b. Open storage structures shall be enclosed on three sides and shall have a roof.
 - c. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence or masonry wall, constructed in accordance with Article 6.00.
 - d. A landscaped greenbelt with a minimum width of twenty (20) feet shall be required adjacent to any street, in conformance with Section 5.02, sub-section D.
15. Central dry cleaning plants and laundries, provided that such plants do not deal directly with the customer at retail.
16. Railroad classification yard and related facilities, including rail car storage, marshaling, switching and transfer facilities; facilities for maintaining railroad cars; tool and equipment storage buildings; radio communication towers; transmission towers; and crew quarters.
17. Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions:
 - a. Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the Planning Commission, provided that such structures are enclosed on three sides and have a roof.
 - b. Storage yards shall be screened from any abutting public or private road in accordance with Section 5.02, sub-section E.
18. Contractor's storage yards and landscaping contractor's operations, provided that such yards are completely enclosed within a masonry wall or screening, that is a minimum of five (5) feet in height but may be required to be up to eight (8) feet in height, in accordance with Section 5.02, sub-section E. All such uses shall comply with requirements for outside storage in Section 22.03, sub-section A.
19. Public utility or municipal service buildings, including electric or gas service buildings and yards, telephone exchange buildings, electric transformer stations, gas-regulator stations, water treatment plants and reservoirs, and sewage treatment plants.
20. Oil and gas processing facilities, subject to the provisions in Section 8.02, sub-section T.

21. Recycling collection stations and centers.
22. Automobile repair garages, including minor and major repair, subject to the provisions in Section 8.02, sub-section D and provided that all operations are carried on within a completely enclosed building.
23. Radio and television transmitting and receiving towers, subject to the provisions in Section 8.02, sub-section V.
24. Mini-warehouses, subject to the provisions in Section 8.02, sub-section Q.
25. Commercial kennels and/or veterinary clinics, subject to the provisions in Section 8.02, sub-section P and DD.
26. Retail uses which are typically industrial-like in character because of their outdoor storage requirements or the nature of their operations, including but not necessarily limited to lumber yards, building material outlets, boat sales, agricultural implement dealers, big box retailers (such as warehouse stores and similar stores typically ranging in size from 50,000-300,000 sq. ft. in floor area) and so forth.
27. Crematoriums.
28. Other research or light manufacturing uses similar to the above.
29. Limited office and retail operations may be permitted in the I-1 district, subject to the following requirements:
 - a. Principal and special land uses and structures permitted in the B-2, Commercial Center District, may be permitted in the I-1 district.
 - b. Retail operations shall occupy no more than twenty five (25%) of the total floor area of the business.
 - c. The type and quantity of traffic generated by the office and retail sales operations shall be compatible with permitted industrial uses in the I-1 district.
 - d. Adequate parking shall be provided for the office and retail sales operations, as specified in Article 4.00.
 - e. In addition to the office and retail sales permitted in accordance with items a through e, an additional five percent (5%) of the total floor area of the business may be occupied by retail or service uses that are intended to serve the employees and visitors of the principal industrial use. Such retail and service uses may include: convenience stores, drug stores and other retail uses that are intended to serve the convenience shopping needs of employees and visitors; personal service uses, such as a dry cleaners or barber shop; restaurants or cafeterias; and, financial institutions, such as a bank or credit union.
30. Wireless communications facilities on towers other than monopoles, subject to the standards and conditions in Section 8.02, sub-section V.
31. Permanent on-line auctions, permanent auction houses, permanent vehicle auctions, and permanent general purpose auctions, all of which are subject to Section 8.02, sub-section LL.
32. Uses and structures accessory to the above, subject to the provisions in Section 2.03. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use.

Section 22.03 Development Standards

A. Required Conditions

Except as otherwise noted, buildings and uses in the Light Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the Performance Standards set forth in Article 9.00.

- 2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
- 3. Where applicable, machinery shall comply with the standards in section 8.02, sub-section BB.
- 4. Outside storage may be permitted, subject to the following conditions:
 - a. Outside storage areas shall be located no closer than one hundred fifty (150) feet to any street right-of-way line and no closer than twenty (20) feet to all other property lines.
 - b. Outside storage areas shall be located no closer than three hundred (300) feet to any residential district.
 - c. Outside storage areas which have the potential to be visible from a public or private road or which abut a residential or commercial district shall be screened by a wall or fence, constructed in accordance with Article 6.00.
 - d. No materials shall be stored above eight (8) feet in height.
 - e. Proper access to all parts of the storage areas shall be provided for fire and emergency vehicles.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 29.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 28.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Regulations	
Minimum Lot Area	90,000 sq. ft.
Minimum Lot Width	300 ft.
Maximum Height	2 stories, 40 ft.
Minimum Front Setback	75 ft.
Minimum Side Setback	40 ft.
Minimum Rear Setback	40 ft.

D. Planned Development

Planned Development is permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 29.04.

Section 22.04 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

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ARTICLE 24.00

GD, Green Zone Planned Development District

Section 24.01 Statement of Purpose

The Green Zone Planned Development District (the "Green Zone") is a diverse mixed use zoning district created to guide development of a portion of the Grand River corridor. Historically, land along Grand River Road, from approximately Zimmer Road to Meridian Road, has been used predominantly for agriculture. Historically, when agricultural uses cease, land transitions to rural open space. This transition provides opportunities for future development. By creating the Green Zone, the Township seeks more sustainable development than might be achieved under conventional zoning. Such development would be characterized by, for example, conservation of natural areas through compact design; preservation and use of native vegetation in landscaping; permeable paving; clearing and grading to minimize site disturbance; more narrow driving lanes; integrating bio-retention swales in parking lots, and similar measures. The regulations and standards that follow are intended to further the principles of sustainable development as applied to the Grand River corridor, with the overall goal of providing a quality living and working environment for residents and users of the district.

Section 24.02 Boundaries in which the Green Zone May Be Used

The boundaries within which the Green Zone may be used shall be established on the Official Zoning Map. The boundaries may be amended according to the procedures set forth in Section 29.06, Amendments.

Section 24.03 Eligibility Criteria

An applicant who develops under the Green Zone standards shall first demonstrate that the following criteria will be met:

A. Recognizable Benefits

The development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, with the result being a higher quality of development than could be achieved under conventional zoning.

B. Compliance with the Green Zone Principles

The development shall comply with the Green Zone principles, as summarized in the Statement of Purpose and described further herein.

C. Minimum Size

The minimum size of a non-residential or mixed use development parcel in the Green Zone shall be twenty (20) acres of contiguous, developable land. However, the Township Board, upon recommendation from the Planning Commission, may permit a smaller parcel if: 1) the project has unique characteristics or benefits, and/or 2) the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.

A parcel in existence on the date of adoption of the Green Zone Planned Development District, that is less than twenty (20) acres in size, may be developed in accordance with the zoning in place prior to being zoned Green Zone. However, if the parcel is combined with one (1) or more other parcels so that the total size exceeds twenty (20) acres, then the new larger parcel shall be subject to the Green Zone regulations.

D. Compatibility with the Master Plan

A proposed Green Zone development shall not have an adverse impact upon the Master Plan for the Township.

E. Preservation of Natural Features

The proposed development shall preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to: woodlands, wetlands, rolling topography, and natural drainage courses.

F. Use of Public Services

The type and density of the proposed development shall not result in an unreasonable increase in the use of public services (such a police and fire protection), public facilities, and utilities.

Section 24.04 Permitted Uses and Structures

It is intended that the Green Zone be a lively, pedestrian-friendly mixed use district. This can be accomplished with the proper mix of uses, in combination with quality urban design. With this in mind, the Township seeks uses that: 1) are compliant with the Green Zone principles as expressed herein, 2) are compliant with the use and dimensional regulations set forth herein, and 3) are compatible with each other and with surrounding development.

In addition, it is essential that uses from each development, in combination with uses from surrounding developments, contribute to the sense of liveliness and vibrancy that is desired in this district.

If a proposal contains uses that do not satisfy the criteria listed above, the proposal shall be subject to denial.

The following uses and structures are permitted in the Green Zone, subject to the criteria and provisions noted above:

1. Research and technology service businesses, including the following:
 - a. Architectural, engineering, and related services, as described in the North American Industrial Classification System (NAICS) under heading 5413.
 - b. Computer systems design and related services (NAICS heading 5415).
 - c. Management, scientific, and technical consulting services (NAICS heading 5416).
 - d. Scientific research and development services (NAICS heading 5417).
2. Any use charged with the principal function of basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
3. Colleges, universities, corporate training facilities, and other educational institutions.
4. Residential development, including:
 - a. Single family attached and detached buildings
 - b. Two-family dwellings
 - c. State licensed residential facilities
 - i. Providing care for up to six (6) individuals
 - ii. Providing care for seven (7) or more individuals, subject to the requirements in Section 8.02, subsection Y.
 - d. Group day care homes, subject to the requirements in Section 8.02, sub-section Y.
 - e. Senior housing, subject to the requirements in Section 8.03, sub-section E.
5. Public transit stations and park and ride lots.
6. Public or private parks and recreation facilities, subject to the requirements in Section 8.02, sub-section W.

7. Religious institutions, subject to the requirements in Section 8.02, sub-section X.
8. Public or private cultural facilities and museums.
9. Private parks owned and maintained by a homeowner's association in a subdivision or condominium development.
10. Community recreation centers and non-profit swim clubs, subject to the requirements in Section 8.02, sub-section W.
11. General or specialized farming and related activities, subject to the requirements in Section 8.02, sub-section L, provided that on no farm shall the number of animal unit equivalents exceed 49.
12. Uses and structures incidental to and customarily associated with single and two-family dwellings, including:
 - a. Pens and enclosures for household pets.
 - b. Home occupations and home-based businesses, subject to the requirements in Section 2.06.
 - c. Private swimming pools, subject to the requirements in Section 8.02, sub-section W.
 - d. One accessory apartment per single family detached dwelling unit, subject to the requirements in Section 8.03, sub-section A.
 - e. Off-street parking, including private garages.
 - f. On-site wind energy systems, subject to the requirements in Section 8.02, sub-section KK.
13. Commercial uses, when part of mixed use development, provided that: 1) the net usable floor area of each commercial establishment does not exceed 5,000 square feet, 2) the total of all commercial uses does not comprise more than one-third of the total area of the development, and 3) mixed use development containing commercial uses shall be located only on parcels that front on Grand River Road. Permitted commercial uses include, but are not necessarily limited to the following:
 - a. Food stores
 - b. Drug stores (without drive-through)
 - c. Carry out and standard restaurants (without drive-through)
 - d. Personal care services, such as hair salons, barbershops, nail salons, etc.
 - e. Medical, dental or veterinary clinics
 - f. Personal fitness centers
 - g. Financial institutions (without drive-through)
 - h. Legal, accounting, and real estate service offices
 - i. Child care centers
 - j. Brewpubs, subject to the requirements in Section 8.02, subsection NN.
 - k. Microbreweries capable of producing no more than 5,000 barrels of beer per year, subject to the requirements in Section 8.02, subsection NN.

14. Essential services, subject to the requirements in Section 2.16.

Section 24.05 Prohibited Uses and Structures

The following uses are prohibited in the Green Zone because they would not be consistent with the principles of Green Zone development, as expressed herein:

1. Manufacturing, except for the following special land uses:
 - a. Prototype development that is accessory to permitted research or technology services.
 - b. Low impact manufacturing operations. Unlike traditional mass or batch manufacturing, low impact manufacturing is characterized by:
 - i. Demonstrated efforts to use less non-renewable resources.
 - ii. Innovative, advanced production processes.
 - iii. Manufacturing best practices.
 - iv. No toxic waste.
 - v. Implementation of the principles of Kaizen¹ for continuous improvement.
 - vi. Replanting or protecting existing vegetation.
 - vii. Reducing impervious surfaces, such as roads, parking lots, and roof tops.
 - viii. Using bio-retention, pervious pavement, and other small-scale storm water controls.
2. Automobile oriented uses, including:
 - a. Automobile repair garage.
 - b. Automobile service station, filling station, or gas station
 - c. New or used automobile dealership
 - d. Drive-in and drive-through establishments

Section 24.06 Project Design Requirements

Proposed Green Zone developments shall comply with the following project design requirements:

A. Location

A Green Zone development may be proposed, and will only be approved, if it is located within the Green Zone boundaries as established on the Official Zoning Map of the Township. The Green Zone boundaries may be expanded through rezoning of parcels contiguous to land that is currently zoned Green Zone.

B. Planned Development Review

Proposals in the Green Zone are subject to the Planned Development review procedures in Section 29.04 of the Zoning Ordinance. The standards herein supersede the Planned Development standards in Article 25.00 for the purpose of Green Zone development.

C. Residential Density

Green Zone developments shall comply with the following residential densities:

¹ Kaizen is Japanese for “improvement” or “change for the “better.” It refers to a philosophy or practices that focus on continuous improvement of processes in manufacturing, engineering, supporting businesses processes, and management.

1. One Family Attached: See Section 8.03(B) of the Zoning Ordinance (formula works out to approximately 12 two-bedroom homes per acre)
2. One-Family Detached: Minimum Lot area is 40,000 sq.ft.
3. Two Family Units: Minimum Lot Area is 20,000 sq.ft.
4. An increase in density may be permitted by the Township Board, upon recommendation from the Planning Commission, upon finding that the increase is justified because certain characteristics of the proposed development would result in a substantial benefit to the users and the community as a whole. Among the characteristics that the Planning Commission and Township Board may consider in making this determination are the following:
 - a. The proposed Green Zone development exhibits extraordinary design excellence, examples of which include, but are not limited to innovative energy efficient design; provision of more open space than required; added improvements to assure vehicular and pedestrian safety; and added landscaping or other site features to assure long-term aesthetically pleasing appearance.
 - b. The proposed arrangement of uses and residential densities within the planned development enhances the compatibility of the proposed development existing or planned land use on adjacent land.
 - c. The planned development would contain environmentally-conscious public facilities to enhance the long term viability of the project and reduce its impact on natural resources.
 - d. The planned development would address a societal need, such as provide affordable or senior housing.

D. Parking

Developments in the Green Zone shall comply with the requirements in Article 4.00 of the Zoning Ordinance, except as follows:

1. Alternatives to conventional storm water drainage ponds shall be incorporated into the parking lot design. Such alternatives may include, but are not limited to, use of pervious pavement, bio-swales, and rain gardens.
2. Collective use of off-street parking, whereby two or more uses having different hours of operation share the same parking so as to reduce the total number of required spaces, is required where feasible.
3. The size of any single off-street parking lot shall not exceed three (3) acres.
4. On-street parking is permitted on interior roads in the Green Zone, subject to Ingham County Road Commission approval (if the roads are public). All roads shall meet Ingham County Road Commission standards.

E. Landscaping

Developments in the Green Zone shall comply with the requirements in Article 5.00 of the Zoning Ordinance, except as follows:

1. **Native Plants.** A minimum of fifty percent (50%) of new landscaping shall consist of plant material that is native to Michigan, so as to minimize the need for irrigation and chemical applications. Appropriate native species shall be based on a list kept on file at the Township Hall, which may be updated from time to time.
2. **Treatment of Existing Plant Material.** The existing natural landscape shall be left intact, except where conversion into a more manicured landscape treatment is required as part of an integral landscape design plan. Existing trees in good condition and with straight trunks, that are at least two and one-half inches

(2.5 inches) DBH (diameter at breast height, or trunk caliper measured four and one-half feet (4.5 feet) from the ground), may be counted on a tree-for-tree basis toward any landscaping requirements in the Green Zone. However, undesirable trees listed in Section 5.04, sub-section C.9, are not eligible for the tree-for-tree allowance.

3. **Landscaping Adjacent to Grand River Road.** The landscape within the viewshed along Grand River Road shall consist of native and other plants in an informal setting so as to give the appearance of a naturally-occurring landscape. However, a more formal landscape is acceptable at the Grand River Road entrance to a development and along the driveway or road leading to the development.
4. **Screening.** Landscaping shall be used to screen non-residential uses and loading areas from residentially-zoned or used land. Such screening shall comply with the requirements in Section 5.02, sub-section B. In the Green Zone, substitution of wall or fence in lieu of landscaping is not permitted.
5. **Parking Lot Landscaping.** Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F, except as follows:
 - a. Deciduous shade trees on the interior of or surrounding a parking lot shall be distributed so that no parking space is more than fifty (50) feet from the base of a tree.
 - b. Parking lot landscaping shall incorporate bio-retention swales or rain gardens to facilitate cleansing and infiltration of storm water.
6. **Parks and Plazas.** The overall goal of the Green Zone is to enhance the quality of life for residents and users of the district and community. One way to help accomplish this is by providing outdoor gathering spaces. Accordingly, provision of parks and/or plazas in conjunction with new development is encouraged.
7. **Streetscape.** A streetscape plan and cross-section shall be presented for frontage roads in conjunction with new development. The plan shall show locations of deciduous trees, lighting, benches, and other streetscape elements. The plan shall be coordinated with adjoining streetscape designs so as to achieve continuity.

F. Storm water Management

Storm water controls shall be subject to review by the Ingham County Drain Commissioner's office. Where feasible, storm water design shall conform to the following design standards:

1. **Existing Drainage Patterns.** Existing drainage patterns on the site shall be maintained.
2. **Drainage Ponds.** Retention and detention ponds, if required, shall resemble natural ponds, with gradual slopes and landscaping to enhance local wildlife.

G. Signs

Signs shall conform to the requirements in Article 7.00, except as follows:

1. The maximum wall and freestanding sign area for non-residential businesses in the Green Zone is seventy-two (72) square feet (rather than forty-eight (48) square feet specified in Section 7.08, sub-sections D and E).
2. In the interest of saving energy, sign lighting shall be shut off no later than midnight each night.

H. Green Building Criteria

1. **Non-Residential Development.** All new non-residential and mixed use construction in the Green Zone shall meet the criteria for green building certification through the U. S. Green Building Council's LEED

(Leadership in Energy and Environmental Design) certification system. A completed certification checklist shall be provided to the Township with the site plan review submission.

2. **Residential Development.** Compliance with green building certification (LEED-H or LEED-ND) is encouraged for all residential-only development.

I. Non-Motorized Transportation

1. **Grand River Path.** New development with frontage on Grand River Road shall provide a 10-foot wide paved path in the right-of-way, approximately one (1) foot from the right-of-way line, unless conditions dictate another setback. The path shall be subject to Township and Michigan Department of Transportation standards.
2. **Red Cedar River Path.** New development with frontage on the Red Cedar River shall provide an 8-foot wide path and recorded path easement along the river, in accordance with Township plans and standards.
3. **Sidewalks.** Concrete sidewalks with a minimum width of six (6) feet shall be provided on all interior roads within non-residential developments. Sidewalks shall provide a direct pedestrian connection from the street to the front entrance of the building.

J. Public Transportation Review

All new developments shall be designed to accommodate public transportation, by providing, where appropriate, park-and-ride lots, bus stops and shelters, and other accommodations for public transportation. The site plan for any new development shall be submitted to the Capital Area Transportation Authority (CATA) for comment prior to site plan review.

Section 24.07 Area, Height, Bulk and Placement Requirements

Proposed Green Zone developments shall comply with the following area, height, bulk and placement requirements:

A. Summary Table

The following table is for reference only; the text in this section provides additional guidance and shall control in the event of a discrepancy.

	Single Family Detached	Non-Residential and Mixed Use	
Minimum Lot Area	40,000 sq. ft.	20 acres	
Minimum Lot Width	120 ft.	660 ft.	
Minimum Usable Floor Area per Unit	1,200 sq. ft.	20,000 sq. ft.	
Maximum Lot Coverage	20%	Mixed Use: 25%	Non-Residential: 30%
Grand River Ave. Setback/Viewshed	350 ft. or 40% of lot depth, whichever is less	350 ft. or 40% of lot depth, whichever is less	
Front Setback – Internal Streets	30 ft.	30 ft.	
Side Setback	20 ft.	20 ft.	
Rear Setback	35 ft.	35 ft.	
Red Cedar River Setback	50 ft. from top of bank, unless there is a path along the river, in which case a 40-foot setback shall be measured from the edge of the path.		

B. Lot Dimensions

1. **Minimum Lot Area – Residential Uses.** The minimum lot area for single family residential development in the Green Zone shall be 40,000 square feet, provided that the parcel has adequate usable land area to be developed in conformance with the Zoning Ordinance, and provided further that there is sufficient area

for placement of a septic system. Single family residential development in the Green Zone shall comply with the R-1-S, Suburban Residential zoning requirements.

2. **Minimum Lot Area – Non-residential Uses.** The minimum lot area for non-residential and mixed use development in the Green Zone shall be twenty (20) acres, provided that the parcel has adequate usable land area to be developed in conformance with applicable Zoning Ordinance requirements.
3. **Minimum Lot Width – Residential Uses.** The minimum lot width for single family residential parcels in the Green Zone shall be 120 feet.
4. **Setback from Waterbodies.** A minimum setback of sixty (60) feet shall be maintained from any lake, pond, other open body of water, or wetland, unless a larger setback is required by the Department of Environmental Quality (MDEQ). This requirement shall apply to all principal and accessory structures and roads.

C. Minimum Usable Floor Area

The minimum usable floor area shall be as follows:

1. Single family detached dwelling units: 1,200 sq. ft.
2. Single and two family attached dwelling units: 1,400 sq. ft.
3. Non-residential development: 20,000 sq. ft.

D. Maximum Lot Coverage

The maximum lot coverage shall be as follows:

1. Residential development: 20%
2. Mixed use development: 25%
3. Non-residential development: 30%

E. Minimum Setbacks

1. **Grand River Road Viewshed.** Non-residential and mixed use parcels of land in the Green Zone that have frontage on Grand River Road shall provide the following minimum setbacks so as to maintain the open, rural character of the corridor.
 - a. All principal and accessory buildings and structures shall be set back from the existing Grand River Road right-of-way a minimum distance equal to forty percent (40%) of the lot depth (as defined herein) or 350 feet, whichever is less. This setback requirement shall not apply to legally permitted signs and public transit shelters.
 - b. Off-street parking areas, including drive aisles, shall be set back a minimum of two hundred (200) feet from the existing road right-of-way.
 - c. All principal and accessory building and structures shall be set back a minimum of fifty (50) feet from the existing right-of-way on residential parcels with a depth of 500 feet or less at the time of adoption of this section of the Ordinance. Off-street parking on these parcels shall be set back a minimum of twenty (20) feet from the existing Grand River Road right-of-way.
2. **Front Yard or Side Yard Facing a Street.** The following requirements shall apply to buildings, structures and parking located on or facing a road other than Grand River Road:

- a. The minimum setback for buildings and structures shall be thirty (30) feet, measured from the existing right-of-way line.
 - b. The minimum setback for off-street parking, including drive aisles shall be twenty (20) feet.
- 3. Interior Side Yard**
- a. The minimum interior side yard setback for all buildings and structures in the Green Zone shall be twenty (20) feet.
 - b. Off-street parking, including drive aisles, shall be set back a minimum of ten (10) feet from an interior side lot line.
- 4. Rear Yard**
- a. The minimum rear yard setback for buildings and structures in the Green Zone shall be thirty-five (35) feet.
 - b. Off-street parking, including drive aisles, shall be set back a minimum of ten (10) feet from an interior side lot line.
- 5. Minimum Setbacks for Residential Uses.** Residential uses not located in a mixed use development shall comply with the setback requirements specified for the R-1-S, Suburban Residential District.

F. Maximum Height

1. **Maximum Height.** The maximum height for buildings and structures in the Green Zone is forty (40) feet, except that accessory buildings and structures shall comply with the height requirements in Section 2.03.
2. **Exception for Green Building Features.** Where necessary because of the use of green building features (i.e., green roofs, passive solar architecture, convection cooling towers, etc.), the maximum height shall be forty-five (45) feet. The maximum height for wind turbines is 130 feet.

G. Open Space Requirements

1. **Minimum Open Space.** A minimum of 33% of any non-residential or mixed-use parcel in the Green Zone shall be reserved as undeveloped open space. The calculations of required open space may include the land within the Grand River Road Viewshed. Fifty percent (50%) of the area of a green roof may be counted as open space. Recorded path easements called for in Section 24.06, subsection I, may be counted as open space.
2. **Exclusions.** Required open space shall not include the area of any public road, the area of any easement providing access to the site, the area of any commercial recreation use, the area of any conventional storm water retention or detention pond, and any interior parking lot landscaping.
3. **Open Space Objectives.** Open space shall be located on the site to meet the following objectives:
 - a. To preserve distinctive natural features, wooded areas, and rural features.
 - b. To preserve land that can still be farmed after development.
 - c. To minimize the impact on wetlands, streams, and other sensitive environmental features.
 - d. To maintain an open, rural character along Grand River Road.
 - e. To further the objectives of the Master Plan.

4. **Reservation of Open Space.** Required open space (not including green roofs) shall be permanently reserved by the developer with a recordable legal instrument that assures that the open space will remain undeveloped. This can be accomplished, by way of example, through a deed restriction, or an irrevocable conveyance, such as a conservation easement or restrictive covenant that runs with the land, whereby rights are conveyed to a land conservation organization or other public body.

Section 24.08 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 25.00

PD, Planned Development

Section 25.01 - Intent

It is the intent of this Article to authorize the use of planned development regulations for the purposes of encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of this Township; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with the Township's Master Plan.

The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, provisions of this Article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Article to insure appropriate, fair, and consistent decision making.

Section 25.02 - Eligibility Criteria

To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

A. Recognizable Benefits

The planned development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.

B. Minimum Size

The minimum size of a planned development shall be twenty (20) acres of contiguous land. However, in the interest of maximizing the use of Planned Development as a tool to promote high quality planning and development, the Township Board, upon recommendation from the Planning Commission, may permit a smaller planned development if: (a) the proposed project has unique characteristics and benefits, and/or (b) the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.

In such case, the applicant shall submit a letter to the Township requesting a waiver of the minimum planned development size requirements. The request shall be submitted prior to submittal of a site plan and application for planned development approval. The Planning Commission shall review the request and make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the planned development size requirements.

C. Use of Public Services

The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.

D. Compatibility with Master Plan

The proposed development shall not have an adverse impact upon the Master Plan for the Township. Notwithstanding this requirement, the Township may approve a Planned Development proposal that includes uses which are not called for on the Future Land Use Map, provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified in light of the current planning and development objectives of the Township.

E. Economic Impact

The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

F. Unified Control

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, or assuring completion of the project, in conformity with this Ordinance.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Clerk.

G. Preservation of Natural Features and Rural Character

The proposed development shall preserve natural features and the rural character of the Township to the maximum extent feasible. In the case of single family residential development, this may be accomplished by implementing principles of "rural cluster zoning" and "rural open space environment".

Section 25.03 - Project Design Standards

Proposed planned developments shall comply with the following project design standards:

A. Location

A planned development may be approved in any location in the Township, subject to review and approval as provided for herein.

B. Permitted Uses

Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that:

1. The predominant use on the site shall be consistent with the uses specified for the parcel on the Township's Future Land Use Map.
2. There shall be a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area.
3. Nonresidential uses shall be separated and buffered from residential units in a manner that is consistent with good site design and planning principles.
4. The mix of uses and the arrangement of those uses within a planned development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

C. Residential Density

The overall density of residential uses within a planned development shall not exceed the density that could be achieved with the underlying zoning (see definition of "underlying zoning" in Section 1.03). In determining the density achievable with the underlying zoning, only the net buildable area of the site shall be considered. The "net buildable area" consists of the portion of a site which is not encumbered by regulated wetlands, steep slopes, existing and proposed road rights-of-way (including proposed road rights-of-way within the development), easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes. To assist in determining net buildable area, the applicant shall submit an alternate plan that shows how the site could be developed economically and legally under the underlying zoning.

An increase in density may be permitted by the Township Board, upon recommendation from the Planning Commission, upon finding that the increase is justified because certain characteristics of the proposed development would result in a substantial benefit to the users and the community as a whole. Among the characteristics which the Planning Commission and Township Board may consider in making this determination are the following:

1. The planned development exhibits extraordinary design excellence, examples of which include, but are not limited to: innovative energy efficient design; provision of additional open space above the required amount; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.

2. The planned development would include certain public facilities, such as a sewer treatment plant or public water system, to enhance the long-term viability of the project and allow for more efficient use of the land.
3. The proposed arrangement of uses and residential densities within the planned development enhances the compatibility of proposed development with existing or planned land use on adjacent land.
4. Implementation of design approaches to achieve or preserve a Rural Open Space Environment. One such design approach, by way of example, might be Rural Cluster Zoning (see definitions of "Rural Open Space Environment" and "Rural Cluster Zoning" in Section 1.03).

D. Dimensional Standards

1. **Setbacks**

Planned developments shall comply with the following minimum yard setback requirements:

	Residential Use	NonResidential Use
Along perimeter adjacent to public road	50 ft.	50 ft.*
Along perimeter, but not adjacent to a road	35 ft.	40 ft.
Along an internal collector or local road	40 ft.	50 ft.
Along an internal thoroughfare road	50 ft.	50 ft.*
Between parking lot and property line		
• Adjacent to road	50 ft.	50 ft.
• Not fronting on road	20 ft.	20 ft.

* Industrial uses shall be set back a minimum of 75 feet.

Modification to these yard setback requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

2. **Lot Size**

Residential dwelling units in planned developments served by individual septic systems shall have a minimum lot size of 0.75 acres (32,670 sq. ft.), unless a larger lot size is required by the Ingham County Health Department to satisfy the need for septic fields.

E. Distances Between Buildings

Buildings within a planned development shall comply with the following spacing requirements:

1. Any detached single family structure (or accessory structure thereto) shall be located at least thirty (30) feet from any other detached single family structure (or accessory structure thereto).
2. The minimum rear yard setback and minimum lot size for detached single family structures and accessory structures thereto in a planned development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.
3. Residential buildings containing more than one unit (i.e., apartments, townhouses, attached dwellings) shall conform to the spacing requirements set forth in Section 8.03(B).
4. Nonresidential buildings shall be located at least one hundred (100) feet from any residential buildings. This standard shall not apply to garages and other permitted structures that are accessory to a single family structure.
5. The distance between adjacent freestanding nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping.

Modification to these building spacing requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

F. Building Height

Buildings within a planned development shall not exceed thirty-five (35) feet in height.

G. Parking and Loading

Planned developments shall comply with the parking and loading requirements specified in Article 4.00 of the Zoning Ordinance.

H. Landscaping

Planned developments shall comply with the following landscaping requirements:

1. **General Site Requirements.** All unpaved portions of the site that are not left in a natural state shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting road shoulder or curb edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within ninety (90) days after planting.
2. **Landscaping Adjacent to Roads.** All commercial, office, industrial, and multiple family uses shall comply with the requirements for landscaping adjacent to roads in Section 5.02, sub-section B.
3. **Berm Requirements.** Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, a berm may be required to screen the parking from view of the road. The berm shall be a minimum of two (2) feet in height, and shall be planted in accordance with the previous requirements for landscaping adjacent to roads.
4. **Screening.** Screening in the form of a landscaped berm, greenbelt, wall or fence shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park, or similar public area. A landscaped berm or greenbelt is preferred rather than a wall or fence by itself. Depending on the design, a wall or fence with some landscaping could be found to be equally desirable.

Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall or fence is used instead of landscaping, the following requirements shall be complied with:

- a. **Location**
Required obscuring walls or fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the wall or fence shall be placed on the utility easement line located nearest the property line.
 - b. **Time of Construction**
Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall or fence shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence.
 - c. **Corner Clearance**
No wall or fence shall be erected that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway.
 - d. **Wall Specifications**
Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.
 - e. **Fence Specifications**
Fences used for screening shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.
 - f. **Height Requirements**
Walls or fences used for screening shall be a minimum of 4.5 feet in height.
5. **Parking Lot Landscaping.** Off-street parking areas containing greater than ten (10) spaces shall be provided with interior landscaping in compliance with Section 5.02, sub-section F.

6. **Standards for Plant Material.** Proposed plant materials shall comply with the standards set forth in Section 5.04.
7. **Treatment of Existing Plant Material.** In instances where healthy plant material exists on the site prior to its development, the Township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general, subject to the regulations in Section 5.06.
8. **Variation from Specific Requirements.** The Township Board, upon receiving a recommendation from the Planning Commission, may allow variation from the specific requirements set forth herein, upon finding that the substitute landscaping is in keeping with the spirit and intent of this Article, and has equal landscape value as the required landscaping. In evaluating landscape values, the Township Board and Planning Commission shall consider preservation of natural features, aesthetic qualities, numbers of plants, and similar considerations.

I. **Open Space Requirements**

Planned developments containing a residential component shall provide and maintain usable open space that is accessible to all residents, which shall comply with the following requirements:

1. A minimum of thirty-three percent (33%) of the gross area of the site or portion thereof that is designated for residential use shall be set aside for such common open space. The boundaries of the gross site area shall encompass buildings, roads, sidewalks, landscaping, natural areas, water bodies, and other features that are an integral part of the residential development plan.
2. Reduction in lot area below the minimum lot area specified by the underlying zoning shall be set aside and reserved as permanent open space to the maximum feasible extent, recognizing that a portion of the parcel must be set aside for roads, stormwater detention, and other facilities.
3. Open space shall be located on the parcel to meet the following objectives:
 - a. To preserve distinctive natural features and rural characteristics.
 - b. To preserve farm lands.
 - c. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.
 - d. To maintain open, rural character along main roads.
4. No more than twenty-five percent (25%) of the required open space shall be used for active recreation facilities, such as swimming pools, tennis courts, trails etc.
5. Any pervious land area that is available for the common use of all residents may be included as required open space, except as follows:
 - a. No more than twenty five percent (25%) of the required usable open space shall include the area of any water bodies or wetlands which are covered only periodically with standing water (such as hardwood swamps or "wet" meadows). Required usable open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.
 - b. Required usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.
6. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:
 - a. Indicate the proposed use(s) of the required open space.
 - b. Indicate how the leisure and recreation needs of all segments of the population residing in or using the planned development will be accommodated.

- c. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
 - d. Provide maintenance standards and a maintenance schedule.
 - e. Provide notice of possible assessment to the private property owners by the Township of Williamstown for the cost of 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.
 - f. Be recorded with the Ingham County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Planned Development.
7. Notwithstanding the requirements cited above, open space may be redeveloped for another purpose subject to the following conditions:
- a. The redevelopment of open space shall require an amendment to the Planned Development plan in accordance with the procedures in Section 29.04, and shall therefore constitute an amendment to the Zoning Ordinance which shall be subject to the right of petition and referendum by the electors of the Township, as provided for by current Michigan law.
 - b. Redevelopment of open space shall not be permitted for the first twenty-five (25) years after the date of the initial approval of the Planned Development plan by the Township Board. Commencing on the twenty-fifth (25th) anniversary of the initial approval, and at every subsequent twenty-five (25) year interval thereafter, there shall be a one (1) year period during which proposals to redevelop the open space may be submitted for review and action by the Township. Proposals to redevelop may not be submitted at any other time except during these one (1) year periods.
 - c. In the event that a proposal to redevelop open space is properly submitted during an appropriate one (1) year time frame, the Township shall proceed with review and shall take action on the proposal even if the review process extends beyond the one (1) year period.
 - d. Proposals to redevelop open space shall require the written consent of at least ninety percent (90%) of all persons having an interest in the property contained in the Planned Development at the time the proposal is submitted.
 - e. The overall density of residential development proposed for redeveloped open space shall not exceed the density that could be achieved with the underlying zoning that was in place at the time the original planned development plan was adopted (see Section 25.03(C) and definition of "underlying zoning" in Section 1.03).
 - f. These provisions for redevelopment of open space may be included in the conveyance described in the preceding subsection (I.6).

J. Frontage and Access

Planned developments shall front onto a paved road and the main means of access to the development shall be via the paved road. The nearest edge of any entrance or exit drive shall be located no closer than four hundred (400) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

Each residential lot shall have frontage on, and each residential dwelling unit shall have direct access to, an approved public road. Individual residential dwelling units in a planned development shall not have direct access onto a major thoroughfare, collector road, or state trunkline. The planned development should be designed so that through-traffic, including traffic generated by commercial uses within the planned development, is discouraged from traveling on residential streets.

K. Natural Features

The development shall be designed to promote preservation of natural resources and features. If natural animal or plant habitats of significant value exist on the site, the Planning Commission or Township Board may require that the planned development plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent (100%) of any preserved natural area may be counted toward meeting the requirements for open space, as long as the requirements of Section 25.03(I)(5.a.) are met.

L. Pedestrian Access

Sidewalks shall be provided along all collector and arterial roads within the planned development. The Township Board, upon recommendation from the Planning Commission, may waive the requirements for sidewalks if pathways or another means of pedestrian circulation are provided through the development.

M. Special Use Standards

Proposed uses that are permitted under conventional zoning subject to Special Land Use approval shall comply with the development standards for such uses as set forth in Section 29.03 of the Zoning Ordinance and in the regulations for each district. In evaluating such uses, the Planning Commission and Township Board shall consider the **Standards for Granting Special Land Use Approval for Special Uses** in Section 29.03 of the Zoning Ordinance. The Township Board, upon recommendation from the Planning Commission, may waive, modify, or expand upon the development standards for such uses, upon making the determination that such action would result in higher quality development within the context of the proposed Planned Development. Even if a Special Land Use is included in a proposed Planned Development project, Planned Development review procedures in this Article shall supersede and replace the Special Land Use review procedures in Section 29.03.

N. Additional Considerations

The Planning Commission and Township Board shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playgrounds and other areas used by pedestrians are insulated from roads, drives, and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where non-residential uses adjoin residentially used or zoned property.

Section 25.04 - Procedures and Requirements

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PD, Planned Development". Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

Section 25.05 - Review and Approval Standards

In considering any application for approval of a planned development plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for Planned Development approval set forth in Section 29.04, as well as the following standards and requirements:

A. Conformance with the Planned Development Concept

The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with specific project design standards set forth herein.

B. Compatibility with Adjacent Uses

The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
4. The hours of operation of the proposed uses.
5. The provision of landscaping and other site amenities.

C. Public Services

The proposed planned development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

D. Impact of Traffic

The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:

1. Access to major thoroughfares.
2. Estimated traffic to be generated by the proposed development and the potential increase in traffic congestion.
3. Proximity and relation to intersections.
4. Adequacy of driver site distances.
5. Location of and access to off-street parking.
6. Required vehicular turning movements.
7. Provisions for pedestrian traffic.
8. Proposals to alleviate traffic congestion, traffic safety concerns, and other traffic impacts.

E. Protection of Natural Environment

The proposed planned development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.

F. Compatibility with the Master Plan

The proposed planned development shall be consistent with the general principles and objectives of the adopted Township Master Plan.

G. Compliance with Applicable Regulations

The proposed planned development shall be in compliance with all applicable Federal, state, and local laws and regulations, including but not necessarily limited to Special Land Use standards as noted in Section 29.03 and applicable General Provisions in Article 2.00 of the Zoning Ordinance.

Section 25.06 - Phasing

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

In addition, proposed phasing shall comply with the following requirements:

A. Coordination of Residential and Non-Residential Components

In developments which include residential and non-residential components, the residential component shall be completed at the same rate or prior to the non-residential component. For example, if fifty percent (50%) of the non-residential component is proposed to be completed in a certain phase, then at least fifty percent (50%) of the residential component should be completed in the same phase. One hundred percent (100%) of the residential component shall be completed prior to the final phase of non-residential construction. The construction of roads, utilities, and other infrastructure shall be considered completion of a residential component, where the intent is to sell lots or building sites to others who will construct the housing units.

The purpose of this provision is to ensure that planned developments are constructed in an orderly manner and, to ensure that the planned development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentages shall be approximations as determined by the Planning Commission based on the floor area and land area allocated to each

use. Such percentages may be varied should the Township Board, upon recommendation from the Planning Commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

B. Commencement of Construction

Construction of any facility may commence at any time following site plan approval per Section 29.02, provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the schedule set forth on the approved plan for the planned development. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site. For the purposes of this Section, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations, or similar substantial improvements.

C. First Phase Projects

Notwithstanding the above provisions, if proposed as a part of the planned development, sewer and water treatment facilities shall be completed in the first phase.

Section 25.07 – Penalties and Enforcements

Any violation of this Ordinance, or any part thereof, shall be deemed a municipal civil infraction and is punishable by a fine not to exceed \$100.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a violation exists or continues to exist shall constitute a separate offense. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

ARTICLE 26.00

M-43 CORRIDOR OVERLAY ZONE

Section 26.01 Findings

A primary function of the M-43 state highway is to move traffic through the Township and to points beyond. As the primary east-west arterial road for the Township, a high percentage of the traffic has its origin and/or destination in the Township. Thus, M-43 has a secondary function to provide access to adjacent and nearby properties.

Continued development along the M-43 corridor will increase traffic volumes and introduce additional conflict points which could erode traffic operations and increase the potential for crashes. Numerous published studies document the relationship between the design of road systems and traffic operations and safety. Those studies and experiences of other communities demonstrate that regulation of the number and placement of access points (driveways and side street intersections) can preserve the capacity of a road and reduce the potential for crashes. The standards herein are based on recommendations published by various national and Michigan road agencies. The recommendations were refined during preparation of the M-43/M-52 Access Management Plan.

Williamstown Township finds that special access standards are needed along the M-43 corridor based upon the following findings:

- (a) The combination of roadway design, traffic speeds, current and projected traffic volumes, traffic crashes and other characteristics necessitate special access standards.
- (b) Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
- (c) The standards are based upon considerable research and recommendations by the Michigan Department of Transportation (MDOT).
- (d) Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts business operations and traffic flow.

Section 26.02 Purpose

The MDOT has jurisdiction within the highway's right-of-way, while the Township has authority for land use and site plan decisions within individual parcels along the highway. These access management standards were created to help ensure a collaborative process between the MDOT and the Township on access decisions along M-43 to implement the recommendations of the M-43/M-52 Access Management Plan.

Among the specific purposes of this Corridor Overlay Zoning District are to:

- (a) Preserve the capacity of M-43 by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off of cross streets in certain locations.
- (b) Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- (c) Improve safety and reduce the potential for crashes.
- (d) Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
- (e) Implement the recommendations of the M-43/M-52 Access Management Plan.
- (f) Require coordinated access among adjacent lands where possible.

- (g) Address situations where existing development within the corridor area does not conform to the standards of this overlay district.
- (h) Identify additional submittal information and review procedures required for parcels that front along M-43.
- (i) Avoid the need for unnecessary and costly road reconstruction, which disrupts business operations and traffic flow.
- (j) Ensure efficient access by emergency vehicles.
- (k) Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points at access crossings.
- (l) Establish standards that treat all properties in a fair and uniform manner.
- (m) Provide landowners with reasonable access, even though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access points may not be the arrangement most desired by the landowner or applicant.
- (n) Promote a coordinated development review process for the Township with the Michigan Department of Transportation (MDOT) and the Ingham County Department of Transportation and Roads (ICDTR).
- (o) Require proposed parcels to be accessible prior to approval of land division, as required by the Land Division Act.

Section 26.03 Definitions

The following words, as used in this Article, shall have the meaning set forth in this Section.

Access: A means to provide vehicular or pedestrian entrance to or exit from a lot or parcel.

Access Management: Controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road.

Access Point: A means of obtaining access to a lot or parcel. An access point may be an individual driveway, a shared access with an adjacent use, or access via service drive or frontage road.

Corridor Plan: The M-43/M-52 Access Management Plan, which was completed in the spring of 2003, and which contains the analysis, findings, and recommendations that serve as the basis of the regulations in this Article 26.00.

Driveway: An Access Point designed to provide traffic movement directly from a road or highway to adjoining property. A **Shared Driveway** is one that serves two (2) or more contiguous properties.

Nonconforming Access: Characteristics of access to a property that existed prior to the effective date of this Article 26.00 and that do not conform to the requirements of this Article.

Peak Hour: The hour of highest volume of traffic entering and exiting a site in the morning (a.m.) or afternoon (p.m.).

Reasonable Access: The minimum number of direct and indirect access points necessary to provide safe ingress and egress between a parcel and a public road, consistent with the purpose of this Article 26.00, Public Act 200 of 1969, as amended, and other applicable State laws. Reasonable access does not necessarily mean direct access.

Road: A way for vehicular traffic, including the entire area within the right-of-way, whether designated as a "street," "highway," "thoroughfare," "avenue," "boulevard," "lane," "cul-de-sac," or by some other term.

Road, Arterial: A road serving large volumes of traffic, traveling 45 miles per hour or faster, typically involving a high proportion of long distance trips and through traffic, but which may provide access to abutting properties.

Road, Collector: A road that provides access to abutting properties and which connects development roads, collector roads, and local roads to arterial roads.

Road, Local: A road that is intended to provide access to abutting properties, accommodate lower traffic volumes, and provide mobility within a neighborhood.

Service Drive: A private drive that is located on private property and is intended to provide traffic movement between adjoining lots or parcels. Service drives are generally parallel to the front property line and may be located in front of, adjacent to, or behind the principal buildings. A **Frontage Road** is a Service Drive that located at the front of a lot or parcel.

Sight Distance: The distance that a driver of a stopped vehicle can see along a road when deciding whether to enter onto or cross the road. Safe Sight Distance is the minimum sight distance necessary to perceive and react to an oncoming vehicle, and to turn onto to the road and accelerate to the posted speed before being reached by an oncoming vehicle.

Section 26.04 *Applicability*

The standards in this Article shall apply to all lots with frontage along M-43 and along intersecting roads within three hundred fifty (350) feet of the M-43 right-of-way. The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the Zoning Ordinance. Permitted and special land uses on land in the Overlay Zone shall be subject to regulations in the applicable zoning district designated on the Zoning Map, and shall meet the following additional provisions:

- (a) The number of access points shall be the fewest needed to allow motorists reasonable access to each site.
- (b) Spacing between intersections and driveways shall meet the M-43 access management standards and MDOT's guidelines.
- (c) Provision shall be made to share access with adjacent uses, either now or in the future. Written shared access and maintenance agreements shall be created, which shall state that Township approval shall be required to modify the agreements, and which shall be recorded with the County.
- (d) No building or structure shall be erected or enlarged unless the M-43 access management regulations are met and maintained.
- (e) No subdivision or site condominium project shall be approved unless in compliance with the access spacing standards set forth herein. Compliance with this Article 26.00 shall be required to demonstrate that a lot is accessible as required under the Land Division Act (Public Act 288 of 1967, as amended).
- (f) Any change in use that requires site plan review per Section 29.02 shall demonstrate compliance with the standards herein. Site plan information shall be submitted to the MDOT to determine if a new access permit is required.
- (g) For building or parking lot expansions or changes in use, the Planning Commission shall determine the extent of upgrades to bring the site into compliance with the access standards. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, sight distance limitations, site topography and natural features, impacts on internal site circulation, and recommendations from the MDOT. Required improvements may include removal, rearrangement or redesign of site access points.
- (h) The standards herein were developed collaboratively between the Township, MDOT and ICRC. Where conflict occurs, the more restrictive standards shall apply.

Section 26.05 *Additional Site Plan Information*

In addition to the information required for site plan review pursuant to Section 29.02, the following information shall be provided with any application for site plan or special land use review.

- (a) Existing access points on the subject site and within five hundred (500) feet on both sides of M-43, and along both sides of any intersecting roads, shall be shown on the site plan, aerial photographs, plat or survey.
- (b) The applicant shall submit evidence indicating that applicable Township, ICDTR, and MDOT sight distance requirements will be met.

- (c) Dimensions between proposed and existing access points.
- (d) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval by the Township. Once approved, this agreement shall be recorded with the Ingham County Register of Deeds.
- (e) Dimensions shall be provided for driveways, including width, radii of driveway returns and other points of curvature, throat length, and length of any deceleration lanes or tapers. Driveway pavement markings and signs shall also be shown on the plan.
- (f) The site plan shall illustrate the route and dimensioned turning movements of expected emergency vehicle, truck, tanker, delivery vehicle, waste removal vehicle, and similar vehicle traffic. The plan should confirm that routing the vehicles will not disrupt traffic flow at the access points or impede maneuvering or parking within the site.
- (g) **Traffic impact study.** A traffic impact study is a study which assesses the effects that a particular development's traffic will have on the surrounding transportation network. A traffic impact study will vary in range and complexity depending on the type and size of the proposed development. Such a study will determine the potential need for transportation improvements due to the changes in projected traffic and traffic movements. Submittal of a traffic impact study may be required for any use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1,000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are proposed. The traffic impact study shall be prepared by an individual who is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies. The Township or MDOT may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and to evaluate various access alternatives.
- (h) **Review coordination.** The applicant shall provide correspondence to demonstrate that the preliminary site plan has been submitted to the MDOT or ICDTR, as applicable, for their review and comment. Any correspondence from the MDOT on the general access design and geometrics shall be considered during the Township's review processes. The Township may request attendance of representatives of the MDOT or ICDTR at coordination meetings. Once a plan or proposal has been approved by the Township, the applicant shall request an access permit from MDOT or the ICDTR. The approval of a plan or proposal does not negate the responsibility of an applicant to subsequently secure access permits from the MDOT or ICDTR.

Section 26.06 Access Management Standards

Access points (not including driveways that serve a single family home, two-family home, or essential service) shall comply with the following standards. The spacing standards specified in this Section apply to existing and proposed roads and driveways, with the exception of single family residential driveways. If there is a change in use from single family residential to another use, the existing access point shall be brought into compliance with the requirements of this Section, where feasible.

A. One Access Point Permitted

Each lot shall be permitted one access point. This access point may be an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road subject to the standards that follow. An individual driveway may be permitted where the standards of this Article are met, provided that such driveway is located to facilitate shared access by adjacent parcels.

B. Shared Access Easement

The location of the access point shall comply with the standards of this section and shall provide the opportunity for shared access with adjoining lots, where applicable. Each lot developed under this ordinance shall be required to grant shared access easements to adjoining lots to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible.

C. New Driveway Permit

A new driveway may be permitted by the Planning Commission upon finding the conditions (1) or (2), below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.

1. The site has adequate frontage to meet the spacing standards between driveways specified herein, and the new driveway will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future, or
2. A traffic impact study, prepared in accordance with accepted practices as described in this ordinance, demonstrates the site will generate over 300 trips in a peak hour or 3,000 trips daily, or 400 and 4,000 respectively if the site has access to a traffic signal, and the traffic study demonstrates the new driveway will provide improved traffic conditions (e.g., less congestion, safer ingress/egress) and will not negatively impact through traffic flow.

D. Driveway Spacing

Driveways shall be separated from other driveways along the same side of the public street the distances specified in Table 1 (measured from centerline to centerline as shown in the figure), based on the posted speed limit. Required spacing along M-43 is greater than on other roads, consistent with MDOT access guidelines, because M-43 is intended to primarily accommodate through traffic, rather than provide access to properties. For the purposes of sub-sections D, F, and G, driveways that serve a single or two-family residence shall be disregarded.

**Table 1
Minimum Spacing Between Driveways
Located on the Same Side of M-43**

Posted Speed (mph)	Driveway Spacing (in feet) *
25	130
30	185
35	245
40	300
45	350
50+	455

*Unless greater spacing is required by MDOT or ICDTR or is required to meet other standards herein.

E. Service to Adjoining Sites

Where feasible, access points shall be located to ensure the adjacent site(s) can also meet the access location standards.

F. Alignment of Driveways on Opposite Sides of Road

Driveways shall either be aligned directly across from driveways on the opposite side of the street or offset the distance indicated in Table 2, measured centerline to centerline. The Planning Commission may reduce the offset to not less than 150 feet where the offsets are aligned to not create left-turn conflicts.

**Table 2
Spacing Between Driveways on
Opposite Sides of M- 43**

Posted Speed (mph)	Driveway Spacing (in feet) *
25	255
30	325
35	425
40	525
45	630
50 +	750

G. Driveway Spacing from Intersections

Spacing of driveways from intersections shall comply with the distances specified in Table 3 (measured from pavement edge to pavement edge as shown in the figure).

**Table 3
Minimum Driveway Spacing from Intersections ***

Location of Access Point	Type of Intersecting Road	Minimum Spacing for a Full Movement Driveway**	Minimum Spacing for a Driveway Restricting Left-turns
Along M-43	Another arterial	300	125
	Collector or local	200	125
Along a county road	M-43	Ingham County Department of Transportation and Roads	

* Unless greater spacing is required by MDOT or ICDTR, or is required to meet other standards herein.

** Greater spacing may be required based upon the posted speed of the road and the spacing distances required by Table 1.

H. Service Drives

Where direct access consistent with the previous standards cannot be achieved, access should be via a shared driveway or service drive, and/or a side street. The Planning Commission may require a front or rear service drive where such a facility can provide access to signalized locations, or where such a facility can minimize the number of driveways, and provide safer ingress and egress.

I. Shared Access with Public or Private Roads

Where a new public or private road is proposed to intersect with M-43, the road shall be designed to facilitate shared access with adjacent parcels. Where a private road is proposed to adjoin a side lot line, an access easement shall be granted to allow the adjoining parcel to have driveway access to the road. The Township may require construction of stub roads to allow future shared and lateral cross access to adjoining lots.

J. Service Drive Standards

Where the Planning Commission determines that reducing the number of driveways may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared driveway, or front or rear service drive connecting two or more lots or uses may be required. In particular, these facilities may be required where recommended in the M-43/M-52 Access Management Plan or Township Master Plan; near existing traffic signals or near locations having potential for future signalization; along major arterial roadways with high traffic volumes; and along segments having high accident rates; and where there is limited sight distance. Service drives shall be constructed in accordance with the following standards:

1. Service drives shall generally be parallel with or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service drive, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site, and the M-43 Corridor Plan.
2. The service drive shall be within an access easement permitting traffic circulation between properties. This easement shall be at least twenty-four (24) feet wide and recorded with the Ingham County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive on the owner's property.
3. Service drives shall be set back as far as reasonably possible from the intersection of the access driveway with the public street (see figure). A minimum of twenty (20) feet shall be maintained between the public street right-of-way and the pavement of the frontage road. A minimum of sixty (60) feet of throat depth shall be provided at the access point, measured between the public street right-of-way and the pavement of the parallel section of the service road.
4. Service drives shall have a minimum pavement width of twenty (20) feet and shall be constructed with the curb and gutter in accordance with public street standards. The Planning Commission may modify these standards based upon site conditions, anticipated traffic volumes, and anticipated types of traffic.
5. Service drives are intended to be used exclusively for circulation, not as a parking maneuvering aisles. The Planning Commission may require the posting of "no parking" signs along the service drive. However, one-way or two-way service drives constructed with additional width for parallel parking may be allowed if it can be demonstrated through a traffic impact study that parking along the service drive will not significantly affect the capacity, safety or operation of the service drive.

- 6. The site plan shall indicate the proposed elevation of the service drive at the property line and the Township shall maintain a record of all service drive elevations so that grades between adjoining sites can be coordinated.
- 7. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation
- 8. Where it is not possible to develop a separate service drive (for example, on shallow sites or on redevelopment sites), the Planning Commission may require a drive connecting parking lots.

K. Temporary Direct Access

Where the Planning Commission determines that shared access is needed, but it is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate a future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access becomes available. This may require posting of a financial performance guarantee.

L. Safe Sight Distance

Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.

M. Interference with Municipal Facilities

No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures, unless the applicant makes provisions for relocation of such facilities.

N. Timing of Improvements

Road or intersection control or driveway design improvements shall be made to improve overall traffic operations prior to the project completion or occupancy of the first building.

O. Subdivision and Condominium Roads

Roads to serve new subdivision or condominiums shall comply with the driveway spacing requirements in the previous sub-sections D through G.

Section 26.07 Nonmotorized Pathways

The Planning Commission may require the construction of a nonmotorized pathway along M-43. All nonmotorized pathways shall be constructed in accordance with the specifications of the Township and the MDOT. On each site there shall be a pedestrian connection between the nonmotorized pathway and the entrance to the building, with safe delineation of pedestrian and vehicular circulation areas.

Section 26.08 -- Application to Existing Sites and Modification of Standards

A. Modifications by Planning Commission

Given the variation in physical conditions along the corridor, modifications to the requirements herein may be permitted by the Planning Commission as part of the site plan review process, upon a finding that the following conditions apply:

- 1. Practical difficulties exist on the site that make compliance unreasonable (because of, for example sight distance limitations, topography, wetlands, drains or water bodies, woodlands that will be preserved, existing development, existing non-conforming width, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
- 2. The use involves an access improvement to an existing site or a new use that will not generate any more traffic than the previous use, or there is only one access point that is not being changed.

3. The proposed modification is consistent with the general intent of the preceding standards, the recommendations of the M-43/M-52 Access Management Plan, and MDOT guidelines, and both the Township and MDOT staffs support the proposed access design.
4. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer may be required to verify that the proposed modifications will improve traffic operations and safety along M -43, and are not simply for the convenience of the development.
5. Indirect or shared access has been provided to the extent practical.

B. Temporary Driveway

The Planning Commission may require a temporary driveway for a set period of time or until an adjacent site develops allowing for shared access in accordance with this ordinance. The Planning Commission may require that a performance guarantee be provided to ensure the removal of the driveway upon expiration of the temporary driveway permit.

C. Appeals

The decision of the Planning Commission may be appealed to the Zoning Board of Appeals. In consideration of this variance, the ZBA shall also apply the standards in this Article in addition to the other variance criteria.

ARTICLE 27.00

MU, MIXED USE OVERLAY DISTRICT

Section 27.01 Statement of Purpose

The Mixed Use Overlay District is intended to promote the development of a pedestrian oriented, mixed-use district in which a variety of complementary retail, commercial, office, civic, and residential uses are permitted.

The Mixed Use Overlay District is further intended to:

- A. Encourage innovative, neotraditional mixed-use development.
- B. Reduce sprawl and segregation of land use and encourage more efficient use of land and public services by promoting a compact settlement pattern and mixed use.
- C. Discourage the development of businesses that contribute to traffic congestion and/or disrupt the pedestrian environment, such as drive-in and drive-through businesses, automobile service stations, and new and used vehicles sales or service establishments.
- D. Encourage shared parking facilities, rather than separate off-street parking facilities for each individual use, and.
- E. Promote the creation of urban places which are oriented to pedestrians, thereby promoting citizen security and social interaction.
- F. Reinforce physical, visual, and spatial features through the consistent use of urban design standards. Such design standards shall harmoniously relate the design features of structures and developments to each other, resulting in a coherent overall pattern of development.
- G. Discourage businesses that create objectionable noise, odors, or glare.

Section 27.02 Applicability of Overlay Zoning Concept

The Mixed Use Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In this case, the underlying zoning districts initially are R-1, One Family Residential, B-2, Commercial Center, RM-1, Multiple Family Residential, and I-1, Light Industrial.

In an area where an overlay zone is established, the property is placed simultaneously in the two zones, and the property may be developed only under the applicable conditions and requirements of both zones. It is intended that existing uses maintain conformity with underlying zoning standards. Any expansion or renovation of existing uses must comply with underlying zoning standards. Any redevelopment or new development shall conform to the Mixed Use Overlay District standards. In the event there is a conflict between the requirements of the two zones, the requirements of the Mixed Use Overlay District shall govern.

Section 27.03 Creation of Mixed Use Overlay District Boundaries

The Mixed Use Overlay District boundaries shall be as established on the Official Zoning Map. Mixed Use Overlay Districts may be established or amended according to the Zoning Ordinance procedures set forth in Section 29.06.

Section 27.04 Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned Mixed Use Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Multiple-family housing, which may be in the form of townhouses, apartments, brownstone apartments, or similar configuration. Business and office uses may occupy a building used for residential purposes, provided that:
 - a. No business or office use shall be located on the same floor that is used for residential purposes.
 - b. No floor may be used in whole or in part for business or office use on a floor located above a floor used for residential purposes.
 - c. Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.
 - d. Minimum open space: thirty percent (30%) of net parcel area, at least fifty percent (50%) of which shall be usable recreation area.
2. Bed and breakfast establishments, containing ten (10) or fewer units.
3. Trade schools and colleges.
4. Business establishments that perform services on the premises, such as, but not limited to: banks and other financial institutions (not including drive-through), insurance offices, real estate offices, and travel agencies.
5. Churches and other places of worship.
6. Clubs, fraternal organizations, and lodge halls.
7. Dry cleaning establishments (not to exceed 4,000 sq.ft.), dealing directly with the consumer, but not including drive-through facilities. Dry cleaning plants serving more than the establishment on site shall be prohibited.
8. Financial institutions
9. Funeral and interment services
10. Generally recognized retail businesses that supply commodities on the premises and occupy 10,000 sq. ft. or less of net floor area, such as, but not limited to: stores selling groceries, meats, fruits and produce, dairy products, baked goods, and other specialty food products, drugs, dry goods, flowers, clothing, notions, furniture, and hardware.
11. Hotels
12. Medical laboratories
13. Medical offices, occupying 10,000 sq. ft. or less of net floor area.
14. Housing for the elderly.
15. Indoor commercial recreational facilities, such as health clubs, hardball and racquetball facilities, pool and billiard establishments, tennis, archery and similar facilities.
16. Newspaper offices.
17. Nursing and convalescent homes, subject to the provisions in Section 8.02, sub-section S.

18. Offices of an executive, administrative, or professional nature, occupying 10,000 sq.ft. or less of net floor area.
19. Outdoor theater, plazas, parks, and public gathering places.
20. Personal service shops, occupying 4,000 sq.ft. or less of net floor area, including, but not limited to: repair shops (such as watch, radio, television, shoe repair, and home appliance), tailor and dressmaking shops, beauty and barber shops, and photographic studios.
21. Public and quasi-public uses such as municipal offices, court houses, public off-street parking, libraries, museums, and public safety facilities.
22. Research and development businesses, occupying 20,000 sq.ft. or less of net floor area.
23. Retail sales in which both a workshop and retail outlet or showroom are required, such as, but not limited to establishments for plumbers, electricians, interior decorators, upholsterers, printers, and photographers, subject to the following provisions:
 - a. Not more than eighty percent (80%) of the total useable floor area shall be used for service, repair or processing functions, and
 - b. Retail or showroom functions shall be located in the portion of the building where the customer entrance is located.
24. Residential care facilities
25. Standard restaurants (except drive-ins and drive-throughs), taverns and bars, where the patrons are served while seated within the building occupied by the establishment.
26. Take-out food and beverage sales when accessory to a full-service restaurant, provided that the area occupied by the take-out service shall not exceed twenty five percent (25%) of the net floor area of the principal use.
27. Theaters, assembly halls, community centers, or similar places of assembly.
28. Outdoor cafes, outdoor eating areas.
29. Essential services, subject to the provisions in Section 2.16.
30. Adult Foster Family Homes, Family Child Day Care Homes, Child Foster Family Group Homes, any of which shall have a capacity of no more than 6.
31. Brewpubs, subject to the requirements in Section 8.02, subsection NN.
32. Uses and structures accessory to the above, subject to the provisions in Section 2.03.

B. Special Uses

The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission and Township Board; any special conditions imposed by the Planning Commission or Township Board that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements in Section 29.03.

1. New single family detached dwelling units. (Special use approval shall not be required for expansion or renovation of a single family dwelling in existence at the time of adoption of this Article, provided that such expansion or renovation is in compliance with the adopted Building Code.)
2. Veterinary office or clinics providing medical, surgical, and grooming services for small animals.
3. Wireless communication facilities on monopoles, subject to the requirements in Section 8.02, subsection V.
4. Adult Foster Care Large Group Homes and Adult Foster Care Congregate Facilities.

5. Microbreweries, subject to the requirements in Section 8.02, subsection NN.

C. Uses Not Permitted

1. All types of drive-through or drive-in facilities shall be not be permitted in the MU, Mixed Use Overlay District.
2. Uses having outside storage shall be prohibited.

Section 27.05 Development Standards

Buildings and uses in the Mixed Use Overlay District, except for single family detached dwellings, shall comply with the following requirements.

A. Building Entrances

The main public entrance of the structure shall face Grand River Avenue. If the site is on a corner, it may have its main entrance oriented to either street. In no case shall the main public entrance open directly onto a parking lot. No overhead doors are permitted facing a street.

B. Façade Design

All building facades that face a street shall conform with the following design criteria:

1. Windows. All building facades visible from the street shall have windows with transparent, non-reflective glass, with the following requirements:
 - a. First floor: minimum 30% of facade, 70% maximum.
 - b. Second floor and above: minimum 20% of facade, 60% maximum.
 - c. Butt-joint glazing is prohibited. A butt-joint is a joint formed by two pieces of glass united end to end without overlapping.
 - d. Windows on the first floor shall be a minimum of two (2) feet above the finished floor level.
2. Exterior Building Materials. Traditional building materials, such as masonry, stone, brick, or wood, shall be used as the predominant exterior building materials for all new construction, renovations, and additions. Plain concrete block, plain concrete, corrugated metal, plywood, and vinyl siding and sheet pressboard may only be used as secondary exterior finish materials, provided they cover no more than ten percent (10%) of the surface area. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend more than two (2) feet above grade. Cement-based finishes, cement plaster, and Exterior Insulation Finish System (E.I.F.S.) are permitted only if used a minimum of ten (10) feet above grade, where they will be less susceptible to damage. The selection of exterior building materials shall contribute to the traditional design and character of the building.
3. Architectural Guidelines. Traditional architecture is favored in the Mixed Use Overlay District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.

C. Side or Rear Facade Design

Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade.
2. Dumpster and service areas shall be completely screened with a landscape hedge, a fence, a wall, or a combination thereof.

3. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs, and trees, provided that sufficient light penetrates into the space.

D. Awnings

Awnings shall be permitted on buildings as follows:

1. All awnings must be made from canvass fabric or similar water-proof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.
2. All awnings shall be attached directly to the building, rather than supported by columns or poles.

E. Lighting

Exterior lighting shall comply with the requirements in Section 2.12. Lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, unshielded wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited. Traditional-style lighting fixtures may be used if such fixtures are similar in appearance to existing traditional-style fixtures in downtown Williamston.

Sidewalks and parking areas shall be properly lit to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five (5) feet above the surface. The maximum average light intensity shall be ten (10) footcandles.

F. Parking

Parking and parking lot design shall comply with the following standards, in addition to the provisions of Article 4.00.

1. No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning Commission determines that parking in front of the building would be acceptable for either of the following reasons:
 - a. Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site, or
 - b. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

Unless the Planning Commission determines that parking in front is permissible, new or expanded parking lots on the interior of the lots shall be located to the rear or side of the buildings, accessed by means of common driveways, preferably from side streets or lanes. Parking lots shall be small in scale where possible, and connected with parking lots on adjacent properties. Cross-access easements for adjacent lots with connected parking lots shall be required. Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities.

2. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article 4.00.
3. The parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, shall be distinguished by textured paving and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and are strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.
4. Surface parking lots shall be screened from the street with a three (3) foot high red or brown brick wall, with a continuous row of deciduous trees along the street, or a wrought iron fence with a hedge between the fence and the street.

G. Front Building Setback and Landscaping

The minimum front setback shall be five (5) feet and the maximum front setback shall be fifteen (15) feet. Structures shall be provided with landscaping along their foundations. The landscaped area must be at least

three (3) feet in depth and must be planted with at least one shrub per three (3) lineal feet of foundation. For each one hundred (100) square feet of hard-surfaced area between the building and the street lot line as least one of the following amenities must be provided: a bench or other seating, a tree, or a landscape planter.

H. Service Access

A service alley or designated loading space shall be reserved at the rear of the building.

I. Signs

One (1) wall sign shall be permitted per face of a building or storefront, plus each business shall be permitted one (1) pedestrian-oriented blade sign (maximum of three (3) square feet in area) that projects over the sidewalk. One (1) wall or projecting sign is permitted, provided it does not exceed one and one-half (1½) square feet per lineal foot of building frontage, with a maximum of forty-eight (48) square feet. Roof signs, plastic panel signs, box signs, pole signs, portable signs, fluorescent-colored signs, and billboards are not permitted. Outline tubing signs (neon signs) shall be permitted as window signs only.

J. Sidewalks and Sidewalk Displays

1. An eight (8) foot wide concrete sidewalk shall be required along the front of every parcel for all development that requires site plan review. The sidewalk shall be located in the road right-of-way, abutting the right-of-way line.
2. Sidewalk displays shall be permitted directly in front of an establishment, provided at least five (5) feet of clearance is maintained along pedestrian circulation routes.
 - a. Display cases shall be located against the building wall and shall not be more than two (2) feet deep. Display cases shall not exceed more than two (2) feet into the sidewalk. The display area shall not exceed fifty (50%) percent of the length of the store front.
 - b. Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.
 - c. Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

K. Courtyards and Plazas

Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three sides by buildings, walls, elements of landscaping, and elements of street furniture, in order to create a strong sense of enclosure.

L. Mechanical Equipment

All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.

Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

M. Security Gates

Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models that provide a sense of transparency, in light colors, are encouraged. Other types of security devices fastened to the exterior walls are prohibited.

Section 27.06 Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Mixed Use Overlay District are subject to the area, height, bulk, and placement requirements in Article 26.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 28.00, but the user is cautioned to refer to Article 28.00 for more detailed information and explanatory notes.

Minimum Lot Area	None specified
Minimum Lot Width	None specified
Maximum Height	3 stories, 40 feet
Setbacks	
Front	Minimum: five (5) feet/ Maximum: fifteen (15) feet
Side	See footnote (a)
Rear	20 ft. - See footnote (b)

- (a) The side yard setback shall be zero (0) except under the following circumstances:
 - (i) Where a larger setback is required by the Building Code.
 - (ii) On interior side yards, the minimum side setback shall be fifteen (15) feet if structures facing the interior side lot line contain windows or other openings. (An interior side yard abuts the side or rear lot line of another parcel. An exterior side yard abuts a street or alley.)
 - (iii) A landscape buffer having a minimum width of ten (10) feet shall be provided adjacent to a residential district, and no structures, off-street parking, or loading shall be located within the buffer. The landscaping within the buffer shall comply with the standards for screening in Section 5.02, sub-section E.
- (b) A landscape buffer having a minimum width of ten (10) feet shall be provided adjacent to a residential district, and no structures, off-street parking, or loading shall be located within the buffer. The landscaping within the buffer shall comply with the standards for screening in Section 5.02, sub-section E.

Section 27.07 Site Plan Review

Site plan review and approval is required for all uses in accordance with Section 29.02.

ARTICLE 28.00

Schedule of Regulations

Section 28.01 -- Intent and Scope of Requirements

The purpose of this Article is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this Article with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

Section 28.02 -- Schedule of Regulations for Principal Structures

All buildings, uses, and parcels of land shall comply with the regulations set forth in the following Schedule of Regulations and footnotes thereto.

Section 28.02 - Schedule of Regulations

FOR PRINCIPAL STRUCTURES

District	Lot Minimum		Maximum Height of Structure ^b		Minimum Required Setback (In Feet) ^{d,e,j}				Min. Usable Floor Area Per Unit (Sq. Ft.)	Max. Coverage of Lot by All Buildings (%)
	Area (sq. ft) ^{a, nn}	Width (feet)	Stories	Feet	Front Yard	Each Side Yard	Rear Yard	Driveway ^c		
R-1, One Family	20,000 ^z	100 ^z	2 2	35	25 ^{f,g,z}	10 ^{g,h,i,z}	35 ^{g,z}	4	900	20%
R-1-S, Suburban Residential	40,000 ^k	120 ^k	2 2	35	25 ^{f,g}	10 ^{k,g,h,i}	35 ^g	4	900 ^k	20%
RR, Rural Residential	90,000	240	2 1/2 ^q	35 ^q	50 ^g	30 ^{g,i}	35 ^g	10 ^{aa}	900	15%
RE, Rural Estates	5 acres	300	2 1/2 ^q	35 ^q	50 ^g	30 ^{g,i}	40 ^g	10 ^{aa}	900	10%
AG-SF, Agricultural Small Farms	10 acres	300	2 1/2 ^q	35 ^q	50 ^g	30 ^{g,i}	40 ^g	10 ^{aa}	900	10%
RM-1, Multiple Family Residential	Footnote ¹	200	3	35	50 ^{m,n}	50 ^{m,n,o}	50 ^{m,n,o}	10	p	25%
AG-C, Commercial Agricultural	40 acres ^{ll}	330	2 1/2 ^q	35 ^q	50 ^g	50 ^{g,i}	50 ^g	10 ^{aa}	900	10%
OS-1, Office	20,000	100	2	35	45 ^t	10 ^{r,n}	20 ^{r,n}	10	--	--
B-1, Limited Business	40,000	200	2	35	45 ^t	20 ^{r,n,s}	20 ^{r,n}	10	--	--
B-2, Commercial Center	40,000	200	2	35	45 ^t	20 ^{i,n,r,s}	20 ^{r,n}	10	--	--
I-1, Light Industrial	90,000	300	2	40	75 ^v	40 ^{i,n,u,w}	40 ^{u,n,w}	10	--	--
PD, Planned Development	x	x	x	x	x	x	x	x	x	x
GD, Green Zone Planned Development	y	y	y	y	y	y	y	y	y	y
MU, Mixed Use Overlay	oo	oo	oo	oo	oo	oo	oo	oo	oo	oo

**SCHEDULE OF REGULATIONS FOR
ACCESSORY BUILDINGS^{bb}**

District	Maximum Height of Structure ^{b,jj}		Minimum Required Setback (In Feet) ⁱⁱ			Maximum Lot Coverage
	Stories	Feet	Front Yard ^{cc}	Each Side Yard ^{cc}	Rear Yard ^{cc}	
R-1, One Family	1	14	dd	10 ^{g,h,i,hh}	10 ^{ff}	kk
R-1-S, Suburban Residential	1	14	dd	10 ^{g,h,i,k,hh}	10 ^{ff}	kk
RR, Rural Residential	2 2 ^q	35 ^q	200 ^{ee}	30 ⁱ	10	kk
RE, Rural Estates	2 2 ^q	35 ^q	200 ^{ee}	30 ⁱ	10	kk
AG-SF, Agricultural Small Farms	2 2 ^q	35 ^q	200 ^{ee}	30 ⁱ	10	kk
RM-1, Multiple Family Residential	3	35	200 ^{ee}	50 ^{hh}	10 ^{hh}	kk
AG-C, Commercial Agricultural	2 2 ^q	35 ^q	ff	50 ^{g,i}	10	kk
OS-1, Office	2	35	45 ^{gg}	10	10	kk
B-1, Limited Business	2	35	45 ^{gg}	20 ^{r,s}	10	kk
B-2, Commercial Center	2	35	45 ^{gg}	10 ^{r,s}	10	kk
I-1, Light Industrial	2	40	75 ^{gg}	10 ^{r,u}	10	kk
PD, Planned Development	x	x	x	x	x	x
GD, Green Zone Planned Development	y	y	y	y	y	y
MU, Mixed Use Overlay	oo	oo	oo	oo	oo	oo

FOOTNOTES TO THE SCHEDULE OF REGULATIONS

[a] **Lot Area.** "Net Lot Area," as defined in Section 1.03, shall be used to determine compliance with lot area requirements. Regardless of the minimum lot size specified in the Schedule of Regulations, no new parcel shall be created unless the applicant demonstrates that the parcel has adequate usable land area, such that the parcel can be built upon or used in compliance with Zoning Ordinance standards. In determining whether this criterion has been met, issues that shall be taken into consideration include, but are not necessarily limited to the following:

- (1) Each parcel shall either be served by a public sanitary sewer and wastewater treatment system or be capable of being served by an on-site sewage disposal system, such as a septic system, approved by the Ingham County Health Department;
- (2) Each parcel shall either be served by a public water system or shall be capable of obtaining adequate potable water from an on-site well approved by the Ingham County Health Department;
- (3) Unusual topography which may prevent use of portions of a parcel;
- (4) Presence of easements or rights-of-way that restrict use of a parcel;
- (5) Wetlands, surface water, or floodplains that restrict or prevent use of portions of a parcel;
- (6) Soils that are incapable of supporting a foundation for a building; and
- (7) The shape of a parcel and/or building footprint with respect to minimum practical dwelling unit dimensions.

Nothing in items (1) and (2) in the above list shall obligate the Township to provide public sanitary sewers, wastewater treatment, or public water utilities.

A portion of each lot may be occupied by wetlands, ponds, lakes, or floodplains, provided that if such features are present, the proposed lot shall have a minimum of 40,000 square feet of contiguous, accessible, buildable area, unencumbered by such features.

[b] **Exceptions to Height Standards.** The height standards shall not apply to certain structures listed in Section 2.16.

[c] **Driveway Setbacks.** Driveway setback requirements only apply to rear and side property lines.

[d] **Setback from Water Bodies.** A minimum sixty (60) foot setback shall be maintained from any lake, pond, other open body of water, or wetland, unless a larger setback is required by the Michigan Department of Environmental Quality (MDEQ). This requirement shall apply to all principal, accessory and other structures, including roads and drainage.

[e] **Measurement of Setbacks.** Required front setbacks shall be measured from the existing right-of-way line.

[f] **Modifications to Front Setback Requirements.** Where at least forty percent (40%) of the lots within a block on the same side of the street within a subdivision are developed with buildings having an average front yard with a

variation in depth of not more than six (6) feet, the average setback of said lots shall apply to new construction on vacant lots in the block; provided, that in no instance shall a front yard greater than fifty (50) feet or less than twenty-five (25) feet be required.

- [g] **Minimum Setbacks for Non-Residential Uses.** Permitted non-residential uses shall comply with the setback requirements set forth in Article 8.00 for specific uses. Where setback requirements are not specified in Article 8.00, permitted nonresidential uses shall comply with the minimum setback requirements set forth in the Schedule of Regulations, except that the side yard shall not be less than twenty (20) feet.
- [h] **Existing Lots Having a Width of Less Than 70 Feet.** For existing lots of less than seventy (70) feet in width, each side yard may be reduced to not less than ten (10) percent of the width of the lot, provided that no side yard shall be less than five (5) feet in width.
- [i] **Setback on Side Yards Facing a Street.** On corner lots there shall be maintained a front yard along each street frontage.
- [j] **Parking Setbacks.** Off-street parking shall comply with the requirements in Section 4.01, sub-section B.
- [k] **Minimum Requirements for Two-Family Dwellings.** Two-family dwellings in the R-1-S district shall comply with the following requirements:
 - Minimum Lot Area: 60,000 sq. ft.
 - Minimum Lot Width: 180 ft.
 - Minimum Floor Area: 700 sq. ft.
 - Minimum Side Yard Setback: 15 ft.
- [l] **Minimum Lot Area in Multiple-Family Districts.** Sufficient lot area shall be provided to comply with the standards in Section 8.03, sub-section B.
- [m] **Building Setbacks in Multiple-Family Districts.** The minimum distance between any two multiple-family structures erected on the same lot or parcel shall be determined in accordance with Section 8.03, sub-section B.
- [n] **Parking Setback Adjacent to a Residential District.** Off-street parking shall be set back a minimum of twenty (20) feet from any residential district boundary.
- [o] **Parking Setback in Multiple-Family Districts.** Off-street parking lots in the RM-1 District shall comply with the requirements in Section 4.01, sub-section B.
- [p] **Minimum Floor Area in the RM-1 District.**

Number of Bedrooms	Required Floor Area (sq. ft.)
0	500
1	500
2	700
3	900
4	1,000
Each additional	100

- [q] **Exceptions to Height Standards for Agricultural Uses.** The maximum height of permitted accessory farm buildings that are essential and customarily used in agricultural operations associated with a bona-fide farm (as defined in Section 1.03) shall be forty-five (45) feet, except that the maximum height of silos shall be one-hundred (100) feet, provided that all such accessory farm buildings shall be located at least one-hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm buildings are located.
- [r] **Minimum Setback Adjacent to a Residential Use.** Buildings in commercial and office districts shall be set back a minimum of thirty (30) feet from any residential district boundary.
- [s] **Side Yard Setback in Certain Commercial Areas.** The interior side yard may be reduced to zero (0) where there is party wall construction if such party wall is composed of fireproof materials and provided further that such party wall contains no windows, doors, or other openings. However, if the adjoining property is used for residential purposes, a thirty (30) foot wide side yard setback shall be provided.
- [t] **Front Setback Where a Service Drive is Required.** The front yard setback shall be a minimum of fifty-two (52) feet on parcels where a front service drive is required.

- [u] **Minimum Setback Adjacent to a Residential Use.** Buildings in industrial districts shall be set back a minimum of seventy-five (75) feet from any residential district boundary.
- [v] **Front Yard Setback in Industrial Parks.** In industrial park subdivisions that are designed so that lots face each other or both sides of an internal road, the minimum front yard setback shall be forty (40) feet, provided that the required front yard is landscaped in accordance with Section 5.03, and does not contain any parking or loading facilities.
- [w] **Setback Requirements for Outside Storage.** If permitted, outside storage in an industrial district shall comply with the requirements in Section 22.03.
- [x] **Planned Development Regulations.** See Article 25.00 and Section 29.04 for development standards in the PD, Planned Development District.
- [y] **Green Zone Planned Development Regulations.** See Article 29.00 for development standards in the GD, Green Zone Planned Development District.
- [z] In the absence of public sanitary sewer service and waste water treatment, development in the R-1 District shall comply with the minimum lot area, lot width, and setback requirements specified for the R-1-S District.
- [aa] Driveways shall be set back 4 feet in residential developments developed under the Open Space Preservation Option.
- [bb] **Accessory Building Standards.** See Section 2.03 for additional regulations regarding accessory buildings and structures.
- [cc] **Attached Accessory Buildings.** Unless otherwise specified, accessory buildings that are attached to the principal building shall be considered a part of the principal building for the purposes of determining conformance with dimensional requirements [see Section 2.03(B)].
- [dd] **Detached Accessory Buildings in Front Yard.** Detached accessory buildings are not permitted in the front yard of the R-1 and R-1-S districts.
- [ee] **Detached Accessory Buildings in Front Yard.** Detached garages, pole barns, and other accessory buildings may be permitted in the front yard of single family residences in the RM-1 district and in the front yard of RR, RE, and AG-SF districts, subject to Section 2.03(C)(1).
- [ff] **Accessory Farm Buildings.** The provisions concerning size, height, and location shall not apply to accessory farm buildings, subject to Section 2.03(A)(8) and Section 8.02(N)(4).
- [gg] **Permitted Accessory Buildings in Commercial and Industrial Districts.** Buildings for parking attendants, guard shelters, gate houses, and transformer pads may be permitted in the front and side yards of commercial and industrial districts, subject to Planning Commission approval.
- [hh] **Setback Increase Based on Height.** The side and rear yard setbacks shall be increased by one (1) foot for every foot in height that an accessory building exceeds fourteen (14) feet in the R-1 and R-1-S districts and for single family detached housing in the RM-1 district
- [ii] **Distance from Other Buildings.** Detached accessory buildings shall be located at least ten (10) feet from any building on the site
- [jj] **Exceptions to Height Standards.** Antennae and wind generators shall comply with the height standards specified in Sections 2.16 and 2.22.
- [kk] **Maximum Lot Coverage - Accessory Buildings.** Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards. In addition, detached accessory buildings shall comply with the requirements in Section 2.03(C)(3).
- [ll] **Lot Size in AG-C District.** Creation of lots or parcels that are less than forty (40) acres may be permitted in the following instances:
- a. When the lot or parcel that is less than forty (40) acres is an entire quarter-quarter section or a half of a half of a quarter section, or

- b. When the land division creating the new lot or parcel would permit use of the land in accordance with the purposes of the Commercial Agricultural district (see Section 18.01) and with the Township Master Plan, and where the existing parent parcel being divided is between seventy-four (74) and eighty (80) acres. In this instance, a lot or parcel being created through land division may be as small as thirty-five (35) acres.

[mm] Dwelling units on lots created after adoption of this regulation shall be set back a minimum of one hundred seventy five (175) feet from any railroad right-of-way.

[nn] The purposes of the minimum lot area standards are to achieve adequate open space around and between dwelling units, achieve building development that is proportional to the size of the lot, provide adequate land on each lot to allow development without the need for variances, preserve the character of the neighborhood and surrounding area, and maintain privacy on each building lot. This can be accomplished on lots meeting the minimum area standards that are nearly rectangular in shape, but is more difficult to accomplish on irregularly-shaped lots such as those with more than four sides and/or those where a portion of the required lot area is located in one or more appendages or extensions off of the main buildable portion of the lot (such as T-shaped or L-shaped lots).

Consequently, any proposal to create a new lot ten (10) acres or smaller in area shall not be permitted if the lot (a) has more than four sides, and (b) is irregularly shaped as a result of an appendage or extension and (c) has less than the minimum lot area required if the area of the appendage or extension is not included in the lot area calculation.

[oo] **Mixed Use Overlay District Regulations.** See Article 27.00 for development standards in the MU, Mixed Use Overlay District.

ARTICLE 29.00

General Procedures and Related Standards

Section 29.01 -- Purpose

The purpose of this Article is to provide procedures and related standards for the processing of all requests for Township action or review under the provisions of this Ordinance.

Section 29.02 -- Site Plan Review/ Process

A. Intent

The site plan review procedures, standards, and required information in this Section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, including the Michigan Building Code, as amended, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and applicant so as to facilitate development in accordance with the Township's land use objectives.

B. Site Plan Required

1. Site Plan Required

Except as provided in the following sub-section B.2, the development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require site plan approval pursuant to this Section. For example, site plan review shall be required for any of the following activities:

- a. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single family or two family dwelling.
- b. Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single family dwellings.
- c. Development of all non-single family residential uses permitted in single family districts and in agricultural districts.
- d. Any change in use that could affect compliance with the standards set forth in this Ordinance, other than for single-family residential uses.
- e. Expansion or paving of off-street parking involving five (5) or more spaces and/or a change in circulation or access for other than a single-family dwelling.
- f. Any excavation, filling, soil removal, mining or landfill, or creation of ponds, except as otherwise specified in sub-section B.2, item c.
- g. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single family or two family dwelling.
- h. Any use or development for which submission of a site plan is required by the provisions of this Ordinance.

2. Site Plan Not Required

Notwithstanding the preceding sub-section 1, site plan approval is not required for the following activities:

- a. Construction, moving, relocating or structurally altering a single or two family home, including any customarily incidental accessory structure.
- b. Development of a principal permitted agricultural use, or the construction, moving, relocation or structural alteration of permitted agricultural structures, including any customarily incidental accessory structures.

- c. Any excavation, filling, soil removal, mining, or creation of ponds that is less than one-half acre in area and less than fifty (50) cubic yards, provided that such activity is normally and customarily incidental to single family and agricultural uses described in this sub-section for which site plan approval is not required.

C. Site Plan Review Applications and Procedures

1. Optional Pre-Application Conference

In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the Township Supervisor or Planner. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference.

At any time during the course of preparation of a site plan prior to submission of a formal application, the Township shall upon request provide information concerning the Zoning Ordinance procedures and standards.

2. Optional Conceptual Review by Planning Commission or Township Board

An applicant may file a written request of conceptual review of a preliminary site plan by the Planning Commission or Township Board to evaluate the following:

- a. Relationship of the site to nearby properties;
- b. Density;
- c. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and,
- d. Conformance with Township development policies and standards.

Conceptual review fees shall be paid according to the fee schedule established by the Township Board.

No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission or Township Board shall be bound by any comments or suggestions made during the course of the conceptual review.

3. Submission of Site Plan for Formal Review

In order to initiate formal review by the Planning Commission and Township Board, the applicant is required to submit the following materials to the Williamstown Township Hall:

- a. One (1) completed and signed copy of the Application for Site Plan Review,
- b. Three (3) individually folded copies and one (1) digital copy in pdf format of the site plan.
- c. Proof that the plan has been submitted for review to all appropriate affected governmental agencies, including but not limited to the Ingham County Department of Transportation and Roads, County Drain Commission, County Health Department, Michigan Department of Transportation, Michigan Department of Environmental Quality and any other agencies deemed appropriate by the Planning Commission or Township Board.
- d. The required review fee.

These materials shall be submitted to the Township no later than noon twenty-one (21) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested.

4. Distribution of Plans

Upon submission of all required application materials, the site plan proposal shall be placed on the next open Planning Commission agenda for Preliminary Review. The site plans and application shall be distributed to appropriate Township officials for review, including, as deemed necessary, the Township Planner and/or Engineer.

5. Review by Township Planner

The Township Planner shall review the plans to determine compliance with the Zoning Ordinance, and shall submit a written report, which shall identify issues which must be resolved as well as all required revisions necessary to obtain site plan approval.

D. Review and Final Action

1. Initial Review

At the first regular meeting at which a site plan proposal is considered, the Planning Commission shall identify major issues and must be resolved and other revisions necessary to obtain site plan approval.

2. Public Hearing

Site plans involving uses that are subject to Special Land Use Approval may require a public hearing. After payment of appropriate fees, the Planning Commission will set the date of the public hearing, subject to the requirements in Section 29.03.

3. Request for Revisions

Upon Preliminary Review of the site plan proposal, the Planning Commission may require the applicant to complete revisions and submit the plans for engineering review prior to formal action being taken. The applicant shall be given the opportunity to revise the plans and submit revised plans for further review. All required revisions must be completed or the site plan will not be put on the agenda for Final Review.

4. Submission of Plans for Final Review

Three (3) individually folded copies and one (1) digital copy of the revised plan in pdf format shall be submitted for final review at least twenty-one (21) calendar days prior to the Planning Commission meeting at which review is requested. The revised plan shall be distributed to appropriate Township officials for review.

5. Planning Commission Final Review and Recommendation

The Planning Commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Building Inspector, Township Planner, and other reviewing agencies. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial, or they may table the proposal, as noted below.

In the context of an overall site plan, the Planning Commission may find that it would be appropriate to modify the specific requirements of the Ordinance, so as to best satisfy the Standards for Site Plan Approval in subsection F. Accordingly, in the course of recommending approval or approval with conditions, the Planning Commission may allow modifications to the specific zoning standards that deal with sidewalk location; exterior lighting type, height or intensity; dumpster location; number and location of parking spaces; landscaping and screening requirements; loading zone location; and, fence and wall height and location. Justification for all such modifications shall be set forth in the Planning Commission meeting minutes.

a. Approval

Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.

b. Approval Subject to Conditions

Upon determination that a site plan is in compliance except for minor modifications, the Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies.

If a plan is subsequently approved by the Township Board subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant must re-submit the site plan to the Township Board for final approval after conditions have been met, unless the Township Board waives its right to review the revised plan, and instead authorizes the Township Supervisor or the Building Inspector to review and approve the site plan after all required conditions have been addressed. The Township Board may also require that the Township Supervisor or the Building Inspector to submit the revised plan to the Planner and/or Engineer for review and approval.

c. Denial

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall recommend denial.

d. Tabling

Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a later meeting.

6. Township Board Action

Following receipt of the Planning Commission's recommendation, the application shall be placed on the agenda of the next scheduled Township Board meeting, unless otherwise requested by the applicant in writing and approved by the Township Board. The Township Board shall review the final plan, together with the findings of the Planning Commission, and any reports and recommendations from the Building Inspector, Township Planner, and other reviewers.. In the case of a condominium project, the Master Deed and condominium bylaws shall also be subject to Township Board review and approval. The Township Board may table consideration of a site plan. However, upon completion of its review, the Township Board shall approve, approve with conditions, or deny a site plan proposal in accordance with the guidelines described previously in Section 29.02, sub-section D.5. An applicant shall have a maximum of two (2) years from the date of submittal of a site plan for formal review to achieve final Township Board approval. If approval is not achieved within this period, the application becomes null and void and a new application is required to pursue site plan review further.

7. Recording of Site Plan Review Action

Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission or Township Board as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

After final action has been taken on a site plan and all steps have been completed, three copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the other two copies will be kept on file in the Township Hall. Furthermore, the Township shall file with the Ingham County Register of Deeds, an affidavit of site plan and/or special use approval, with conditions of approval.

8. Procedure After Site Plan Approval

a. Application for Building Permit

Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the Township. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

b. Expiration of Site Plan Approval

If construction has not commenced, or if the project has commenced but has not made reasonable progress, within twelve (12) months after final approval of the site plan, the site plan approval expires and a new application for site plan review shall be required. However, the applicant may apply in writing to the Township Board for an extension of site plan approval, whereupon the Township Board may seek the Planning Commission's recommendation. The Township Board may grant one or more extensions of up to twelve (12) months upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to current Zoning Ordinance standards.

c. Application for Certificate of Occupancy

Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Building Inspector in accordance with the procedures set forth in Section 29.07. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

d. Property Maintenance After Approval

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

e. Monuments Requirements for Condominium Projects

All condominium projects shall be marked with monuments as required by Condominium Rules promulgated to the Michigan Department of Commerce, Corporation and Securities Bureau, and as may also be required by the Township Engineer pursuant to engineering standards enforced by the Township of Williamstown.

f. Recorded and As-Built Condominium Documents

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the Township with the following:

- (1) One (1) copy of the recorded Master Deed, and
- (2) One (1) copy of any Condominium Bylaws and restrictive covenants.
- (3) One (1) copy of the recorded Condominium Subdivision Plan (Exhibit B).

Upon completion of the project, the condominium project developer or proprietor shall furnish the Township with two (2) copies of an "as built survey".

The as-built survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by the Township Board.

9. Site Plan Violation

In the event that construction is not in compliance with the approved plans, the Building Inspector shall issue a "stop work" order until corrective action is taken or a revised site plan is submitted for Township review, following the normal site plan review procedures in Section 29.02. If the builder or developer fails to take corrective action or pursue approval of an amended site plan, the Building Inspector may issue a citation, after which the Township Board may commence and pursue appropriate action in a court having jurisdiction.

10. Modification to Approved Plan

Minor modifications to an approved site plan may be reviewed by the Township Building Inspector or Township Engineer.

a. Minor Modification Defined

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the danger from hazards. Examples of minor modifications include:

- 1)_ An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than twenty-five percent (25%) or two thousand (2,000) square feet, whichever is less.
- 2) Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
- 3) Changes to building height that do not add an additional floor.
- 4) Alterations or modifications involving less than five (5) parking spaces.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

b. Determination of Minor Modification

The Building Inspector shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make the determination, the Building Inspector shall solicit comments and recommendations from the Township Supervisor, Planner, Engineer, and public safety officials.

c. Modifications Not Deemed "Minor"

If the modifications are not deemed minor by the Building Inspector, or if the Building Inspector finds (in the Building Inspector's sole discretion and professional opinion) that there are characteristics of the site plan that warrant Planning Commission review, the full review and approval by the Planning Commission and Township Board shall be required. Planning Commission and Township Board review and approval shall be required for all site plans that involve a request for a variance, a Special Land Use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

d. Recording of Action

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file at Township Hall. The Planning Commission and Township Board shall be advised of all minor site plan modifications approved by the Building Inspector and such modifications shall be noted on the site plan and in the minutes of the Planning Commission and Township Board.

E. Required Information on Site Plans

The following information shall be included on all site plans, where applicable:

1. Application Form

The application form shall contain the following information:

- a. Applicant's name and address.
- b. Name, address and signature of property owner, if different from applicant.
- c. Common description of property and complete legal description including the Tax Identification number.
- d. Dimensions of land and total acreage.
- e. Existing zoning of applicant's parcel and surrounding land.
- f. Existing use of the applicant's parcel.
- g. Proposed use of land and name of proposed development, if applicable.
- h. Proposed buildings to be constructed, including square feet of gross and usable floor area.
- i. Proof of property ownership.
- j. Number of permanent employees, if applicable.
- k. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- l. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

2. Descriptive and Identification Data

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Building Inspector. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on an site plans.

- a. Applicant's name and address, and telephone number.
- b. Title block indicating the name of the development.

- c. Scale.
- d. Northpoint.
- e. Dates of submission and revisions (month, day, year).
- f. Location map drawn to scale with northpoint.
- g. Legal and common description of property, including acreage.
- h. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
- i. A schedule for completing the project, including the phasing or timing of all proposed developments.
- j. Identification and seal of the architect, engineer, land surveyor, or landscape architect who prepared or supervised and approved the plan.
- k. Written description of proposed land use.
- l. Zoning classification of applicant's parcel and all abutting parcels.
- m. Proximity to driveways serving adjacent parcels.
- n. Proximity to section corner and major thoroughfares.
- o. Notation of any variances that have or must be secured.
- p. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

3. Site Data

- a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
- b. Front, side, and rear setback dimensions.
- c. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
- d. Existing and proposed site features, including buildings, roadway widths and names, and parking areas.
- e. Existing structures within fifty (50) feet of the subject property.
- f. Dimensions and centerlines of existing and proposed roads and road rights-of-way, and acreage of proposed roads and road rights-of-way.
- g. Acceleration, deceleration, and passing lanes, where required.
- h. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.
- i. Typical cross-section of proposed roads and driveways.
- j. Location of existing drainage courses, floodplains, lakes and streams, with elevations, and acreage of bodies of water.
- k. Boundaries of all wetland areas, with sufficient dimensions between various points on the wetland boundary and buildings, property lines, or other features to allow accurate portrayal of the wetlands. The acreage shall be provided separately for all wetlands, and wetlands regulated by the State shall be identified. Wetlands staking and identification shall be done by a qualified wetlands expert. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.

- l. Location of existing and proposed interior sidewalks and sidewalks in the right-of-way.
- m. Exterior lighting locations and method of shielding lights from shining off the site.
- n. Trash receptacle locations and method of screening, if applicable.
- o. Transformer pad location and method of screening, if applicable.
- p. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
- q. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
- r. The location of lawns and landscaped areas, including required landscaped greenbelts.
- s. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
- t. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
- u. Cross-section of proposed berms.
- v. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
- w. Designation of fire lanes.
- x. Loading/unloading area.
- y. The location of any outdoor storage of materials and the manner by which it will be screened.
- z. Indicate locations of steep slopes.

4. Building and Structure Details.

- a. Location, height, and outside dimensions of all proposed buildings or structures.
- b. Indication of the number of stores and number of commercial or office units contained in the building, if applicable. If the site plan involves an existing non-residential building, then a list of all tenants shall be provided. No new tenants shall be allowed to occupy the building until the site plan is fully implemented.
- c. Building floor plans.
- d. Total floor area.
- e. Location, size, height, and lighting of all proposed signs.
- f. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
- g. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type and color of exterior building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers.

5. Information Concerning Utilities, Drainage, and Related Issues

- a. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, and/or septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and. the location of gas, electric, and telephone lines .
- b. Layout and description of telecommunications infrastructure
- c. Indication of site grading and drainage patterns.

- d. Types of soils and location of floodplains and wetlands, if applicable.
- e. Soil erosion and sedimentation control measures.
- f. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
- g. Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.
- h. Assessment of potential impact on groundwater, including but not limited to quality, quantity, and recharge.
- i. All utilities shall be located underground within the boundaries of a proposed development, including but not limited to gas, electric, telephone and cable television service leads.

6. Information Concerning Residential Development

- a. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.)
- b. Density calculations by type of residential unit (dwelling units per acre).
- c. Lot coverage calculations.
- d. Floor plans of typical buildings with square feet of floor area.
- e. Garage and carport locations and details, if proposed.
- f. Pedestrian circulation system.
- g. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads.
- h. Community building locations, dimensions, floor plans, and facade elevations, if applicable.
- i. Swimming pool fencing detail, including height and type of fence, if applicable.
- j. Location and size of recreation open areas.
- k. Indication of type of recreation facilities proposed for recreation area.
- l. 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.

7. Information Applicable to Mobile Home Parks

- a. Location and number of pads for mobile homes.
- b. Distance between mobile homes.
- c. Proposed placement of mobile home on each lot.
- d. Average and range of size of mobile home lots.
- e. Density calculations (dwelling units per acre).
- f. Lot coverage calculations.
- g. Garage and carport locations and details, if proposed.
- h. Pedestrian circulation system.
- i. Location and names of roads and internal drives.
- j. Community building location, dimensions, floor plans, and facade elevations, if applicable.
- k. Swimming pool fencing detail, including height and type of fence, if applicable.

- I. Location and size of recreation open areas.
- m. Indication of type of recreation facilities proposed for recreation area.

8. Additional Information

a. Information Related to Condominium Development

The following information shall be provided with all site plans involving condominium development:

1. Condominium documents, including the proposed Master Deed, condominium Bylaws, and Condominium Subdivision Plan (Exhibit B).
2. Condominium subdivision plan requirements, as specified in the Condominium Rules promulgated by the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services and Corporations, or successor agency. .

b. Items Not Applicable

If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan, or accompanying the site plan:

1. A list of each item considered not applicable.
2. The reason(s) why each listed item is not considered applicable.

c. Other Data Which May Be Required

Other data may be required if deemed necessary by the Township administrative officials, Planning Commission, or Township Board to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

F. Standards For Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. Adequacy of Information

The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

2. Site Design Characteristics

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

3. Appearance

Landscaping, earth berms, fencing, signs, wall and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

4. Compliance with District Requirements

The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations (Article 28.00) unless otherwise provided in this Ordinance.

a. Site Condominiums

In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be at least equivalent to the minimum lot area requirements.

In addition, site condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

b. Detached Condominiums

In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 28.00.

Detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

5. Preservation of Natural Areas

The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

6. Privacy

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

7. Emergency Vehicle Access

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

8. Ingress and Egress

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

9. Pedestrian Circulation

Each site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

10. Vehicular and Pedestrian Circulation Layout

The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

11. Drainage

Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.

12. Soil Erosion and Sedimentation

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current County and Township standards.

13. Exterior Lighting

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

14. Public Services

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the Township.

15. Screening

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height and shall comply with Articles 5.00 and 6.00 of this Ordinance.

16. Danger from Hazards

The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Township to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township.

Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharge of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

17. Health and Safety Concerns

Any use in any zoning district shall comply with applicable Federal state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

18. Sequence of Development

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

19. Coordination with Adjacent Sites

All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

20. Characteristics of the Soils

Soils shall have the physical, chemical, and engineering properties necessary to support the development being proposed. By way of example, consideration shall be given to the capability of soils to support septic tank absorption fields or other type of proposed sanitary sewage treatment, the capability of the soils to support the type of proposed structure, and the potential impact that anticipated modifications to soils would have on ground or surface water quality.

Section 29.03 -- Special Land Uses

A. Intent

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses (sometimes also referred to as Special Uses). Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be property classified as a permitted use in a particular zoning district (see DEFINITIONS, ARTICLE 1.00). This Article contains standards for review of each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

B. Procedures and Requirements

Special land use proposals shall be reviewed in accordance with the procedures in Section 27.02 for site plan review, except as follows:

1. Public Hearing Required

A public hearing shall be scheduled by the Township Administration and held by the Planning Commission before a decision is made on a special land use request. The public hearing shall be noticed following the procedures listed in Section 29.11.

2. Planning Commission Final Action

The Planning Commission shall review the application for special land use in accordance with the procedures in Section 29.02, together with the public hearing findings and reports and recommendations from the Building Inspector, Township Planner, Township Public Safety Officials, Township Engineer, and other reviewers. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

- a. Approval**
Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.
 - b. Approval with Conditions**
The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.
 - c. Denial**
Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.
- 3. Township Board Action Required**
The Planning Commission shall transmit its recommendation, together with reports and public hearing findings to the Township Board for final action. The Township Board shall base its decision solely on the requirements and standards of this Ordinance. The Township Board is authorized to approve, approve with conditions, or deny a special land use proposal as follows:
- a. Approval**
Upon determination that a special land use proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
 - b. Approval with Conditions**
The Township Board may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to insure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

 - 1. Conditions shall be designed to protect natural resources, the health, safety, welfare, and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use of activity.
 - 3. Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.
 - c. Denial**
Upon determination by the Township Board that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, and/or orderly development of the Township, a special land use proposal shall be denied.
- 4. Recording of Planning Commission and Township Board Action**
Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.

5. Effect of Approval

Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.

6. Zoning Board of Appeals Authority

The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use that relate to setbacks and dimensional requirements.

7. Application for a Building Permit

Prior to issuance of a building permit, the applicant shall submit proof of the following:

- a. Final approval of the special land use application.
- b. Final approval of the site plan.
- c. Final approval of the engineering plans.
- d. Acquisition of all other applicable Township, County, or State permits.

8. Expiration of Special Land Use Approval

If construction has not commenced, or if the project has commenced but has not made reasonable progress within twelve (12) months after final approval the approval becomes null and void and a new application for special land use approval shall be required. However, the applicant may apply in writing to the Township Board for an extension of special land use approval, whereupon the Township Board may seek the Planning Commission's recommendation. The Township may grant one or more extensions of up to twelve (12) months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved special land use plan conforms to current Zoning Ordinance standards.

9. Modification to Approved Special Land Use

Special Land Use approved in accordance with provisions of this Section may subsequently be modified, subject to the following requirements:

- a. Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures described in Section 29.02. In evaluating change in intensity of use, the Planning Commission and Township Board shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.
- b. Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this Section.

10. Special Land Use Violation

In the event that construction or subsequent use is not in compliance with the approved special land use application, the Building Inspector shall issue a "stop work" order or similar notice until corrective action is taken or a revised special land use application is submitted for Township review, following the normal special land use review procedures in Section 27.03. If the builder, developer, or current user fails to take corrective action or pursue approval of an amended plan, the Building Inspector may issue a citation, after which the Township Board may commence and pursue appropriate action in a court having jurisdiction.

11. Performance Guarantee

The Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to ensure faithful completion of the improvements, in compliance with Section 2.18.

C. Standards for Granting Special Land Use Approval

Approval of a special land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Section 29.02, applicable site development standards for specific uses set forth in Article 8.00, and the following standards:

1. Compatibility with Adjacent Uses

The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.

2. Compatibility with the Master Plan

The proposed special land use shall be consistent with the general principles and objectives of the Township's Master Plan and shall promote the intent and purpose of this Ordinance.

3. Public Services

The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.

4. Impact of Traffic

The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- a. Proximity and access to major thoroughfares.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections,
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. Detrimental Effects

The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

6. Isolation of Existing Uses

The location of the proposed special land use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed special land use shall not result in a small non-residential area being substantially surrounded by incompatible uses.

7. Based on Need

The Planning Commission and Township Board shall find that a need for the proposed use exists in the community at the time the special land use application is considered.

8. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.

9. Compatibility with Natural Environment

The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

Section 29.04 -- Planned Development Procedures and Requirements

A. Intent

The procedures and standards in this Section are intended to provide a uniform method for review of planned development proposals. These procedures and standards are intended to assure full compliance with the standards contained in this Ordinance, particularly Article 25.00, and other applicable local ordinances and state and federal laws.

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PD, Planned Development." Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

B. Summary of Review Procedures

A summary of the steps involved in the review of planned development applications follows:

	<u>Review Procedures</u>	<u>Zoning Ordinance Section</u>
Step 1	Optional pre-application conference	29.04 (D)
Step 2	Submit conceptual review application	29.04 (E)
Step 3	Planning Commission and Township Board conceptual review	29.04 (E)
Step 4	Submit Phase 1 application	29.04 (F)
Step 5	Public hearing	29.04 (F3)
Step 6	Planning Commission Phase 1 review	29.04 (F4)
Step 7	Submit Phase 2 (final) review application	29.04 (G)
Step 8	Planning Commission final review and action	29.04 (G2)
Step 9	Submit proposal to County Coordinating Committee (if required)	29.04 (H)
Step 10	Township Board final review and action	29.04 (I)

A detailed explanation of the review procedures follows:

C. General Application Requirements

The application for planned development shall be made on the forms and according to the guidelines approved by the Planning Commission. The application shall be submitted to the Williamstown Township Hall and shall be accompanied by all required fees and documents as specified herein. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.

D. Pre-Application Conference

In order to facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference with members of the Planning Commission and/or Township Board and/or Township Planning staff. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials.

The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. There shall be no fee for a pre-application conference. At any time during the course of preparation of plans prior to submission of a formal application, the Township shall upon request provide information concerning Zoning Ordinance procedures and standards.

E. Conceptual Review

Planned development projects are required to undergo a conceptual review process in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because planned development projects are generally large or complex projects with higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety and general welfare of Township residents.

1. Conceptual Review Procedure

All planned development projects shall undergo a conceptual review, which shall be undertaken by the Planning Commission and the Township Board at public meetings held pursuant to all applicable notice requirements. The Planning Commission and Township Board may meet jointly to complete the conceptual review. No formal action shall be taken on a plan submitted for conceptual review. Upon completion of the conceptual review by the Planning Commission and Township Board, the minutes of the conceptual review meetings shall be prepared and be made available during the formal consideration of the proposal.

2. Information Required for Conceptual Review

The information required for conceptual review shall be provided according to the requirements of Section 29.04(N) of this Ordinance and shall be submitted to the Township Hall at least twenty-one (21) calendar days prior to the meeting for conceptual review.

3. Effect of Conceptual Review

The conceptual review shall not constitute any form of approval of the planned development or the site plan. The process is intended to facilitate final review and to give the applicant an indication of the issues and concerns that must be resolved prior to final approval of the site plan for the planned development project.

F. Phase 1 Review

Planned development projects shall undergo a two-step plan review and approval process. The procedures for Phase 1 review are outlined in this sub-section. The Phase 1 site plan shall be subject to the site plan review requirements in Section 29.02 of this Ordinance, where applicable, as well as the additional requirements in this Section.

1. Information Required for Preliminary Plan Review

The information required for preliminary plan review shall be provided according to the requirements of Section 29.04(N). The applicant shall submit three (3) individually folded copies and one (1) digital copy and supporting materials. These materials shall be submitted to the Township no later than noon twenty-one (21) calendar days prior to the Planning Commission meeting at which the review is requested.

2. Professional Review

The Planning Commission may request professional review of the preliminary plans by appropriate agencies or consultants, such as the Township Planner and Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.

3. Public Hearing

The Planning Commission shall hold a public hearing on any planned development proposal before it is approved.

a. Scheduling a Public Hearing

The Planning Commission shall schedule a public hearing after any designated agencies or consultants have completed their review and submitted their findings concerning the proposed project.

b. Notice Requirements

Notice of the public hearing shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 500 feet of the boundary of the property in question, and to the occupants of all structures within 500 feet. Such notice shall be given not less than five (5) days nor more than fifteen (15) days before the public hearing scheduled. Such notification shall be made in accordance with the provisions of Section 103 of Michigan Public Act 110 of 2006, as amended. Accordingly, the notice shall:

1) Describe the nature of the planned development project requested.

2) Indicate the property which is the subject of the request.

- 3) State when and where the planned development project will be considered and the public hearing will be held.
- 4) Indicate when and where written comments will be received concerning the request.

4. Planning Commission Phase 1 Review

Following the public hearing, the planned development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, compliance with the planned development regulations, and consistency with the intent and spirit of this Article.

a. Phase 1 Approval by the Planning Commission

Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall grant Phase 1 approval, preliminarily approve subject to conditions, or deny the proposed planned development project and site plan.

b. Effect of Phase 1 Approval or Denial

A Phase 1 approval shall mean that the planned development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, Phase 1 approval assures the applicant that the Planning Commission will grant final approval if:

- 1) All state and county approvals are obtained;
- 2) No unresolved negative comments are received by any governmental agencies or public utilities; and
- 3) All federal, state and local laws and ordinances are met.

An unresolved negative comment shall be one that indicates that existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.

A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met. In the event that the applicant submits a revised plan after the Planning Commission has issued a denial, the revised plan shall be considered a new case, which shall begin at the first stage of the review process. In order to initiate such review, the applicant shall be required to submit a new review fee.

If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised Phase 1 plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next scheduled meeting of the Planning Commission for further review and possible action.

5. State and County Approval

a. All planned development projects shall require the review and approval of the agencies listed below prior to final site plan approval. The Township may accept a tentative or preliminary approval or a statement from the agency detailing the conditions under which final approval will be granted, provided that such approval or statement provides reasonable assurance to the Township that the development complies with the standards of the agencies having jurisdiction.

- 1) The Ingham County Department of Transportation and Roads or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
- 2) The Ingham County Drain Commission;
- 3) The Ingham County Health Department and the Michigan Department of Environmental Quality shall approve the fresh water system and the waste water disposal system;
- 4) The Michigan Department of Environmental Quality (MDEQ), if wetlands or other site features are under the jurisdiction of the MDEQ; and
- 5) Other agencies that have review and approval authority over any aspect of the project.

In the event that negative comments are received from any of these agencies, the Planning Commission shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

- b. In addition to the specific required approvals, all planned development project site plans shall have been submitted to the Michigan Department of Environmental Quality each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission shall consider any comments made by these agencies prior to final site plan approval.

G. Planning Commission Phase 2 (Final) Review and Recommendation

Phase 2 or final approval shall be considered by the Planning Commission upon the receipt of all the information required for Phase 2 or final review in Section 29.04, sub-section N.

1. Submission of Revised Site Plan

The applicant shall submit three (3) individually folded copies and one (1) digital copy of the revised site plans and supporting materials. These materials shall be submitted to the Township no later than noon twenty-one (21) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested.

2. Final Approval by Planning Commission

The Planning Commission shall review the application for planned development, together with the public hearing findings and any requested reports and recommendations from the Building Official, Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Planned Development Agreement and all related documents. Based on its review of the proposed plans and supporting documentation, the Planning Commission shall make findings of fact with respect to compliance with the standards and criteria in this Ordinance. The Planning Commission shall then set forth its findings and recommendation in a written report to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

a. Approval

Upon determination by the Planning Commission that the final plan for planned development is in compliance with the standards and requirements of this Ordinance, including Sections 25.02, 25.03 and 25.05, and other applicable ordinances and laws, the Planning Commission shall recommend approval.

b. Approval with Conditions

The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a planned development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Sections 25.02, 25.03, and 25.05. In the event that the planned development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 29.04(O).

Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 29.02, provided that:

- 1) the location and approximate size of such buildings shall be shown on the overall plan for the planned development,
- 2) detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 29.02, and
- 3) phasing requirements in Section 25.06 shall be complied with.

c. Denial

Upon determination by the Planning Commission that a planned development proposal does not comply with the standards and regulations set forth in this Ordinance, including Sections 25.02, 25.03, and 25.05, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

3. Transmittal of Findings to Township Board

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 recommended conditions relating to an affirmative decision.

H. Submission to County Coordinating Committee

Following the public hearing, the proposal shall be submitted to the Ingham County Coordinating Committee for review and recommendation if such review is required. If such review is required and a recommendation from the County Coordinating Committee has not been received within thirty (30) days, it shall be presumed that the County has waived its right for review.

I. Township Board Action Required

Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next scheduled Township Board meeting. The Township Board shall review the final plan and proposed Planned Development Agreement, together with the findings of the Planning Commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a planned development proposal in accordance with the guidelines described previously in Section 29.04, sub-section G2.

1. Planned Development Agreement

If the Township Board approves the Planned Development proposal, the Township and applicant shall execute the Planned Development Agreement, which shall be recorded in the office of the Ingham County Register of Deeds. Final approval of the Planned Development plan shall become effective upon recording of the Agreement.

2. Effect of Approval

Approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment thereto is adopted by the Township upon request of the applicant or his successors.

J. Recording of Planning Commission and Township Board Action

Each action taken with reference to a planned development shall be duly recorded in the minutes of the Planning Commission or Township Board as appropriate. The grounds for the action taken shall also be recorded in the minutes.

K. Zoning Board of Appeals – Review Not Required

Upon receiving recommendations from the Planning Commission, the Township Board has the flexibility to modify standards, provided such modifications achieve recognizable benefits and higher quality development. The Zoning Board of Appeals has no authority to review such modifications.

L. Completion of Site Design

Following final approval of the planned unit development proposal, a building permit may be obtained for the entire project or specific phases provided that final site plan approval for the project or the phase, as applicable, has been obtained in accordance with Section 29.02, and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Building Inspector. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

Construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. The Township Board may consider a twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the Township may initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved planned development amendment on a continuing basis until the property is razed, or until an amendment to the planned development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.

Prior to expansion or conversion of a planned development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Article and Ordinance.

M. Performance Guarantee

A performance guarantee shall be deposited with the Township to insure faithful completion of improvements, in accordance with Section 2.18.

N. Application Data Requirements

Applications for planned development shall include all data requirements specified in this sub-section. All information required to be furnished under this sub-section shall be kept updated until a Certificate of Occupancy has been issued pursuant to Section 29.07 of this Ordinance.

1. Requirements for Conceptual Review

The following information shall be provided prior to conceptual review, pursuant to Section 29.04 (E):

- a. The name, address and telephone number of:
 - 1) All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
 - 2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the planned development project.
- b. The legal description of the land on which the planned development project will be developed together with appropriate tax identification numbers.
- c. The area of the land (in acres) on which the planned development project will be developed.
- d. An overall conceptual land use plan for the planned development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.
- e. The conceptual land use plan shall also show the following information:
 - 1) A general location map.
 - 2) The vehicular circulation system planned for the proposed development.
 - 3) The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
 - 4) The approximate layout of dwelling units, parking, open space, and recreation/park areas.
 - 5) Landscaped screening proposed along the perimeter of the development.
- f. Approximate number of non-residential buildings and residential units to be developed on the subject parcel.
- g. Topographic survey and soils inventory based on the Ingham County Soils Survey.
- h. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

- i. A description of the proposed sewage treatment and water supply systems. Any proposed sewage treatment plant shall be located internally on the site or otherwise provided with an ample landscaped buffer so as to minimize any impact on surrounding properties, particularly adjacent residential properties.
- j. A general description of the proposed storm water and drainage system.
- k. A map showing existing zoning designations for the subject property and all land within one quarter mile.
- l. A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan for Future Land Use.
- m. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.
- n. An analysis of the traffic impact of the proposed planned development on existing and proposed streets shall be required for the following types of projects.
 - 1. Residential projects containing 100 or more dwelling units in the total project.
 - 2. Commercial, office, industrial, warehouse, institutions, entertainment, and mixed used development proposals involving 100,000 square feet or more in gross floor area.

The traffic analysis shall be based on accepted engineering standards and methods established by the Institute of Transportation Engineers, Michigan Department of Transportation, and/or Ingham County Department of Transportation and Roads. The traffic analysis shall address, at a minimum, the following considerations: estimated 24-hour and peak hour traffic prior to and after development, percentage and numerical increase in traffic volumes on adjoining roads, proximity and relationship to intersections, adequacy of sight distances, required vehicular turning movements, roadway geometrics, provisions for pedestrian traffic, and adaptability of the development to nonmotorized transportation. The traffic analysis shall further assess the degree to which the development will cause an increase in traffic congestion or traffic safety concerns. The traffic analysis shall indicate road improvements or modifications necessary to accommodate the traffic generated by the development.

- o. An analysis of the fiscal impact (costs and revenues) of the proposed planned development on Williamstown Township and the school district in which the development is located. The fiscal impact analysis shall consider the amount of revenue generated from all sources, including but not limited to property taxes and state shared revenues. In determining the estimated property tax revenue, the analysis shall consider the estimated state equalized value of the development at each stage in relation to the current millage rate of each taxing jurisdiction. In determining the impact on school costs, the analysis shall estimate the total number of school-age children living in the development at each phase, based on regional demographic data or on demographic data collected by the school district. This information shall be compared with the average annual cost of education per pupil, based on school budgetary information. The fiscal impact analysis shall also consider the need for new school buildings and other capital expenditures to accommodate increased enrollment. In determining the impact on Township costs, the analysis shall assess the need for additional police, fire, recreation, administrative, library, or other fiscal impacts.
- p. Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety.
- q. A general schedule for completing the planned development, including the phasing or timing of all proposed improvements.

2. Requirements for Phase 1 Review

In addition to the requirements in Section 29.02 and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for Phase 1 review:

- a. All preceding information required for conceptual review.
- b. A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan plus the following:

- 1) Locations and setbacks of each structure and use in the development. Where construction is proposed to occur in later phases subject to future detailed site plans, the location and setbacks of the maximum building footprint shall be shown on the plan.
 - 2) Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
 - 3) The building footprint of proposed buildings. In the case of single family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
 - 4) The vehicular circulation system planned for the proposed development.
 - 5) The proposed layout of parking areas, open space, and recreation/park areas.
 - 6) Proposed landscaping and screening, which shall comply with the requirements in Article 5.00, unless such requirements have been modified as a result of the Planned Development review process.
- c. The precise number of non-residential and residential units to be developed on the subject parcel.
 - d. An environmental analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant environmental features. The hydrology study shall consist of information and analysis in sufficient detail to indicate the impact of the project on surface water and groundwater.
 - e. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
 - f. A complete description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.
 - g. Preliminary approval by the Ingham County Health Department and/or Michigan Department of Environmental Quality of the proposed septic system or sewage treatment system and water system.
 - h. Storm water and drainage system details.
 - i. Location of sidewalks along roads and elsewhere within the development.
 - j. A specific schedule for completing the planned development, including the phasing or timing of all proposed improvements.

3. Requirements for Phase 2 (Final) Review

In addition to the requirements in Section 29.02 and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for Phase 2 (final) review:

1. All information required for conceptual and Phase 1 review as specified in Section 29.04, sub-section N3, previously.
2. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final Planned Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 29.02.
3. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final Planned Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:
 - a. Engineering plans for all roads, drive aisles, and paved areas,

- b. Site drainage plans, including retention and/or detention areas,
 - c. Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
 - d. Plans for controlling soil erosion and sedimentation during construction.
4. Following approval of a Planned Development proposal and an amendment to the Zoning Ordinance per Section 29.04(l), final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
 5. A draft Planned Development Agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the Planned Development proposal will be based. The Planned Development Agreement shall, at minimum, include the following:
 - a. A description of the land that is subject to the agreement.
 - b. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
 - c. History of the review procedures and action taken by the Planning Commission or Township Board.
 - d. List of all plans, documents, and other materials submitted by the applicant.
 - e. Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the Planned Development proposal.
 - f. An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed Planned Development project.
 - g. Description of any required dedications and permits.
 - h. Confirmation that the proposed development is consistent with applicable Township ordinances and planning objectives.
 - i. Duration of the Planned Development Agreement, along with terms under which a termination date may be extended by mutual agreement.
 - j. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed Planned Development Agreement.
 - k. Extent to which the Planned Development plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

O. Revision to Approved Plans

1. General Revisions

Approved final plans for a planned development may be revised in accordance with the procedures set forth in Section 29.04.

2. Minor Changes

Notwithstanding Section 29.04, sub-section (O)(1), above, minor changes may be permitted by the Planning Commission following normal site plan review procedures outlined in Section 29.02, subject to its finding that:

- a. Such changes will not adversely affect the initial basis for granting approval.
- b. Such minor changes will not adversely affect the overall planned development in light of the intent and purpose of such development as set forth in Section 25.01.

Where construction is not proposed to begin immediately, or where a project is proposed to be constructed in phases, the Township Board may grant final approval subject to subsequent review and approval of detailed site plans by the Planning Commission for each facility or phase. Such review shall follow normal site plan review procedures outlined in Section 29.02.

Section 29.05 -- Variances and Appeals

A. Intent

The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

B. Authority of the Zoning Board of Appeals

1. General Authority

The Zoning Board of Appeals (ZBA) shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance. The ZBA has no authority to grant variances or overturn decisions involving special land uses or planned developments.

2. Administrative Review

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. Such appeal shall be requested by the applicant within 30 days of the date of the order, refusal, requirement, or determination being appealed.

In hearing and deciding appeals under this sub-section, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in carrying out this Ordinance.

3. Interpretation

The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

4. Variances

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

Such authority shall be exercised in accordance with the following standards.

(a) The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:

- (1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
- (2) The variance will do substantial justice to the applicant, as well as to other property owners.
- (3) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

- (4) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors. (For example, a variance needed for a proposed lot split would, by definition, be self-created, so such a variance typically would not be granted.)
- (b) 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. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

5. Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable or accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

- (a) 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.
- (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the 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.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

C. Applications and Notices

1. Application

All applications to the ZBA shall be filed with the Township Clerk or his/her designee, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. Applications shall include three (3) individually folded and one (1) digital copy of all plans, studies and other information and data to be relied upon by the applicant. These materials shall be submitted to the Township no later than twenty-one (21) days prior to the Zoning Board of Appeals meeting at which the review is requested.

2. Plot Plan

A plot plan shall be required with all variance requests. The plan which shall accompany all variance requests shall be based on a mortgage survey or land survey prepared by a licensed land surveyor. . The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Section 29.02 shall satisfy the requirements of this section.

The Zoning Board of Appeals has the authority to require a land survey prepared by a licensed land surveyor when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

3. Applications Involving an Appeal of Administrative Order

In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, upon notice from the Planning Department, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

4. Consent of Property Owner Required

Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

5. Notice

Notice of a public hearing concerning a request for a dimensional variance shall be given following the procedures of Section 29.11. Notice of a public hearing concerning a request for an interpretation of the zoning ordinance, or an appeal of an administrative decision shall be given as follows:

- (a) A notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the Township and sent to the person requesting the interpretation not less than 15 days before the public hearing.
- (b) If the request for interpretation or appeal involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within five hundred (500) feet of the boundary of the property in question, and to the occupants of all structures within five hundred (500) feet of the boundary of the property in question. If a tenant's name is not known, the term "Occupant" may be used.

6. Stay of Proceedings

An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

7. Decision by the Zoning Board of Appeals

The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board of commission made in the administration of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a "non-use" variance from the terms of this ordinance.

D. Disposition and Duration of Approval

1. ZBA Powers

The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

2. Decision Final

A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

3. Period of Validity

Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

4. Record of Proceedings

The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

5. Appeal of a ZBA Decision

Appeals of a ZBA decision shall be taken in the manner provided by law.

6. New Application for Variance

If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to re-consideration for a period of one year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

Section 29.06 -- Amendments

A. Initiation of Amendment

The Township Board may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

B. Application for Amendment

A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Township and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information. These materials shall be submitted to the Township no later than noon twenty-one (21) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested, except when a public hearing is required, in which case the application materials shall be submitted no later than twenty-one (21) calendar days prior to the meeting.

1. Applicant's name, address, and telephone number.
2. Scale, northpoint, and dates of submittal and revisions.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
7. General location of existing drainage courses, floodplains, lakes and streams, and woodlots.
8. All existing and proposed easements.
9. Location of sanitary sewer or septic systems, existing and proposed.
10. Location and size of water main, well sites, and building service, existing and proposed.

C. Review Procedures

After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

1. Planning Commission Review

The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Michigan Public Act 110 of 2006, as amended, and schedule a public hearing for the request on the next available Planning Commission agenda. Notice of the public hearing shall be given following the procedures listed in Section 29.11.

2. Action by the Planning Commission

Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendations.

If a County Zoning Coordinating Committee has been appointed by the County Board of Commissioners, the Planning Commission shall also submit the proposed amendments to the Zoning Coordinating Committee for review and recommendation, pursuant to Section 307(2) of Michigan Public Act 110 of 2006, as amended.

3. Action by the Township Board

The Township Board may hold additional hearings if the Board considers it necessary, following the hearing and notice requirements of Michigan Public Act 110 of 2006, as amended. The Township Board may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the

proposed amendment back to the Planning Commission for further review and recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions, or reject it.

4. Review Considerations

The Planning Commission and Township Board shall at minimum, consider the following before taking action on any proposed amendment.

- a. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
- b. Will the proposed amendment further the comprehensive planning goals of the Township as reflected in the Master Plan?
- c. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
- d. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- e. Will the amendment result in unlawful exclusionary zoning?
- f. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- g. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- h. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
- i. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
- j. Will the proposed amendment be consistent with the purposes of this Ordinance and, in particular, will the proposed amendment promote the public health, safety and welfare?

5. Notice of Record of Amendment Adoption

Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments.

D. Referendum

Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of qualified and registered voters as specified in Section 402 of Public Act 160 of 2006, as amended, may be filed with the Township Clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 402(2) of Michigan Public Act 110 of 2006, as amended.

Section 29.07 Conditional Rezoning

A. Intent

The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to the Township and to property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this Section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning.

B. Definitions

The following definitions shall apply in the interpretation of this Section:

- 1. **Applicant:** The property owner, or a person acting with the written and signed authorization of the property owner to make application under this Section.

2. **Conditional Rezoning Agreement (CR Agreement):** A written agreement approved and executed by the Township and property owner, incorporating a CR Plan, and setting forth Rezoning Conditions and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a conditional rezoning.
3. **Conditional Rezoning Plan (CR Plan):** A plan of the property which is the subject of a conditional rezoning, prepared by a licensed civil engineer or architect, that shows the location, size, height, design, and other measures or features of buildings, structures and improvements on and adjacent to the property. The details to be offered for inclusion on a CR Plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.
4. **Rezoning Conditions:** Conditions proposed by the applicant and approved by the Township as part of an approval under this Section, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such Rezoning Conditions shall not:
 - a. Authorize uses or developments of greater intensity or density than are permitted in the district proposed by the rezoning.
 - b. Authorize uses that are not permitted in the district proposed by the rezoning.
 - c. Permit uses or development expressly or implicitly prohibited in the CR Agreement.
5. **Rezoning:** The amendment of this Ordinance to change the Zoning Map classification on property from its existing district to a new district classification.

C. Authorization and Eligibility

1. **Application for Optional Conditional Rezoning**
A property owner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. The conditional rezoning option shall be selected by filing an Application for Conditional Rezoning Review. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to MCL 125.286i.
2. **Site-Specific Regulations**
In order to be eligible for review of an application for conditional rezoning, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR Plan and in a CR Agreement) which are equally or more strict or limiting than the regulations that would apply to the land under the proposed zoning district.

D. Review and Approval Procedures

1. **Pre-Application Meeting**
Prior to submitting an Application for Conditional Rezoning, the applicant shall schedule a pre-application meeting with the Township Supervisor and Township Planner to review the conditional rezoning guidelines and expectations. The applicant shall pay the expenses incurred by the Township for this meeting.
2. **Application**
A property owner may submit an Application for Conditional Rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The application, which may be amended during the review process, shall include a CR Plan proposed by the applicant and a list of Rezoning Conditions proposed by the applicant, recognizing that the Rezoning Conditions shall not authorize uses or development not permitted in the proposed zoning district.
3. **Planning Commission Review**
After the completed application and all required supporting materials have been received and fees paid, the petition shall be reviewed by the Planning Commission in accordance with the procedures outlined in Section 29.07, sub-sections C.1 and C.2.
 - a. **Public Hearing**
The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance

with the procedures and public hearing and notice requirements set forth in Section 103 and other applicable sections of Michigan Public Act 110 of 2006, as amended.

b. **Action by the Planning Commission**

Following the hearing on the proposed amendment, the Planning Commission shall make findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendation.

4. **Township Board Consideration**

Upon receipt of the recommendation of the Planning Commission, the Township Board shall deliberate on the proposed conditional rezoning. If the Township Board determines that it may approve the conditional rezoning, then the Township Board shall work with the landowner to clarify tentative conditions so that the applicant (or designee) can develop a draft CR Agreement.

5. **Township Board Action**

Upon completion of the CR Agreement, the Township Board, by majority vote of its membership, shall make a final determination to approve or deny the conditional rezoning.

6. **Zoning District Designation**

If approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR, Conditional Rezoning." For example, in the Limited Business District the Zoning Map designation would be "B-1/CR" The use of property so designated shall be restricted to the uses specified in the CR Agreement, and no other development or use shall be permitted.

7. **Effects of Approval**

The use of property in question shall conform with all regulations governing development and use in the zoning district to which the property has been rezoned, subject to the following:

a. **Development Subject to Conditional Rezoning Requirements**

Development and use of the property shall be subject to the more restrictive requirements specified on the CR Plan, in the Rezoning Conditions and in the CR Agreement, required as part of the Conditional Rezoning approval. Such requirements shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.

b. **Site Plan Review and Other Approvals Required**

Approval of the CR Plan and Agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR Plan. Site plan, special land use, plat, and condominium approval, as appropriate, shall be required, pursuant to procedures in Article 29.00, prior to any improvements to the property.

Any use or development proposed as part of any offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

c. **Recordation and Publication of CR Agreement**

A conditional rezoning shall become effective following publication in the manner provided by law, and, after recordation of the CR Agreement, whichever is later.

8. **Amendment of CR Agreement**

Amendment of a CR Agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.

9. **Expiration of CR Agreement**

The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless: 1) approved development of the property commences within such two (2) year period and proceeds without delay and in good faith as required by ordinance toward substantial completion, or 2) the rezoning is extended for good cause by the Township Board as provided herein.

a. **Extension of Approval**

In the event that a development has not commenced within two (2) years from the effective date of the rezoning, the Township Board shall initiate reversion of the zoning to its former classification .

However, the land owner may apply to the Township Board for a one (1) year extension one (1) time. The request for extension must be submitted to the Township Clerk before the two (2) year time limit expires. The land owner must show good cause why the extension should be granted.

b. **Reversion of Zoning**

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 9.a. above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. 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.

10. **Violations of the CR Agreement**

If development or actions are undertaken on or with respect to the property in violation of the CR Agreement, such development or actions shall constitute a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

11. **Fees**

The applicant shall pay as a fee the expenses incurred by the Township in the review of a conditional rezoning application. An escrow shall be established in an amount specified by Township Board resolution, and additional reasonable amounts shall be contributed as required in order to complete the review and approval process. Any unexpended amounts from such escrow shall be returned to the applicant.

E. Elements of a Conditional Rezoning Application

As an integral part of the conditional rezoning, the following elements shall be provided by the applicant for review by the Township.

1. **CR Plan.** A CR Plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The CR Plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.
2. **Rezoning Conditions.** Rezoning conditions, which shall not authorize uses or development not permitted in the proposed zoning district and which shall not permit uses or development expressly or implicitly prohibited in the CR Agreement. Rezoning conditions may include some or all of the following:
 - a. The location, size, height, and setbacks of buildings, structures, and improvements.
 - b. The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
 - c. Measures to preserve natural resources or features.
 - d. Facilities to address storm water drainage and water quality.
 - e. Facilities to address traffic issues, for example, through road paving or other road improvements.
 - f. Open space preservation provisions.
 - g. Minimum landscaping, buffering and screening provisions.
 - h. Added landscaping, above and beyond what is required by the Zoning Ordinance.
 - i. Building design, materials, lighting and sign criteria.
 - j. Permissible and prohibited uses of the property.
 - k. Provisions to preserve historic farms, barns and other buildings to preserve the history of the Township.

- l. Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation and reuse of land, where previous use of land causes severe development difficulties, or has caused blight.
 - n. Drainage improvements, beyond what is required by ordinance, using best management practices.
 - o. Such other conditions as deemed important to the development by the applicant.
3. **CR Agreement.** A CR Agreement which is voluntarily offered by the applicant (or designee) shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other term mutually agreed upon by the parties, including the following terms:
- a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the CR Agreement.
 - b. Agreement and acknowledgement that the conditions and CR Agreement are authorized by all applicable state and federal laws and constitution, and that the CR Agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
 - c. Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR Plan and CR Agreement.
 - d. Agreement and understanding that the approval and CR Agreement shall be binding upon and inure to the benefit of the property owner and the Township, and their respective heirs, successors, assigns, and transferees.
 - e. Agreement and understanding that, if a conditional zoning expires in the manner provided in this Section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
 - f. Agreement and understanding that each of the requirements and conditions in the CR Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - g. Any other agreement voluntarily proposed by the applicant (or designee) that is consistent with all applicable state and federal laws and is agreed to by the Township.

F. Approval Criteria

The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR Plan, Rezoning Conditions, and CR Agreement:

1. **Enhancement of the Project Area.** The Township Board shall determine that approval of the conditional rezoning shall accomplish the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.
2. **In the Public Interest.** The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the CR Plan and CR Agreement so that it would be in the public interest to grant the conditional rezoning. In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles.

3. **Consistency with the Master Plan.** The proposed rezoning shall be consistent with the Master Plan and Future Land Use Map for the Township.
4. **Review Considerations.** The Planning Commission and Township Board shall consider the review considerations set forth in Section 29.07, sub-section C.4.

Section 29.08 Permits and Certificates

A. Permits

1. Permit Required

A building permit or other appropriate permit shall be required as follows:

- a. Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.
- b. Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.
- c. Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
- d. Prior to any change in use of an existing building or structure to a different class or type.
- e. In all other instances specified by the adopted Township Building Code (for the purpose of this Ordinance, "Building Code" includes related codes adopted by the Township, such as the Electrical and Mechanical Codes).

2. Definition of Alteration and Repair

For the purposes of this Section, the terms "alteration" and "repaired" shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code, the Housing Law of Michigan (Public Act 167 of 1917, as amended), or this Ordinance or other applicable ordinances of the Township.

3. Application Requirements

No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements are in conformance with the provisions of this Ordinance and with the Building Code.

Applications for permits required by this Section shall be filed with the Building Inspector. Each application shall be accompanied by a written detailed explanation of the proposed improvements, and, if applicable, dimensioned plans drawn to scale. The plans shall be of sufficient detail to allow the Building Inspector to determine whether the proposed improvements are in conformance with this Ordinance, the Building Code, and other applicable laws and ordinances. At minimum, the plans shall illustrate information requested on the application form or by the Building Inspector.

4. Conformity with Applicable Ordinances and Approved Plans

Permits shall be issued only if, after thorough inspection of the application materials and plans, the Building Inspector finds that the proposal is in conformance with this Ordinance, the adopted Building Code, and other applicable laws and ordinances, except where the Building Inspector receives written notice of a variance having been granted by the Zoning Board of Appeals or Construction Board of Appeals.

Building permits issued on the basis of plans and application materials approved by the Building Inspector authorize only the use, layout, and construction set forth in such plans and application materials. Use, layout, or construction at variance with approved plans and application materials shall be deemed in violation of this Ordinance, and subject to penalties in accordance with Section 29.10.

5. Expiration of Permits

A permit issued for construction, or remodeling of any building or structure shall be subject to terms of expiration specified in the adopted Building Code.

6. Inspection of Completed Work

The holder of any permit issued pursuant to the requirements in this Section shall notify the Building Inspector immediately upon completion of the work authorized by the permit for a final inspection and to request a Certificate of Occupancy.

B. Certificates of Occupancy

A Certificate of Occupancy shall be required prior to occupancy or use of any land, building or structure. The following guidelines shall apply to Certificates of Occupancy:

1. General Requirements**a. Purpose**

The purpose of a Certificate of Occupancy is to permit the occupancy or use of land, buildings, or structures, upon first making the determination that the provisions of this Ordinance have been complied with and that all outstanding fees have been paid.

b. Certificates for New and Existing Buildings

Certificates of Occupancy shall be issued for new or existing buildings or structures, or parts thereof, or existing or new uses of land if, after inspection, the Building Inspector finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of this Ordinance, that the proposed occupancy is fully in compliance with this Ordinance, and that the applicant has submitted an updated mortgage survey.

c. Temporary Certificates

A temporary Certificate of Occupancy may be issued for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance and the Building Code, and provided further that no threat to public safety exists. The Building Inspector may require that a performance guarantee be provided in accordance with Section 2.18 as a condition of obtaining a temporary Certificate. The date of expiration shall be indicated on the temporary Certificate; failure to obtain a final Certificate of Occupancy within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in Section 29.10.

d. Certificates for Accessory Buildings to Dwellings

Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

2. Period of Validity

A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new Certificate of Occupancy.

3. Records of Certificates

A record of all Certificates of Occupancy shall be kept at the Township Hall. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

4. Application Requirements

Application for a Certificate of Occupancy shall be made on forms supplied by the Township and accompanied by the fees specified. A Certificate of Occupancy shall be applied for at the same time as the application for a building permit, if a building permit is required.

The Building Inspector shall inspect a building or structure within five (5) working days after notification of completion of a building or structure or other improvements. The Building Inspector shall issue a Certificate of Occupancy upon finding that the building or structure, or part thereof, or the use of land is in conformance with the provisions of this Ordinance. If the Building Inspector denies approval of a Certificate, the applicant shall be notified in writing of the denial and the reasons for denial.

Section 29.09 Filing Fees

All applications shall be accompanied by a filing fee which shall be established by resolution of the Township Board, in accordance with Section 406 of Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the Township for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reported services, or similar services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application.

Any deposit toward the cost of any consultants shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

A schedule of the current filing fees and deposit requirements shall be made available in the office of the Township Clerk.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 2.18.

There shall be no fee in the case of application filed in the public interest by a municipal department or Township Official.

Section 29.10 Violations and Penalties

A. Public Nuisance

Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

B. Violation Defined

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 Inspector or other enforcement official shall be deemed in violation of this Ordinance.

C. Penalties

Any violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, 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.

The imposition of any sentence shall not exempt the offense from compliance with the requirement of this Ordinance.

D. Procedures for Addressing Violations

The following procedures shall be followed in addressing potential violations:

1. Report of Violation

Any and all buildings or land use activities considered possible violations shall be reported to the Building Inspector or his/her Township appointed delegate.

2. Zoning Enforcement Official

The role of Zoning Enforcement Official shall be filled by one or more persons appointed by the Township Board.

3. Investigation

The Zoning Enforcement shall inspect each alleged violation. If a violation has occurred, the Zoning Enforcement shall issue an order to correct the violation to the offender within ten (10) days of the inspection.

4. Remedial Plan

All violation notices shall be responded to by correcting the violation within the time limit specified by the Zoning Enforcement, or, if requested in the notice of violation, by submitting a remedial plan and timetable for correction of the violation to the Zoning Official. The time limit for correction of a violation or submitting a remedial plan shall be based on the nature of the violation and the anticipated amount of time required to correct the violation. If the Zoning Enforcement rejects the remedial plan or the timetable, revisions must be submitted to the Zoning Enforcement within five (5) days of notification of the rejection.

5. Prosecution

A remedial plan and timetable not approved or not submitted within the required timetable shall be reported to the Township Board, who may initiate prosecution proceedings.

6. Hearing

At any time after receiving notice of a violation, but prior to the pursuit of an action in a court of law, the recipient or issuer of the notice may request a hearing as described herein. The hearing shall be conducted by the Township Supervisor or a hearing officer designated by the Supervisor, and the official(s) who issued the notice of violation shall be present. The purpose of the hearing shall be to compile factual information from the recipient and the Township, to determine the precise nature of any ordinance violation based upon the factual information. This hearing shall be held in accordance with the State of Michigan Open Meetings Act. The hearing shall proceed in an informal nature and shall be presided over by the Supervisor. All questions or comments shall be directed to the Supervisor. The recipient of the notice of violation may be represented by counsel of the recipient's choice. However, the rules of evidence shall not be enforced and cross-examination shall not be allowed. Upon completion of the hearing, the Township and the recipient of the notice shall attempt to seek agreement on a plan and timetable for correction of any violation. A written summary of the hearing proceedings shall be prepared by the Supervisor or the Supervisor's designee.

E. Authority to Pursue Court Action

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such non-compliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

F. Other Remedies

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such non-compliance.

G. Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

Section 29.11 Records

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

Section 29.12 Public Notice

Any application process requiring a public hearing shall comply with the requirements of PA 110 of 2006, as amended, and the procedures of this Section 29.12.

A. Special Land Use and Variance Requests

1. Publication in a Newspaper of General Circulation

Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

2. Personal and Mailed Notice

- a. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
- b. Notice shall be sent to all persons to whom real property is assessed within five hundred (500) feet of the property and to the occupants of all structures within five hundred (500) feet of the property, including the owners or occupants of structures located in adjacent cities or townships. If the name of the occupant is not known, the term "occupant" may be used in making notification.

- c. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed mailed by its deposit in the United States mail.
- d. The Township shall prepare a list of property owners and occupants to whom notice was mailed or delivered.

3. **Content**

Any notice published in a newspaper or delivered by mail or personal delivery shall:

- a. Describe the nature of the request.
- b. Indicate the property that is the subject of the request.
- c. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
- d. When and where the public hearing will occur.
- e. When and where written comments may be submitted concerning the request.

B. Zoning Ordinance Text and Map Amendments

1. **Map or Text Amendments Affecting 10 or Fewer Parcels**

If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in Section 29.12, sub-section A.

2. **Map or Text Amendments Affecting 11 or More Parcels**

If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in Section 29.12, sub-section A, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.

3. **Notice to Other Entities**

Notice of the time and place of the public hearing shall also be given by mail to any 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 with the Township Clerk for the purposes of receiving notice of public hearings.

4. **Additional Information Required In Notice**

Any notice required under this section shall include the places and times at which the proposed text or map amendment or amendments may be examined.

ARTICLE 30.00

Administrative Organization

Section 30.01 -- Overview

The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

- A. Township Board of Trustees**
- B. Township Planning Commission**
- C. Zoning Board of Appeals**
- D. Zoning Enforcement Officials, Including the Building Inspector and Township Planner**

The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

Section 30.02 -- Township Board of Trustees

The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance.

A. Adoption of Zoning Ordinance and Amendments

In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

B. Review and Approval of Plans

Township Board review and approval shall be required for all site plans, pursuant to Section 29.02.

Township Board review and approval shall be required for all Special Land Uses, in accordance with Section 29.03.

Township Board review and approval shall be required for all Planned Developments, in accordance with Section 29.04.

C. Setting of Fees

In accordance with Section 27.08 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

D. Approval of Planning Commission Members

In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

E. Determining Similar Uses

The Township Board shall be responsible for determining if proposed uses are similar in nature and compatible with uses that are expressly permitted in a district, pursuant to Section 2.08.

Section 30.03 -- Township Planning Commission

The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

A. Creation

The Township Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Township Ordinance 15. In accordance with Section 11 of Act 168, the Planning Commission shall have all the powers and duties provided for zoning commissions created pursuant to Michigan Public Act 110 of 2006, as amended.

B. Membership and Operation

Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and Township Ordinance 15.

The Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

C. Jurisdiction

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. Formulation of Zoning Ordinance and Amendments

The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.

2. Site Plan Review

The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 29.02. As provided for in Section 29.02, the Planning Commission shall be responsible for making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of site plan approval.

3. Special Land Use Review

The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Section 29.03, and making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of approval.

4. Planned Development Review

The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Section 29.04. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Development proposal.

5. Formulation of a Basic Plan

The Planning Commission shall be responsible for formulation and adoption of a master plan) to guide for the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.

6. Review of Matters Referred by the Township Board

The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.

7. Report on Operation of the Zoning Ordinance

In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Section 30.04 -- Zoning Board of Appeals

The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.

A. Membership and Operation

The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 601(3) of Michigan Public Act 110 of 2006, as amended, as follows:

1. The first member shall be a Chairperson of the Planning Commission or the Chairperson's designee.
2. The remaining members (including any alternate members) shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
3. Of the remaining members, one shall be a member of the Township Board.
4. No employee or contractor of the Township may be a member or employee of the Board of Appeals. No elected officer of the Township may serve as chairman of the Board of Appeals.
5. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Act 110. The ZBA shall not conduct business unless a majority of the members of the Board are present.
6. The Township Board may appoint up to 2 alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

B. Meetings

Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairman, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.

C. Jurisdiction

The ZBA shall have the authority outlined in Section 29.05.

Section 30.05 Building Inspector, Township Planner, and Other Enforcement Officials

A. Overview

As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Building Inspector and other Township administrative officials, the Township Planner, or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.

B. Responsibilities of the Building Inspector and Assistants

In addition to specific responsibilities outlined elsewhere in this Ordinance, and in addition to specific responsibilities related to enforcement and administration of the adopted Building Code, the Building Inspector or his/her duly authorized assistants shall have the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.

4. Issue building or other appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances. .
5. Issue Certificates of Occupancy in accordance with Section 29.07 upon compliance with all provisions of this Ordinance and other applicable ordinances.
6. Perform inspections of buildings, structures, and premises to insure proposed land use changes or improvements are and will remain in compliance with this Ordinance.
7. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.
8. Perform other related duties required to administer this Ordinance.

C. Responsibilities of the Township Planner

In addition to specific responsibilities outlined elsewhere in this Ordinance, upon request from the Township Board or other authorized Township body or official, the Township Planner or his/her duly authorized assistants shall have the following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the Michigan planning and zoning enabling acts.
2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
3. Advise and assist the Township Board and be responsible for carrying out the directives of the Township Board.
4. Provide citizens and public officials with information relative to this Ordinance and related matters.
5. Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning, and other zoning and planning matters.
6. Prepare and forward to the Planning Commission reviews of all applications for site plan review, special land use review, planned development proposals, petitions for amendments to this Ordinance, and other applications which must be acted upon by the Planning Commission.
7. When requested, prepare and forward to the Zoning Board of Appeals reviews of all applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act.
8. Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
9. Working with the Planning Assistant, periodically report to the Planning Commission on the status of Township's zoning and planning administration. The Township Planner's reports may include, but need not be limited to, updates on the nature and number of planning, zoning, and development inquiries; planning or zoning concerns that are not adequately addressed in the Zoning Ordinance; development trends that the Planning Commission should be aware of and/or may wish to study; statistical or other information that would help the Planning Commission perform their duties; administrative policy decisions that affect planning and zoning; and similar concerns.
10. Maintain up-to-date Zoning Map and Zoning Ordinance text amendments. .
11. Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses changes.
12. Review all applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines in Article 29.00.
13. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
14. Perform other related duties required to administer this Ordinance and further the goals of the Master Plan.

ARTICLE 31.00

Severability, Repeal, Effective Date, Adoption

Section 31.01 -- Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgement.

Section 31.02 -- Repeal

The previously adopted Williamstown Township Zoning Ordinance text, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted. Adoption of the Zoning Ordinance text on July 9, 2013, shall not affect the validity of the adopted Zoning Map, which is not subject to repeal.

Section 31.03 -- Effective Date

Made and passed by the Township Board of Williamstown Township, Ingham County, Michigan, on July 9, 2013, and effective seven (7) days following publication of Notice of Ordinance Adoption by the Township Clerk in a newspaper of general circulation in Williamstown Township, pursuant to the provisions of Section 401 of Michigan Public Act 110 of 2006, as amended. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 31.04 -- Adoption

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Township Board of Trustees on July 9, 2013.

- A. Public hearing by Planning Commission: May 21, 2013.
- B. Recommendation of Planning Commission to approve the Zoning Ordinance text to the Township Board: May 21, 2013.
- C. Township Board adoption of the Zoning Ordinance text: July 9, 2013.
- D. Date the Ordinance text shall take effect: July 28, 2013.

Mickey Martin, Supervisor

Date

I, Ernie Gaffner, Clerk of the Williamstown Township, Ingham County, Michigan, hereby certify that notice of adoption of the foregoing ordinance was published pursuant to the provisions of Michigan Public Act 110 of 2006, as amended, in a newspaper of general circulation in the Williamstown Township on July 21, 2013.

Ernie Gaffner, Township Clerk

Date

DEVELOPMENT RIGHTS ORDINANCE

Williamstown Township Ingham County, Michigan

AN ORDINANCE ENACTED PURSUANT TO MICHIGAN PUBLIC ACT 184 OF 1943, AS AMENDED, FOR THE PURPOSES OF ESTABLISHING, FINANCING AND PROVIDING FOR THE ADMINISTRATION OF A PROGRAM FOR ACQUISITION OF DEVELOPMENT RIGHTS (ADR).

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

ARTICLE 1.00 – TITLE AND PURPOSE

Section 1.1 Title

This Ordinance shall be known and cited as the “Development Rights Ordinance of Williamstown Township.”

Section 1.2 Findings and Purpose

The Township Board finds that:

1. Williamstown Township contains lands that are particularly well-suited for farming, and adjacent to these farmlands are other woodlands, wetlands, and open lands that contribute to aesthetic and economic value of the community.
2. These lands are a valuable and irreplaceable natural resource. When these lands are converted to residential or other urban uses an important community resource is permanently lost.
3. Williamstown Township is experiencing development pressure because of its location in the Lansing/East Lansing metropolitan area. Many of the same characteristics that make the land valuable for agricultural use also make it desirable for residential use.
4. It is the policy of the Williamstown Township to protect and preserve agricultural and open space lands. This policy is set forth in the Township’s Master Plan, Zoning Ordinance, and Subdivision Control Ordinance.
5. The Master Plan, Zoning Ordinance, and Subdivision Control Ordinance are not sufficient to dissuade speculative purchase of farmlands for future development, thus driving the cost of farmland beyond its value for agricultural use. These circumstances result in decreased agricultural investment.

6. The permanent acquisition by the Township of interest in farmland and open space lands will provide the opportunity to retain their use for agricultural and open space, and provide for the long-term protection of public interests which are served by farmlands and open space in the Township.
7. Accordingly, this Ordinance has been created to establish, finance, and provide for the administration of a program for Acquisition of Development Rights (ADR) program to protect agricultural land and other eligible land (as defined herein).

ARTICLE 2.00 – DEFINITIONS

Section 2.1 Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Agricultural Land: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

Conservation Values. The agricultural, natural, open space, scientific, biological, and ecological values of a parcel of property that are found to be worthy of protection.

Development: An activity that materially alters or affects the existing conditions or use of any land.

Development Rights: The rights to develop land to the maximum intensity of development authorized by law.

Development Rights Easement: A grant, by a legal instrument, whereby an owner relinquishes to the public the right to develop the land except as expressly reserved in the instrument, and which contains a covenant running with the land describing the easement terms, conditions, and development rights.

Full Ownership: Fee simple ownership, or outright ownership of real property, including the ownership of all aspects of title, including the ability to transfer the totality of the title.

Intensity of Development: The height, bulk, area, density, setback, use, and other similar characteristics of development.

Other Eligible Land: Land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from that agricultural land.

Owner: The party or parties who has/have legal title to or an equitable interest in the property.

Parcel: A measured portion of land that is described by virtue of a proposal to include the parcel in an agreement to acquire or transfer development rights, in accordance with the provisions of this Ordinance.

Permitted Use: Any use reserved within a development rights easement essential to the farming operation thereon or which does not alter the open space character of the land.

Substantially Undeveloped Land: Land on which there is no more than one (1) residential dwelling unit (exclusive of migrant housing units) for each twenty (20) acres of land.

Supervisor: The Williamstown Township Supervisor.

Township Board: The Supervisor, Clerk, Treasurer and Trustees of Williamstown Township, Ingham County, Michigan.

Value of Development Rights: The difference between the fair market value of Full Ownership of the land (excluding buildings thereon) and the fair market value of the agricultural rights plus any residential development rights to be retained by the Owner.

ARTICLE 3.00 – AUTHORIZATION AND FINANCING

Section 3.1 Authorization

1. The Township Board is authorized to establish an Acquisition of Development Rights (ADR) program to acquire property interests in Agricultural and Other Eligible Land from willing landowners in Williamstown Township. The property interest acquired may be either the Development Rights, or any lesser interest, easement, covenant or other contractual right. Acquisition of Development Rights under this ordinance may not be accomplished through condemnation. Participation in this program by a landowner shall be voluntary; the Township shall have no authority to force a landowner to participate.
2. Acquisition of property interests through the ADR program may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract, but only at a cost that is equal to or less than the appraised value, as provided in this Ordinance.
3. The Township Board is authorized to contract with other land conservation organizations or farmland conservation trusts to participate in the acquisition of interests in land or to administer the rights obtained by the Township under the ADR program.

Section 3.2 Financing

The Township Board is authorized to finance the ADR program through one (1) or more of the sources identified in Section 33 of Michigan Public Act 184 of 1943, as amended, including general appropriations by the Township, proceeds from the sale of development rights, grants, donations, bonds or notes, general fund revenue, special assessments, and other sources approved by the Township Board and permitted by law.

ARTICLE 4.00 – ELIGIBLE LAND

Section 4.1 Agricultural Lands Identified in the Master Plan

Development Rights on a parcel of land may be acquired under this ADR program only if the parcel of land is identified as “Agriculture” or “Agriculture/Residential” on the Future Land Use Map in the Township’s Master Plan.

Section 4.2 Guidelines to Establish Acquisition Priority

In the event that financial resources of the Township are inadequate to allow acquisition of Development Rights on all of the parcels voluntarily offered for acquisition, the following guidelines shall be used to establish acquisition priorities:

1. **Essential Land Protection Goals.** Every ADR project should be related to one or more of the following land protection goals:
 - a. The project aids in the conservation and stewardship of productive agricultural or forest land.
 - b. The project aids in the protection of wetlands, floodplains, stream or river banks, ponds, or groundwater recharge areas that have an important role in maintaining ground or surface water quality.
 - c. The project preserves significant natural areas that have recognized ecological value.
2. **Positive Conservation Values.** Projects shall generally be ranked highest based on the number of the following conservation values they exhibit:
 - a. There is widespread community support for the project.
 - b. If acquisition is not accomplished under the ADR program, the land is likely to be developed for a use that does not preserve its special conservation value.
 - c. The project protects prime farmland adjacent to other lands that are currently being farmed.
 - d. The project protects scenic qualities visible to the public from public roads, from the Red Cedar River, or from public parks.
 - e. There is a reasonable possibility that other valuable property rights on other nearby properties could be acquired, thereby expanding the overall conservation value of the project.

- f. The parcel is of sufficient size that the conservation resources of the parcel are likely to remain intact, even if adjacent properties are developed.
 - g. Protection of the property is consistent with current zoning.
3. **Negative Conservation Values.** The priority of projects shall generally decline if they exhibit any of the following negative conservation values:
- a. There is little community support for the project.
 - b. The project has limited value for the community as a whole.
 - c. The parcel of land is not especially productive for agricultural use (although conservation of open land for future agricultural use may be considered a positive conservation value). Agricultural productivity shall be a key consideration when comparing parcels of land for possible acquisition.
 - d. The parcel of land is surrounded by land that has already been taken out of agricultural production, creating potential conflict between agricultural operations and more urban land use.
 - e. The parcel of land is small and there is little likelihood of adjacent properties being protected.
 - f. The land that is proposed to be protected is part of a development proposal that, overall, is likely to have significant adverse impact on conservation of natural resources.
 - g. The project will be unusually expensive and will use significant financial resources.
 - h. The parcel of land is subject to mining that would destroy the features the Township would like to protect.

ARTICLE 5.00 – PROJECT SELECTION

Section 5.1 Procedures

1. **Planning Commission as an Advisory Body.** The Township Planning Commission shall have the responsibility for reviewing proposed ADR projects and advising the Township Board. Upon completing its review, the Planning Commission shall make a recommendation to the Township Board, based on the requirements and standards in this Ordinance.
2. **Review by Experts.** The Planning Commission may consult experts as it determines necessary, provided that if there is a cost for such services, the Township Board has appropriated funds for that purpose.
3. **Conflict of Interest.** No member of the Planning Commission or Township Board shall vote on a proposed ADR project in which they have an ownership interest or that is located adjacent to property in which the member has an ownership interest.
4. **Application Forms.** Consideration of a ADR project shall be initiated by submitting an application on forms supplied by the Township. The Planning Commission shall oversee the preparation of such application forms, which shall require the following information, at minimum:
 - a. Parcel identification, legal description, and parcel size.
 - b. Identification of rights-of-way or easements on the property.
 - c. Complete ownership information, including a certification that the interests of all joint tenants, financial institutions, and any party with an interest in the property are disclosed.
 - d. Property value data, including assessed value and estimated market value.
 - e. Existing land use on and adjacent to the parcel.
 - f. Identification of significant natural features (wetlands, woodlands, ponds, streams, rivers, habitat containing endangered or threatened species or species of special concern, etc.).
 - g. Identification of known environmental concerns on the property (e.g., evidence of buried waste, soil contamination, ground or surface water contamination, etc.).
 - h. Location of buildings, walls, shelters, fences, bridges, trails, roads, and other built features.
 - i. Type of development rights transfer anticipated (e.g., gift, purchase, bequest, etc.).
 - j. Type of development rights acquisition anticipated (e.g., fee ownership, undivided interest, conservation restriction, retained life estate, reversionary interest).
 - k. Description of the residential development rights the owner wishes to retain.

1. Explanation of the status of mineral rights.

Required information may be provided on the application form, in written documents and/or on maps, as appropriate.

5. **Project Review and Appraisal.** The Planning Commission shall review the proposed ADR project with respect to the requirements of this Ordinance and other applicable ordinances and laws. If a proposed project satisfies the applicable criteria and requirements, the Planning Commission may request the Township Board to allocate funds for an appraisal. A “before” and “after” appraisal shall be made to determine the value of the development rights. The appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and shall determine the fair market value of the Agricultural Rights plus any Residential Development Rights specifically retained.
 - a. Appraisals shall be made by State Certified Appraisers selected by the Planning Commission on a bid basis. The selected appraiser shall not have a property interest, personal interest, or financial interest in the project parcel. In the event that the low bidder has a conflict of interest, the second lowest bidder shall conduct the appraisal.
 - b. Appraisals shall be in writing and shall be furnished to the Owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Township or the Owners, but corrections to the appraisal shall be made only by the appraiser. If an Owner believes the property has not been properly appraised, the Owner may have the appraisal reviewed, at the Owner’s expense, by another State Certified Appraiser. The Planning Commission shall consider both appraisals in making its recommendations to the Township Board regarding project eligibility and value of development rights.
6. **Planning Commission Recommendation and Township Board Decision.** Before making a recommendation, the Planning Commission shall hold a public hearing, following the public notice and hearing requirements for Special Land Uses in Section 27.03 of the Zoning Ordinance. Following review of the application, supporting data and maps, appraisals, and any reports from experts, the Planning Commission shall make a recommendation to the Township Board. The Township Board shall have the authority to take final action on all ADR proposals. The decision by the Township Board is discretionary; the findings and recommendation of the Planning Commission shall not obligate the Township Board to approve or reject a proposal to acquire Development Rights. The Township administration shall maintain a list of properties on which development rights have been acquired with the conditions of acquisition.

7. **Conditions of Approval.** Township Board action to approve an ADR proposal shall be set forth in a written agreement that is in a form that is suitable for recording. The agreement shall specify conditions of approval, including the following, at minimum:
- a. **Runs with the Land.** An agreement to convey development interests shall state that such conveyance shall run with the land.
 - b. **Property to Remain Substantially Undeveloped.** To promote the agricultural use, or to preserve the opportunity for agricultural use of properties on which the Township has acquired Development Rights, such properties shall remain Substantially Undeveloped.
 - c. **Rights Retained by Owner.** An agreement for the sale or transfer of Development Rights may include provisions by the Owner to retain certain rights, including but not limited to:
 - i. **Residential Development Rights.** The right to build residential dwellings (Residential Development Rights), provided that no retained Residential Development Rights would result in more than one dwelling unit per twenty (20) acres of land. The building locations for retained Residential Development Rights may be restricted in a negotiated “Development Rights Easement.”
 - ii. **Right to Convey Retained Rights.** The right to sell, mortgage, bequeath, or donate the retained property rights, provided that subsequent interest holder shall be bound by the conditions of approval of the ADR proposal.
 - iii. **Maintaining Existing Structures.** The right to maintain, renovate, and replace existing structures, provided that any such activity shall not substantially alter the character or function of the structures.
 - d. **Prohibited Activities.** Any activity on or use of the ADR project property is prohibited if such activity is inconsistent with the purposes of this Ordinance or detrimental to the conservation values being preserved. By way of example, the following activities and uses are prohibited:
 - i. Any division or subdivision of the property.
 - ii. Commercial or industrial use (for the purposes of this Ordinance, an agricultural use shall not be considered commercial or industrial).
 - iii. The placement or construction of any buildings, structures, fences, walls, roads, parking lots, or other improvements, unless expressly permitted.

- iv. Cutting of trees and vegetation, unless expressly permitted.
 - v. Mining or alteration of the land surface, except where mineral rights have been retained by another owner and where the other owner has explicit rights to mine on the property (such information shall be disclosed on the application).
 - vi. Dumping of waste or other materials.
 - vii. Alteration to natural water courses, wetlands, or other natural water features.
 - viii. Use of motorized off-road vehicles, such as snowmobiles, dune buggies, all-terrain vehicles, and motorcycles.
 - ix. Construction of billboards and other advertising signs.
- e. An agreement to convey development interests shall provide the Township or its agent with certain rights needed to monitor the protection of the Conservation Values of the property. These rights shall include:
- i. **Right to Enter.** The Township shall have the right to enter the property at reasonable times to monitor or enforce compliance with the conditions of approval of the ADR proposal. The Township, however, shall not unreasonably interfere with the Owner's retained rights on the property.
 - ii. **Right to Preserve.** The Township shall have the right to prevent any activity or use of the property that is inconsistent with the conditions of approval of the ADR proposal.
 - iii. **Right to Require Restoration.** The Township shall have the right to require restoration of the areas or features of the property that are damaged by activity inconsistent with the conditions of approval of the ADR proposal. The Township or land trust shall also have the right to conduct studies on the property to determine the appropriate types of restoration activities, if necessary.
 - iv. **Signs.** The Township shall have the right to place signs on the property to indicate that the property is being protected under the terms of a ADR agreement.
- f. An agreement to convey development interests may provide the Township with the right to engage in activities that restore the biological and ecological integrity of the property. Such activities may include inventorying plant and animal species on the property, planting native vegetation, removal of undesirable vegetation, etc.
8. **Duration of Acquired Interests, Re-purchase of Development Rights.** Development Rights acquired pursuant to this Ordinance shall be held in trust for an indefinite period of time by the Township or by a land conservation

organization or trust. Where the Township holds an interest in the land and the Township Board finds that, due to changing circumstances, the Essential Land Protection Goals can no longer be achieved or the Positive Conservation Values can no longer be reasonably protected, then the Township Board may act to dispose of the Township's interest in the land. Disposition may be accomplished by transfer to a land conservation or trust, pursuant to Section 3.1, or by sale. If disposition is to be by sale, then the Township Board shall submit to the voters a proposition to approve of the disposition of interest in the land. If a majority of those voting approve such a proposition, then the Township Board shall cause an appraisal to be made, in the same manner as the initial appraisal, as described herein. The Owner of the land from which the Development Rights were acquired (or his/her successor) shall be given the right of first refusal to re-purchase the Development Rights for an amount not less than the appraised value. If the Owner does not wish to re-purchase the Development Rights, then they shall be offered to the general public for an amount not less than the appraised value. Proceeds from the sale of Development Rights shall be held by the Township to only fund the continuing activities of the ADR program, and for no other purpose.

ARTICLE 6.00 – FEES, ENFORCEMENT, SEVERABILITY, EFFECTIVE DATE

Section 6.1 Fees

The Township may charge a fee for review of applications for acquisition of development rights. The fee shall be established by resolution of the Township Board in an amount necessary to cover the cost of review.

Section 6.2 Enforcement

1. **Enforcement Officer.** For the purposes of investigating a possible violation of this Ordinance, the Township Supervisor shall be the Enforcement Officer, unless the Township Board appoints another person to serve as Enforcement Officer.
2. **Notice.** If the Township determines that the owner of the remaining property rights is in violation of the conditions of approval of the ADR application, or that a violation is threatened, the Township shall provide written notice to the Owner, which shall identify the violation and request corrective action to cure the violation and restore the property within a specific period of time.
3. **Failure to Act.** If the violation has not been cured and property restored within the specified period of time, the Township is authorized to take appropriate legal action, which may include injunctive or other equitable relief, issuance of an appearance ticket, issuance of a civil infraction citation, or prosecution in the Circuit Court for the County of Ingham or any other court having jurisdiction.
4. **Misdemeanor.** Any violation of this Ordinance shall constitute a misdemeanor. Any person violating any provision of this Ordinance shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense.
5. **Acts Beyond the Owner's Control.** The Township may not bring action against an Owner for modifications to the property resulting from causes beyond the Owner's control, such as unintentional fires, storms, or trespassers. The Township may, however, bring action against another party for modifications that impair the continued protection of the land.

Section 6.3 Severability

This Ordinance and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

Section 6.4 Effective Date

Motion to approve having been made by Trustee _____ and seconded by _____, this Ordinance was made and passed by the Board of Trustees of Williamstown Township on the 29th day of June, 1999. This Ordinance shall take effect on the _____ day of _____, 1999, thirty (30) days following publication in a newspaper of general circulation in Williamstown Township, as required by law.

Norman Obst, Supervisor

Shirley Graham, Township Clerk

Township of Williamstown
Ingham County, Michigan

ORDINANCE TO REGULATE DIVISION OF LAND

Ordinance No. 33

*Contains proposed revisions to achieve compliance
with Michigan Public Act 591 of 1996*

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Township of Williamstown
Ingham County, Michigan

ORDINANCE TO REGULATE DIVISION OF LAND

Ordinance No. 33

An Ordinance to authorize and regulate the partitioning or division of parcels of land, to establish review procedures for such action, to establish minimum standards for partitioning or dividing parcels of land, and to prescribe penalties for the violation of the provisions of this Ordinance.

THE Township OF WILLIAMSTOWN, INGHAM COUNTY, MICHIGAN ORDAINS:

Article I

TITLE

This Ordinance is hereby designated and shall be referred to as the "Williamstown Township Ordinance to Regulate the Division of Land."

Article II

PURPOSE AND SCOPE OF APPLICATION

Section 2.01 -- Legislative Determination

In the interest of protecting the public health, safety and welfare, the Board of Trustees of the Township of Williamstown finds that this Ordinance is necessary to regulate the division and partitioning of parcels of land which are not subject to platting procedures and requirements and to regulate division and partitioning of lots located in recorded subdivisions. This Ordinance is created pursuant to Michigan Public Act 184 of 1943, as amended; Public Act 288 of 1967, as amended by various Acts including Public Act 591 of 1996 and Public Act 87 of 1997; and Public Act 246 of 1945, as amended. This Ordinance, the adopted Zoning Ordinance, and the adopted Subdivision Control Ordinance, shall be considered the ordinances referred to in Section 105(b) of Public Act 591 of 1996, which have been adopted in part to carry out the provisions of said Act 591. **(revised 4/1/97; 12/1/98)**

Section 2.02 - Scope of Application

It shall be unlawful for a person to divide or partition any lot, outlot, or other parcel or tract of land in a recorded plat or divide or partition any unplatted parcel or tract of land, or transfer property between adjoining parcels or tracts, except in accordance with the provisions of this Ordinance, unless the division or partition is approved and a part of a recorded plat, pursuant to the Land Division Act, Michigan Public Act 288 of 1967, as amended, or unless the division or partition is approved pursuant to the Condominium Act, Michigan Public Act 59 of 1978, as amended. **(revised 12/1/98)**

Article III

DEFINITIONS

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them:

Acreage Tract or Acreage Land: Land or real estate which is not located in, or a part of, a recorded plat.

Accessible: A parcel is accessible if it meets one or both of the following requirements:

- a. The parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- b. The parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Commission pursuant to Michigan Public Act 200 of 1969, as amended, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards. **(revised 4/1/97)**

Applicant: An individual, firm, association, partnership, corporation, or combination thereof, who holds ownership interest in land and is seeking approval for a division or partition of land in accordance with this Ordinance.

Date of Filing: The date on which an application for division of land is submitted to the Township in a form that complies with all of the application requirements specified in this Ordinance. **(revised 4/1/97)**

Division: The partitioning or splitting of a parcel or tract of land for the purposes of sale, or lease of more than one (1) year, or of building development, that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of Public Act 288 of 1967, as amended. "Division" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and a division is not subject to the platting requirements of said Public Act 288. **(revised 4/1/97)**

Divide or Partition: The splitting or separating of a parcel of land into parts by changing the boundaries and/or legal description, where such splitting or separating of land is not accomplished pursuant to platting procedures under the Land Division Act, Michigan Public Act 288 of 1967, as amended, or the Condominium Act, Michigan Public Act 59 of 1978, as amended.

Land: All land areas occupied by real property. **(revised 4/1/97)**

Lot, Subdivision: A piece of land, the dimensions and configuration of which are shown on a subdivision plat or condominium subdivision plan recorded in the offices of the Ingham County Register of Deeds.

Lot, Zoning: A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located unless the zoning lot is legally nonconforming or the Zoning Board of Appeals has approved variances from applicable zoning requirements. When used in this Ordinance, the term "Lot" shall generally refer to a "zoning lot", unless otherwise specified.

Parcel: A measured portion of land which is described by virtue of a request to divide or partition the parcel in accordance with the provisions of this Ordinance. A parcel may be a subdivision lot or an acreage tract or acreage land.

ORDINANCE TO REGULATE THE DIVISION OF LAND

Parent Parcel or Parent Tract: A parcel or tract lawfully in existence on the effective date of Public Act 591 of 1996. **(revised 4/1/97)**

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Planner, Township: The Township Planner is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Plat: A map or chart of a subdivision of land which has been approved in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended.

Private Road: A road which for ingress and egress to and from land that does not abut a public road, which such road is not dedicated for use by the public.

Public Road: A road that is dedicated for use of the public for travel and which is maintained by a public agency, such as the Township or Ingham County Road Commission.

Subdivide, Subdivision: The partitioning or splitting of a parcel or tract of land for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements specified in Public Act 288 of 1967, as amended. Subdivide or “subdivision” does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel. **(revised 4/1/97)**

Tract: Two (2) or more parcels that share a common property line and are under the same ownership.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Article IV

APPLICATION REQUIREMENTS

Section 4.01 -- Application Forms and Documentation

The application for division of land shall be made on the forms and according to the guidelines provided by the Township. The application shall be accompanied by the necessary fees and information as specified in this Ordinance.

Section 4.02 -- Information Required

Applications shall be accompanied by the following information:

1. Except for large acreage parcels (equal to or greater than forty (40) acres) that can be adequately described in reference to section or quarter section lines, three copies of a drawing shall be submitted, which may be an informal scale drawing (such as a tentative parcel map referred to in Section 109(1)(a) of Public Act 288 of 1967, as amended), which shall include all information listed below. A tentative decision may be made based on this informal scale drawing, with final approval withheld until receipt of a formal drawing prepared by a professional land surveyor registered in the state of Michigan. The final drawing shall be prepared according to the guidelines specified in Section 3 of Michigan Public Act 132 of 1970, as amended, showing the parcels that would result from the requested division of land, provided that the parcels are drawn as large as possible within the 8-1/2 by 14 inch format required by Act 132, and providing all of the following information: **(revised 4/1/97)**
 - a. Dimensions of all existing and proposed parcels.
 - b. All structures on and within fifty (50) feet of the proposed parcels.
 - c. Location of all existing and proposed public and private easements and rights-of-way.
 - d. Location of minimum setbacks on each proposed parcel, in accordance with the current Township Zoning Ordinance.
 - e. Location of surface water, lakes, ponds, streams, and wetlands. The initial investigation shall locate wetlands identified on the National Wetlands Inventory maps, prepared by the U.S. Department of Interior and available from the Michigan Department of Natural Resources. After subsequent investigation and on-site review, the Township Assessor or other reviewing body may require more detailed wetlands information if deemed necessary to make a decision regarding the proposed division of land.
 - f. The means of access from each resulting parcel to an existing road or street. **(revised 4/1/97)**
2. A legal description of existing parcels of land involved in the proposed land division.
3. Tentative approval may be granted without a formal legal description of all parcels that would result from the requested division of land, but a legal description must be received before final approval is granted. The legal description shall be in a form sufficient for recording with the Ingham County Register of Deeds, and shall indicate the acreage of all parcels.
4. Copies of existing or proposed deed restrictions related to the proposed parcels. The deeds for all parcels of unplatted land shall meet the requirements of Section 109, sub-sections (3) and (4) of Public Act 288 of 1967, as amended. **(revised 12/1/98)**

ORDINANCE TO REGULATE THE DIVISION OF LAND

5. Sufficient information about previous land division activity to demonstrate that the parcel is eligible to be divided in the manner being proposed. **(revised 4/1/97)**
6. If any portion of the land is subject to a farmland development rights agreement pursuant to Michigan Public Act 116 of 1974, as amended, the Farmland and Open Space Preservation Act, then a copy of the agreement shall be provided to the Township for review.
7. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted. Such information shall be in a form that satisfies the written notice requirements specified in Section 109(2) of Michigan Act 288 of 1967, as amended. **(revised 12/1/98)**
8. Proof of fee ownership of the land proposed to be divided shall be submitted. **(revised 12/1/98)**
9. The Township Planner, Planning Commission, or Assessor may require additional information deemed necessary to determine compliance with the standards in Article VI.

Article V

REVIEW PROCEDURES

Section 5.01 -- Submittal to Township Assessor and Planner

All applications for division of land shall be submitted, together with the required information, to the Township Assessor, or his/her designated representative, and to the Township Planner. In the event that the position of Township Planner is unoccupied, the duties assigned to the Township Planner by this Ordinance shall be performed by the person(s) designated by the Township Supervisor.

Section 5.02 -- Review by Township Planner

The Township Planner, or the person designated to perform the Planner's duties, shall review the application for completeness of data and to determine whether it is in compliance with this Ordinance and the Township Zoning Ordinance. If deemed necessary during the course of his/her review and if authorized by the Township Assessor, the Township Planner may submit the application to other Township staff, consultants, or county officials for review and recommendation, including but not limited to those having jurisdiction over assessing, planning, engineering, and/or building code enforcement. The Township Planner shall prepare and submit a written status report to the Township Assessor within ten (10) working days of receipt of the application.

Section 5.03 -- Review by the Planning Commission

Except where accelerated review occurs pursuant to Section 5.04, the Township Assessor shall submit the application to the Planning Commission for consideration. The Planning Commission is authorized to comment on and may provide a non-binding recommendation regarding each application for division of land.

Applications for division of land shall be placed on the Planning Commission's meeting agenda for consideration under unanimous consent procedures (i.e., "consent agenda"). Items on the consent agenda shall be considered en bloc unless a member of the commission requests that a particular item be placed on the regular agenda for discussion.

Items that remain on the consent agenda shall require unanimous consent of the Planning Commission; otherwise, each item shall be considered individually on the regular agenda. **(revised 4/1/97)**

Section 5.04 -- Accelerated Review

The above review procedures may be accelerated to accommodate administrative necessity at the discretion of the Township Assessor and Planner, when a routine application for division of land has been submitted and all Township ordinance requirements and other requirements have been met. The Township Assessor shall prepare a report explaining the reason for using an accelerated review and a detailed compliance report, and both shall be submitted to the Planning Commission and the Township Board for review at their next regular meetings.

Section 5.05 -- Decision by the Township Assessor

Upon review of the proposed division of land, and after consideration of the comments, if any, submitted by the Township Planner, Planning Commission, other staff, consultants, and county officials, the Township Assessor shall make a final decision concerning the proposed division, based on the standards set forth in this ordinance. The decision of the Township Assessor shall be made within forty-five (45) days after the date of filing the application. The Township Assessor shall direct the Township Planner or other responsible person to indicate approved land divisions on the Township base map. **(revised 4/1/97; 12/1/98)**

Section 5.06 -- Report to the Board of Trustees and Planning Commission

The Township Assessor shall report in writing any approved divisions of land including acreage and parcel numbers, to the Township Board of Trustees, at the next regularly scheduled board meeting following said approval.

Section 5.07 -- Recording Deeds

Within sixty (60) days after approval of any division of land, the appropriate deeds and other transfer documents shall be recorded with the Ingham County Register of Deeds, if applicable, based on the descriptions and surveys set forth in the approved application. The recording of such deeds and transfer documents shall be the responsibility of the applicant.

Section 5.08 -- Appeals

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by a decision by the Township Assessor or other body charged with enforcement of this Ordinance. In ruling on an appeal related to this Ordinance, the Zoning Board of Appeals shall follow the general guidelines for appeals as set forth in the adopted Township Zoning Ordinance. Nothing in this Ordinance shall prevent an applicant from seeking a variance from zoning requirements prior to submitting an application for division of land pursuant to this ordinance.

Section 5.09 -- Application for Site Plan Approval or a Building Permit

Following final approval of a division of land in accordance with this Ordinance, the property owner may apply for site plan review or a building permit, as applicable, to allow development in accordance with the Zoning Ordinance. Building permits shall not be issued for illegal lot splits or division of land. Notwithstanding this provision, nothing in this Ordinance is intended to prevent issuance of building permits or development on legal nonconforming lots of record, subject to compliance with Zoning Ordinance requirements.

Section 5.10 -- Issuance of a Building Permit Not Certain

Approval of a divisions of land is not a determination that the resulting parcels comply with other ordinances and regulations. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, inadequate sewage disposal facilities, or other reasons. Any notice of approval of a division shall include a statement to this effect. *(revised 12/1/98)*

If, at the time the lands division proposal is acted on, insufficient information exists to determine whether a proposed lot can be built upon in compliance with the Zoning Ordinance, the proposed land division may still be approved provided that the property owner first submits an affidavit acknowledging that insufficient information has been compiled to determine usability of the resulting parcels for permitted uses in the zoning district in which the parcel(s) are located. Furthermore, the affidavit shall indicate that the property owner shall not allege any taking of property resulting from future denial of a use permit, where the denial is related to the insufficiency of information available to the Township at the time the parcel was created. *(revised 12/1/98)*

The affidavit shall be prepared in a form that is acceptable to the Township Attorney, and the applicant shall record the affidavit with the office of the Ingham County Register of Deeds relative to the parcels identified in the affidavit. Evidence that the affidavit has been recorded shall be submitted to the Township. *(revised 12/1/98)*

Article VI

STANDARDS FOR GRANTING APPROVAL

The standards in this Article have been adopted to provide a uniform basis for decisions required by this Ordinance, and to allow land division where it would protect public health, safety and welfare. **(revised 12/1/98)**

Section 6.01 -- General Requirements, Compliance with State Law

An application for division of land shall not be approved unless it is in compliance with the Land Division Act, Michigan Public Act 288 of 1967, as amended or replaced. Accordingly, the following conditions apply:

1. Division of the Parent Parcel or Parent Tract. The number of parcels created shall not exceed the amount specified by Section 108 of Michigan Public Act 288 of 1967, as amended. Accordingly, a proposed division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following:
 - a. For the first ten (10) acres or fraction thereof in the parent parcel or parent tract: four (4) parcels.
 - b. For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract: one (1) additional parcel, for up to a maximum of eleven (11) additional parcels.
 - c. For each whole forty (40) acres in excess of the first one hundred twenty (120) acres in the parent parcel or parent tract: one (1) additional parcel.
 - d. If the parent parcel or parent tract is twenty (20) acres or greater, the division may result in a total of two (2) additional parcels, provided that one or both of the following conditions exist:
 - (i) Because of the establishment of one (1) or more new roads, no new driveway access to an existing public road is required or created for any of the resulting parcels.
 - (ii) One of the resulting parcels comprises not less than sixty percent (60%) of the area of the parent parcel or parent tract.
 - e. A parcel of forty (40) acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted. **(revised 4/1/97)**
2. Additional Future Division. A parcel or tract created by an exempt split (as defined in Public Act 288 of 1967, as amended) or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of Public Act 288 of 1967, as amended, if all of the following requirements are met:
 - a. Not less than ten (10) years have elapsed since the parcel or tract was recorded.
 - b. The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - (i) Two (2) parcels for the first ten (10) acres or fraction thereof in the parcel or tract, plus one (1) additional parcel for each whole ten (10) acres in excess of the first ten (10) acres in the parcel or tract.
 - (ii) A total of seven (7) parcels, except that a total of ten (10) parcels may result if one of the resulting parcels under this subsection 2 comprises not less than sixty percent (60%) of the area of the parcel or tract being partitioned or split. **(revised 4/1/97)**

ORDINANCE TO REGULATE THE DIVISION OF LAND

3. Division of Land in a Recorded Plat. A subdivision lot, outlot, or other parcel of land in a recorded plat may be divided pursuant to the requirements of this Ordinance only if such lot, outlot, or other parcel is divided into not more than four (4) parts, and provided that:
- a. Each of the resulting parcels shall comply with minimum requirements for a buildable zoning lot, and
 - b. The total number of lots in the subdivision shall not increase above the number originally platted, and

Proposals to increase or decrease the total land area within a subdivision shall require a replat of all or part of the subdivision pursuant to Section 104 of Michigan Public Act 288 of 1967, as amended. Where land has been added to a subdivision lot resulting in expansion of the lot and subdivision boundaries, said lot shall not be subsequently divided in a manner that would decrease the size or amount of land encompassed by the original platted lot.

4. Depth-to-Width Ratio. Parcels created as a result of division of land that are ten (10) acres or smaller shall have a maximum depth-to-width ratio of 3 to 1, except where it is demonstrated that a deeper lot will protect natural resources, such as woodlands, wetlands, or wildlife habitat. **(revised 4/1/97)**
5. Irregularly Shaped Lots. The purposes of minimum lot area standards are to achieve adequate open space around and between dwelling units, achieve building development that is proportional to the area of the lot, provide adequate land on each lot to allow development without the need for variances, preserve the character of the neighborhood and surrounding area, and maintain privacy on each building lot. This can be accomplished on lots meeting the minimum area standards that are nearly rectangular in shape, but is more difficult to accomplish on irregularly-shaped lots, such as those with more than four sides and/or those where a portion of the required lot area is located in one or more appendages or extensions off of the main buildable portion of the lot (such as T-shaped or L-shaped lots).

Consequently, any proposal to create a new lot ten (10) acres or less in area shall not be permitted if the lot: (a) has more than four sides, and (b) is irregularly-shaped as a result of an appendage or extension, and (c) has less than the minimum lot area required if the area of the appendage or extension is not included in the lot area calculation. **(added 2/3/04)**

Section 6.02 -- Zoning Requirements

All parcels created as a result of division of land shall comply with all applicable zoning requirements, including minimum lot size, lot width, public road frontage, and parking requirements. Each parcel created as a result of division of land shall be accessible, as defined in Article III of this Ordinance. No parcel that is smaller in area than currently required by the Zoning Ordinance shall be further divided. **(revised 4/1/97)**

Notwithstanding these requirements, land division proposals may be approved in the following circumstances:

- 1. Where the proposed division of land would reduce the degree of existing nonconformity with zoning standards, or
- 2. Where the division of land is proposed with the intention of immediately combining portions of the original parcel with additional land for the purposes of creating a new parcel or parcels, provided that the new parcel or parcels is/are in compliance with zoning requirements or reduce the degree of nonconformity with zoning requirements.

In each of these cases, the division shall be permitted only if the property owner records an affidavit or deed restriction with the Ingham County Register of Deeds which describes the property and the circumstances and conditions of approval. The affidavit or deed restriction shall be reviewed by the Township Planner and Assessor prior to recording, and the property owner shall provide a copy of the recorded affidavit or deed restriction to the Township.

ORDINANCE TO REGULATE THE DIVISION OF LAND

An application for division of land in a commercial or industrial district shall not be approved if the division would result in a loss of parking so that: 1) an existing use or uses would no longer comply with the minimum parking requirements, and 2) development on a resulting parcel or parcels would be unable to comply with the minimum parking requirements.

Section 6.03 -- Taxes and Assessment Liens

Any due or unpaid taxes or special assessments upon the property shall be paid before the division of land is given final approval.

Section 6.04 -- Consent of the Title Holder

No division of land shall be approved without the written consent of the title or deed holder of the subject parcel.

Section 6.05 -- Disruption to Flow of Water

No division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the County Drain Commissioner. **(revised 4/1/97)**

Section 6.06 -- Deed Restrictions

- a. The effect of proposed division of land on deed restrictions shall be considered by the Township Assessor in his/her review of the application. However, such deed restrictions shall not be binding upon the Township under this Ordinance.
- b. The deeds for all parcels of unplatted land shall meet the requirements of Section 109, sub-sections (3) and (4) of Public Act 288 of 1967, as amended. Evidence of compliance with these requirements (e.g., copies of recorded deeds) shall be submitted to the Township. **(revised 4/1/97)**

Section 6.07 -- Easements

Approval of a proposed division of land shall be subject to the dedication of any easements necessary for roads, public utilities, bicycle/non-motorized vehicle paths, sidewalks, or other necessary public facilities required.

Section 6.08 -- Buildability

- 1. An application for division of land shall not be approved unless the applicant demonstrates to the satisfaction of the Township Assessor that the resulting parcels have adequate usable land area, such that the parcels can be built upon or used in compliance with Zoning Ordinance standards. In determining whether this criterion has been met, issues that shall be taken into consideration include, but are not necessarily limited to the following:
 - a. Each resulting parcel shall either be served by a public sanitary sewer and wastewater treatment system or be capable of being served by an on-site sewage disposal system, such as a septic system, approved by the Ingham County Health Department;
 - b. Each resulting parcel shall either be served by a public water system or shall be capable of obtaining adequate potable water from an on-site well approved by the Ingham County Health Department;
 - c. Unusual topography which may prevent use of portions of a parcel;
 - d. Presence of easements or rights-of-way that restrict use of a parcel;
 - e. Wetlands, surface water, or floodplains that restrict or prevent use of portions of a parcel;
 - f. Soils that are incapable of supporting a foundation for a building;

ORDINANCE TO REGULATE THE DIVISION OF LAND

- g. The shape of a parcel and/or building footprint with respect to minimum practical dwelling unit dimensions. **(revised 4/1/97)**
- 2. Nothing in sub-sections a or b shall obligate the Township to provide public sanitary sewers, wastewater treatment, or public water utilities.
- 3. If, at the time the land division proposal is submitted, insufficient information exists to determine whether a proposed lot can be built upon in compliance with the Zoning Ordinance, the proposed land division may still be approved provided that the property owner first submits an affidavit acknowledging that insufficient information has been compiled to determine useability of the resulting parcels for permitted uses in the zoning district in which the parcels are located. Furthermore, the affidavit shall indicate that the property owner shall not allege any taking of property resulting from future denial of a use permit, where the denial is related to the insufficiency of information available to the Township at the time the parcel was created.

Article VII

FEES, PENALTIES, SEVERABILITY, EFFECTIVE DATE

Section 7.01 -- Fees

The Township may charge a fee for review of applications for division of land. The fee shall be established by resolution of the Township Board in an amount necessary to cover the cost of the review.

Section 7.02 -- Penalties

A violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. The cost of prosecution shall also be assessed against the violator.

Section 7.03. -- Severability

This Ordinance and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for an reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

Section 7.04 -- Effective Date

Motion to approve having been made by Trustee _____ and seconded by _____, this Ordinance was made and passed by the Board of Trustees of Williamstown Township on the _____ day of _____, 1996. This Ordinance shall take effect on the _____ day of _____, 1996, thirty (30) days following publication in a newspaper of general circulation within Williamstown Township, as required by law.

Norman Obst, Supervisor

Shirley Graham, Township Clerk

Print date: June 15, 2020

ORDINANCE NO. 50
LANDSCAPE ORDINANCE

*Williamstown Township
Ingham County, Michigan*

**Adopted by the Township Board on
July 8, 2015**

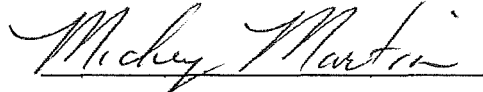
Landscape Ordinance

- It shall be the duty of the owner, or occupant, or any person or persons, agent, firm, or corporation having control and/or management of any parcel of property zoned either R-1, R-1-S, RR or in a Platted Subdivision, to prevent weeds, grasses, brush or other vegetation from growing to a height of greater than 12 inches within 50 feet of principal dwelling, nor shall such owner, agent, or occupant permit an accumulation of dead weeds, grasses, brush or other vegetation of a height greater than 12 inches on any such properties. Nothing in this section shall apply to trees, flower gardens, vegetation planted for ornamental purposes, or vegetation in vegetable gardens. The presence of such weeds upon any such parcel of property is hereby declared to be a public nuisance.

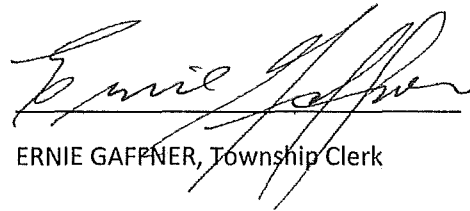
- The Township Supervisor or his/her designated agent shall notify by personal delivery or by posting on the premises, the owner, agent or occupant of any of the lands on which prohibited grasses, weeds, vegetation or brush is found. Such notice shall contain a description of the prohibited condition and a summary of the provisions of this article. If the owner, agent or occupant of such land has failed within seven days after such notice is received to cut, destroy or remove the prohibited condition, the Township Supervisor or his/her designated agent may enter upon such land and destroy and/or otherwise remove the prohibited weeds, grasses, brush or other vegetation. Express power to so enter such lands and perform such duties is hereby conferred upon the Township Supervisor or his/her designated agent. All expenses incurred in such destruction and/or removal shall be billed to and paid by the owner, agent, or occupant of such lands. If such owner, agent, or occupant shall not pay such statement when due, the amount of expenses incurred by the township in destroying and/or removing such condition shall be paid from the township general fund and the amount thereof assessed against the lands on which such expenditures were made on the next general assessment roll of the township and shall be collected in the same manner as other taxes are collected. The township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

- In addition to the above, any owner or occupant, or person or persons, agent, firm, or corporation having control and/or management of any parcel of land who shall violate any of the provisions of this Ordinance or fails to comply therewith, may be responsible for a municipal civil infraction, at the discretion of the Township Supervisor or his/her designated agent. Upon being found responsible of such violation, such owner or occupant, or person or persons, agent, firm or corporation shall be assessed a fine not to exceed \$100.00. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. The imposition of the above fine shall not be held to prevent the enforced removal of prohibited conditions. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

MADE, PASSED AND ADOPTED BY THE WILLIAMSTOWN TOWNSHIP BOARD, INGHAM COUNTY,
MICHIGAN THIS 8th DAY OF July, 2015.



MICKEY MARTIN, Supervisor

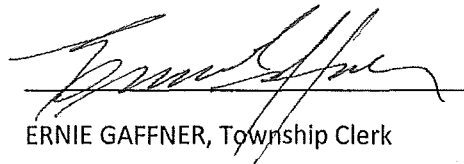


ERNIE GAFFNER, Township Clerk

Date of Adoption: 7/8/2015
Date of Publication: 7/26/2015
Notice of Adoption: 8/24/2015

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Williamstown Township Board of Trustees held on the 8th day of July, 2015.



ERNIE GAFFNER, Township Clerk

Williamstown Township
Ingham County, Michigan

Right-of-Way Ordinance

*Adopted by the Township Board
June 2, 2009*

McKENNA ASSOCIATES, INC.
Urban Planning – Landscape Architecture
235 E. Main St., Suite 105
Northville, Michigan 48167

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**Williamstown Township
Ingham County, Michigan**

Right-of-Way Ordinance

AN ORDINANCE TO ADMINISTER AND REGULATE THE PUBLIC RIGHTS-OF-WAY IN THE PUBLIC INTEREST, AND TO PROVIDE FOR ISSUANCE AND REGULATION OF RIGHT-OF-WAY PERMITS.

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

ARTICLE 1.00 – TITLE AND PURPOSE

Section 1.1 – Title

This Ordinance shall be known and cited as the “Williamstown Township Right-of-Way Ordinance.”

Section 1.2 – Purpose

Williamstown Township recognizes that the public rights-of-way (ROW) within its geographic boundaries are assets held in trust for its citizens. The Township also recognizes that some persons, by placing their equipment in the ROW and charging the citizens for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, and although the installation of such facilities is in most cases necessary and proper use of the ROW, the Township must regulate and manage such uses.

To provide for the health, safety, and well-being of its citizens and to ensure the structural integrity of its streets and the appropriate use of the ROW, the Township strives to keep the ROW within its boundaries in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the ROW, one of the causes for the early and excessive deterioration of the ROW is frequent excavation and other intrusions into the sub-surface area.

This Ordinance imposes reasonable regulations on the placement and maintenance of equipment currently within the ROW or to be placed therein. It is intended to complement and not replace or contradict the Ingham County Road Commission or the Michigan Department of Transportation standards and regulations.

The provisions of this Ordinance shall not apply to ROW users exempted by the statutes of the state of Michigan.

ARTICLE 2.00 – DEFINITIONS

The following words, terms and phrases, as used herein, have the following meanings:

Applicant – Any person or entity requesting permission to excavate or obstruct a ROW.

Degradation – A decrease in the useful life of the ROW caused by excavation in or disturbance of the ROW, resulting in the need to reconstruct the ROW earlier than would be required if the excavation or disturbance did not occur.

Emergency – A condition that 1) poses a clear and immediate danger to life or health, or of a significant loss of property, or 2) requires immediate repair or replacement in order to restore services to a customer.

Equipment – Any tangible asset used to install, repair or maintain facilities in the ROW.

Excavate – To dig into or in any way remove or physically disturb or penetrate any part of a ROW.

Excavation Permit – A permit which must be obtained before a person may excavate in a ROW. An excavation permit allows the holder to excavate only in that part of the ROW described in the permit.

Franchise – Any person or entity with tangible assets or equipment in the ROW for the purposes of providing utility services to the general public having been previously approved by the Township by written agreement, contract, or by franchise ordinance.

Obstruct – To place any tangible object in a public ROW so as to hinder free and open passage over that or any part of the ROW for an aggregate period of four (4) hours or more in conjunction with the issuance of a ROW permit.

Obstruction Permit – A permit which must be obtained before a person may obstruct a ROW, allowing the holder to hinder free and open passage over the specified portion of that ROW by placing equipment described therein on the ROW for the duration specified in the permit.

Patch or Patching – A method of pavement replacement that is considered temporary in nature.

Permit Holder – Any person to whom a permit to excavate, obstruct, or place equipment or facilities in a ROW has been granted by the Township under this Ordinance.

Person – A private individual or authorized representative or agent of an entity subject to all laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Registrant – Any person or entity that digs, excavates, intrudes or has or seeks to have its facilities or equipment located in any ROW for temporary or permanent placement.

Restoration – The process by which the ROW and surrounding area, including pavement, foundation, and turf areas, are returned to the same or better condition and life expectancy than existed immediately before excavation.

Right-of-Way (ROW) – The strip of land over which an easement exists to allow facilities such as public roads, highways, streets, bicycles lanes, sidewalks, communications, and power lines to be built.

ROW Permit – Either an excavation permit or obstruction permit or both, depending on the context required by this Ordinance.

ROW User – 1) A telecommunications ROW users, 2) a person owning or controlling a facility in the public ROW that is used or is intended to be used for providing utility service and who has a right under the law, franchise, or ordinance to use the public ROW, or 3) other registrants approved by the Township Supervisor.

Utility or Utility Service – Services provided by 1) a public utility as defined by Michigan statutes, 2) services of a telecommunications ROW user, 3) services provided by a cable or wireless communications system, 4) natural gas, electric energy or telecommunications services provided by a local unit of government, 5) water, sewer, fire and alarm communications, storm sewer, light, energy, or power services, including wind generation.

ARTICLE 3.00 – REGISTRATION REQUIRED

Section 3.1 – Registration Required Prior to Work in the Right-of-Way

No one shall construct, install, repair, remove, relocate or perform any work within any ROW in Williamstown Township without first being registered pursuant to this Section. Such registration shall be made on an application form provided by the Township. Registration shall be required each calendar year. A franchised service or utility service shall be registered pursuant to this Section but need not annually provide registration information as required by Section 3.3 if such information has been submitted pursuant to a franchise agreement or ordinance.

Section 3.2 – Exceptions

The following are not subject to the registration requirements in Section 3.1. The Township Supervisor shall be responsible for interpretation of Section 3.2.

1. Person or persons planting or maintaining pre-approved boulevard surface plantings or gardens.
2. Person or persons installing mail boxes or a private sidewalk from the street or curb to dwelling unit or commercial structure.
3. Person or persons engaged in commercial or private snow removal activities.
4. Person or persons installing street furnishings or irrigation systems.

Section 3.3 – Registration Information

The registrant shall provide the following at the time of registration and shall promptly notify the Township of changes in such information:

1. Registrant’s name, address, telephone number, fax number, and e-mail address.
2. Name, address, telephone number, fax number, and e-mail address of the person responsible for fulfilling the obligations of the registrant.
3. Unless exempted by previous or existing agreements or ordinances, a current Certificate of Insurance from a company licensed to do business in the State of Michigan providing minimum coverage in the following amounts:

General Liability

Public Liability, including premises, products and complete operations
Bodily Injury Liability -- \$1,000,000 each person, \$3,000,000 each occurrence
Property Damage Liability -- \$3,000,000 each occurrence

Comprehensive

Automobile Liability Insurance, including owned, non-owned and hired vehicles
Bodily Injury Liability -- \$1,000,000 each person, \$3,000,000 each occurrence
Property Damage Liability -- \$3,000,000 each occurrence

Such certificates shall name the Township as an additional insured as to whom the coverage required herein are in force and applicable and for who defense will be provided as to all such coverage. Such certificates shall require that the Township be notified thirty (30) days prior to cancellation of the policy.

4. A 24-hour emergency number.
5. An acknowledgement by the registrant of the indemnification pursuant to the Ordinance.
6. Such additional information as the Township may require.

ARTICLE 4.00 – PERMIT REQUIREMENTS

Section 4.1 – Permit Required

No registrant or other person may obstruct or excavate any ROW without first having been issued a ROW permit pursuant to this Section, except as otherwise provided in this Ordinance.

1. Excavation. A permit shall be required to excavate that part of the ROW described in each permit that may hinder free and open passage over the specified portion of the ROW when placing or repairing facilities therein.
2. Obstruction. A permit shall be required for an obstruction by a registrant if the work proposed may hinder free and open passage over the specified portion of the ROW by placing or repairing equipment described therein within the ROW.
3. Pole Attachment. A permit shall be required in order to attach a wireless telecommunications facility or any other device to an existing public utility structure in the public ROW.

Section 4.2 – Permit Extension

No person shall execute or obstruct the public ROW beyond the date or dates specified in the permit or do any work outside the work specified in the permit unless such person makes a supplementary application before the expiration of the permit. The Township Board may extend the permit expiration date upon making the determination that the delay in completion is due to compelling reasons, such as but not limited to: unseasonable weather, unexpected soil conditions, unexpected dewatering requirements, other agency permit delays, or other circumstances beyond the control of the permit holder.

Section 4.3 – Permit Application

An application for a ROW permit shall be made on forms provided by the Township. If the work is to be performed by an agent, contractor, or subcontractor on behalf of the registrant, such application shall be signed by the registrant. The application shall be accompanied by the following:

1. Scaled drawings showing the location of all know existing facilities and improvements proposed by the applicant.
2. Detailed description of any above ground devices to be installed including dimensions.
3. A description of the methods that will be used for installation.
4. A proposed schedule for all work.
5. The location of any public streets, roads, highways, bicycle paths, or sidewalks that will be temporarily closed to traffic and the proposed detour routes with appropriate signage.
6. A description of methods for restoring any public improvements disrupted by the work.
7. Any other information reasonably required by the Township.

Section 4.4 – Permit Conditions

The Township shall grant a ROW permit upon finding the work will comply with the requirements of this Article. The Township may impose reasonable conditions upon the issuance of the permit and the performance of the applicant there under to protect the public health, safety, and welfare, to insure the structural integrity of the ROW, to insure completion of the restoration of the ROW within a specified period, to protect the property and safety of other users of the ROW, and to minimize the disruption and inconvenience to the traveling public. More specifically, conditions may be imposed to:

1. Require greater safety measures than proposed in the interest of public
2. Limit the time frame during special events planned in the community.
3. Minimize vehicular and pedestrian traffic disruption.
4. Assure proper restoration, with trees, shrubs and grass.

Section 4.5 – Security

A performance guarantee in an amount to be determined by the Township shall be required from each applicant to insure completion of the restoration of the ROW within a specified period. The performance guarantee shall be in a form that is approved by the Township Attorney. The applicant, at its option, may post security sufficient to cover all projects contemplated for the current calendar year. Security required pursuant to this Section shall be subject to the conditions that the holder will perform the work in accordance with this Ordinance and applicable regulations and will pay to the Township any cost incurred by the Township in performing work pursuant this Ordinance.

Section 4.6 – Exceptions

No ROW permit shall be required for the following:

1. Surface landscaping work.
2. Private sidewalks, street furnishings, posts, pillars and mailboxes.
3. Snow removal.
4. Irrigation systems.
5. Piercing or drilling a street or sidewalk pavement for the purpose of exploratory examination or utility depth determination. However, any drilling site must be restored to pre-existing conditions.

ARTICLE 5.00 – STANDARDS FOR CONSTRUCTION OR INSTALLATION

Section 5.1 – General Standards

The permit holder shall comply with the following general standards when performing work authorized under the permit:

1. Take such precautions as are necessary to avoid creating unsafe conditions. Observe and comply with all laws, rules and regulations of the state, county and local governments.
2. Conduct the operations in a manner as to insure the least obstruction to and interference with traffic.
3. Take adequate precautions to insure the safety of those who require access to abutting property.
4. Notify adjoining property owners prior to commencement of work which may disrupt the use of and access to such adjoining properties.
5. Comply with the Michigan Manual of Uniform Traffic Control Devices at all times during construction or installation.
6. Protect and identify excavations and work operations with barricade flags and, if required, by flagmen in the daytime and by warning lights at night.
7. Provide proper trench protections as required by O.S.H.A.
8. Protect the root growth of trees and shrubbery.

9. Maintain maximum access to all properties and cross streets as possible during construction operation and maintain emergency vehicle access at all times.
10. Locate all property lines near the ROW and replace any disturbed property corner markers and monuments. A Michigan licensed surveyor must be used in the replacement of disturbed property corners and monuments.
11. All work performed in the ROW shall be done in conformance with the Ingham County Road Commission or Michigan Department of Transportation construction standards, as applicable.
12. Street and pedestrian traffic shall be maintained throughout construction unless provided otherwise by the permit.
13. No road surface damaging lugs, cleats, or equipment may be used or driven upon paved street surfaces.
14. Dirt, trash and other debris shall be periodically removed and properly disposed of during construction.

Section 5.2 – Standards for Installation of Underground Utilities

The permit holder shall comply with the following standards when installing facilities underground:

1. Underground facilities must be placed as far off the roadway as possible to provide access from outside the paved area.
2. Crossing of streets and hard surfaced driveways shall be directional bored unless otherwise approved.
3. All work performed in the ROW shall be done in conformance with the Ingham County Road Commission or Michigan Department of Transportation construction standards, as applicable.
4. The facilities shall be located so as to avoid traffic signals and signs.
5. Underground facilities shall not be installed between a hydrant and an auxiliary valve.
6. Underground facilities shall not be installed within five (5) feet of hydrants, valves, lift stations or manholes in areas where utility easements exist beyond the ROW.
7. Buried fiber facilities must be placed in a conduit of a type determined by the ROW user unless the permit holder obtains a waiver from the Township.

Section 5.3 – Other Obligations

1. **Compliance with Other Laws.** The permit holder must obtain all other necessary permits, licenses, and approvals and pay all required fees. The permit holder shall comply with all requirements of local, state, and federal laws. A permit holder shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the ROW pursuant to its permit, regardless of who does the work.
2. **Prohibited Work on Paved Roads.** Except in an emergency, and with the approval of the Ingham County Road Commission, no ROW excavation or obstruction may be done when load restrictions are in place or when conditions are unreasonable for such work.

ARTICLE 6.00 – DENIAL OF A PERMIT

The Township may deny a permit based on any of the following grounds:

1. Failure to register pursuant to the requirements of this Ordinance.
2. The proposed schedule for work would conflict or interfere with an exhibition, celebration, festival, or other similar event.
3. The proposed schedule conflicts with scheduled total or partial reconstruction of the ROW.
4. The applicant is unable to comply with the requirements of this Ordinance.
5. The Township determines that denial is necessary to protect the health, safety and welfare of the public or to protect the ROW and its current use.
6. Any above ground devices must fit the rural character of the Township and must not block traffic sight lines.

ARTICLE 7.00 – EMERGENCIES

Each registrant shall immediately notify the Township and all other affected parties or property owners of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. If the registrant has not been issued the required permit, the registrant shall, within two (2) business days after the occurrence of the emergency apply for the necessary permits and fulfill the remaining requirements necessary to bring itself into compliance with this Ordinance for the actions it took in response to the emergency.

If the Township becomes aware of an emergency regarding a registrant's facilities, the Township shall attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The Township may take whatever action deemed reasonably necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

ARTICLE 8.00 – REVOCATION OF PERMITS

Section 8.1 – Substantial Breach

The Township may revoke a ROW permit if there is a substantial breach of the terms or conditions of any statute, this Ordinance, rules or regulations, or any condition of the permit. A substantial breach shall include, but is not limited to, the following:

1. The violation of any material provision of the permit.
2. Any material misrepresentation of fact in the application for a permit.
3. The failure to maintain the required bonds or other security and insurance.
4. The failure to complete the work in a timely manner.
5. The failure to correct, in a timely manner, work that does not conform to applicable standards, conditions or codes, upon inspection and notification by the Township of the faulty condition.

6. An evasion or attempt to evade any material provision of the ROW permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the Township or its citizens.
7. The failure to comply with the term and conditions of any applicable federal, state, county, or local laws, rules and regulations, including the provisions of this Ordinance.

Section 8.2 – Notice of Breach

If the Township determines that a permit holder has committed a substantial breach of a term or condition of any statute, this Ordinance, rule or regulation, or any condition of this permit, the Township shall notify the permit holder in writing to remedy such violation within a reasonable period of time or be subject to potential revocation of the permit. The Township may impose additional or revised conditions on the permit to mitigate or remedy the breach.

Section 8.3 – Reimbursement for Costs

If a permit is revoked, the permit holder shall reimburse the Township for its reasonable costs, including restoration costs and the costs of collection and reasonable attorney fees incurred in connection with the revocation.

ARTICLE 9.00 – APPEAL

Section 9.1 – Filing of an Appeal

Any person aggrieved by 1) the denial of a permit application; 2) the denial of a registration; or 3) the revocation of a permit, may appeal to the Township Board by filing a written notice of appeal with the Township Clerk within twenty (20) days of the action causing the appeal.

Section 9.2 – Notice of Hearing

The Township Board shall hear the appeal at its next regularly-scheduled meeting unless the time is extended by mutual agreement of the parties. Notice of the date, time, place and purpose of the hearing shall be mailed to the appellant.

Section 9.3 – Hearing and Decision

The Township Board shall, at the hearing, consider any evidence offered by the appellant, the Township and any other person wishing to be heard. The Township Board shall issue a written decision within thirty (30) days of the completion of the hearing.

ARTICLE 10.00 – ABANDONED AND UNUSABLE EQUIPMENT AND FACILITIES

Section 10.1 – Discontinued Operations

A registrant who has determined to discontinue all or a portion of its operations in the Township must provide information satisfactory to the Township that the registrant's obligations for its facilities in the ROW under this chapter have been lawfully assumed by another registrant.

Section 10.2 – Removal of Abandoned Facilities

Any registrant who has abandoned facilities in any ROW shall remove the facilities from the ROW to the extent that such facilities interfere with any other ROW repair, excavation, or construction, unless this requirement is waived by the Township Supervisor. A record of the removal of abandoned facilities shall be maintained at the Township, along with any plans that illustrate the location of such facilities.

ARTICLE 11.00 – INDEMNIFICATION AND LIABILITY

By registering with the Township and accepting a permit granted under this Ordinance, a registrant or permit holder agrees as follows:

Section 11.1 – Limitation of Liability

By reason of the acceptance of a registration or the grant of a ROW permit, the Township does not assume any liability for: 1) injuries to persons, damage to property or loss of service claims by parties, or 2) claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment or facilities by registrants or permit holders or activities of registrants or permit holders.

Section 11.2 – Indemnification

A registrant or permit holder shall indemnify, keep and hold the Township, its officials, employees and agents, free and harmless from any and all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, or operation of its equipment and facilities, or out of any activity undertaken in or near the ROW, whether or not any act or omission complained of is authorized, allowed, or prohibited by a ROW permit. The foregoing does not indemnify the Township for its own negligence except for claims arising out of or alleging the Township's negligence in issuing the permit or in failing to properly to adequately inspect or enforce compliance with a term, condition or purpose of a permit. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant, permit holder or the Township, and registrant or permit holder, in defending any action on behalf of the Township, shall be entitled to assert in any action every defense or immunity that the Township could assert on its own behalf.

If the registrant or permit holder is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permit holder may not settle the litigation without the consent of the Township. Such consent will not be unreasonably withheld.

ARTICLE 12.00 – FEES

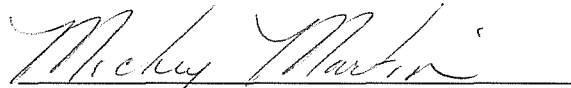
Fees for review of applications and enforcement of this Ordinance shall be established by resolution of the Williamstown Township Board.

ARTICLE 13.00 – SEVERABILITY

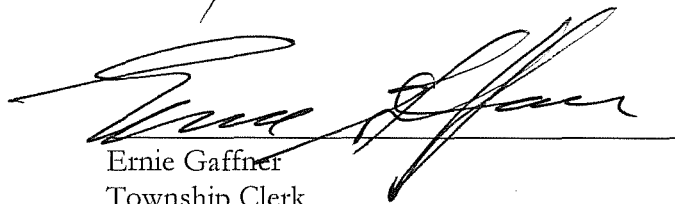
If any article, section, sub-section, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency or competent jurisdiction, such article, section, sub-section, clause, phrase or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder thereof.

ARTICLE 14.00 – EFFECTIVE DATE

Motion to approve having been made by Treasurer Eyster and seconded by Supervisor Martin, this Ordinance was made and passed by the Board of Trustees of Williamstown Township of the 2nd day of June, 2009. This Ordinance shall take effect on the 14th day of June, 2009, upon publication in the Williamston Enterprise, a newspaper of general circulation in Williamstown Township.



Mickey Martin
Township Supervisor



Ernie Gaffner
Township Clerk

**Township of Williamstown
Ingham County, Michigan**

SIDEWALK ORDINANCE

Ordinance No. 35

*Adopted by the Township Board
on February 3, 1998
Revised August 13, 2014*

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**Township of Williamstown
Ingham County, Michigan**

SIDEWALK ORDINANCE

Ordinance No. 35

An Ordinance enacted pursuant to Michigan Public Act 246 of 1931, as amended, to specify standards for design, maintenance, and use of sidewalks located in public road rights-of-way; establish requirements for obtaining permits to construct sidewalks; designate sidewalk maintenance responsibilities; and, establish enforcement procedures and penalties for violation of the Ordinance.

THE TOWNSHIP OF WILLIAMSTOWN, INGHAM COUNTY, MICHIGAN ORDAINS:

Article I

TITLE

This Ordinance is hereby designated as and shall be referred to as the Williamstown Township Sidewalk Ordinance. Within the following text it may be referred to as this Ordinance.

Article II

PURPOSE AND SCOPE OF APPLICATION

Section 2.01 B Purpose. The purposes of this Ordinance are to protect and promote public health, safety, and welfare by specifying standards for design, maintenance, and use of sidewalks located in public road rights-of-way; establishing requirements for obtaining permits to construct sidewalks; designating sidewalks maintenance responsibilities; and, establishing enforcement procedures and penalties for violation of the Ordinance. These regulations are the minimum standards deemed necessary to provide suitable and safe off-road accommodations for pedestrians.

SIDEWALK ORDINANCE

Section 2.02 B Scope of Application. The requirements in this Ordinance shall apply to sidewalks constructed within a public right-of-way.

Article III

DEFINITIONS

Building Official: The officer or other authority designated by the Township Board to administer and enforce the Building Code.

Rumble Strips: Ripples in pavement that are purposely installed to signal visually-impaired pedestrians where a sidewalk intersects a road.

Sidewalk: A paved path, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel.

Township: The Township of Williamstown, Ingham County, Michigan.

Township Board: The Supervisor, Clerk, Treasurer, and Trustees of the Township of Williamstown, Ingham County, Michigan.

Article IV

STANDARDS

Section 4.01. Use of Sidewalks.

1. **Pedestrian Use.** Sidewalks, as defined herein, are for pedestrian use, and are not intended for use by motorized vehicles, such as but not limited to, motorcycles, mopeds, or off-road utility vehicles.
2. **Unlawful Damage.** It shall be unlawful to damage or deface a sidewalk by any means.

Section 4.02. Construction Standards. Sidewalks shall comply with the standards set forth herein and any supplemental engineering standards that may be adopted by the Township Board, and with Ingham County Road Commission (ICRC) standards (at the time of adoption of this Ordinance ICRC enforces Michigan Department of Transportation (MDOT) sidewalk specifications on roads under the Road Commission=s jurisdiction). In the event of a conflict between standards, ICRC standards shall prevail if the sidewalk is located in a public road right-of-way.

1. **Minimum width:** Five (5) feet.

Revised 8/13/14, Published 8/31/14, Effective 10/1/14

SIDEWALK ORDINANCE

2. **Location:**
 - a. Sidewalks shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way.
 - b. Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties.
 - c. The Planning Commission may modify these location requirements upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks on adjacent parcels, or other site considerations.
3. **Paving.** Sidewalks shall be concrete with a depth of at least four (4) inches, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a depth of at least six (6) inches. Other types of paving other than concrete may be permitted, subject to Planning Commission approval. Paving shall be placed on appropriate compacted fill to provide a proper base and to prevent the pavement from uneven settling, heaving, and/or cracking.
4. **Barrier-Free Design.** Sidewalks shall comply with all state and federal barrier-free requirements. Accordingly, ramps shall be provided at curbs and other locations involving a grade change.
5. **Grading and Drainage.** Proposed sidewalks shall be designed to maintain the existing direction and flow of storm water and to avoid damming or flooding.
6. **Rumble Strips.** Rumble strips shall be installed wherever a sidewalk approaches an intersection with a road.

SIDEWALK ORDINANCE

Section 4.03. Maintenance Standards.

1. **Maintenance Responsibility.** It shall be the duty of the property owner to maintain public sidewalks on or adjoining said property in accordance with Section 4.03. Failure to comply with any provision in Section 4.03 shall be considered a breach of this duty. Any damages resulting from such a breach shall be the sole responsibility of the property owner.

A legally established homeowners= association or condominium association may assume the responsibility for maintenance of public sidewalks within a subdivision or condominium under its jurisdiction. The terms under which such an association assumes such responsibility, including the method of funding sidewalk maintenance, shall be specified in the recorded subdivision covenants, conditions and restrictions or condominium association master deed and bylaws, as applicable.

2. **Repairs or Restoration.** A sidewalk that becomes cracked or damaged to the extent that the sidewalk becomes potentially unsafe for use shall be repaired or restored in compliance with the construction standards specified herein.
3. **Obstructions.** Sidewalks shall be kept free of all obstructions, including but not necessarily limited to, obstructions from structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk, in which case appropriate barriers and signage shall be erected to maintain public safety.
4. **Snow and Ice Removal.** Sidewalks shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk or road.

Article V

ENFORCEMENT

Section 5.01. Duties of the Building Official. The Building Official shall have primary authority to enforce this Ordinance, as outlined in this Section.

1. **Permits.**
 - a. A permit is required by the Township prior to the construction, removal, or repair of a sidewalk. A permit may be obtained by submitting a completed application form, along with plans and specifications, and the required fee, to the Township Building Department. The Building Official shall be responsible for evaluating the

SIDEWALK ORDINANCE

application to determine compliance with Ordinance standards (and to determine compliance with the approved site plan, where applicable) and issuing the permit. A separate permit shall not be required if the proposed sidewalk is part of a larger development that requires a building permit. A copy of the permit shall be kept at hand at the construction site.

- b. The applicant shall be responsible for obtaining any permits required by the Ingham County Road Commission related to sidewalk construction within a County road right-of-way.
2. **Inspection.** During construction, the Building Official shall be responsible for inspection. In fulfilling this responsibility, the Building Official shall follow the inspection guidelines set forth in the adopted building code.
3. **Violations.** The Building Official shall be responsible for investigating violations of this Ordinance. Whenever the Building Official determines that a violation exists, the Building Official shall pursue compliance following the enforcement procedures set forth in the adopted building code. If the owner of property where a sidewalk has fallen into a state of disrepair such that it is unsafe for use fails to complete repairs within thirty (30) days after notification, then the Township may cause necessary repairs and charge the property owner for the costs of repair. If such costs are not paid by the property owner the costs shall become a lien against the property.
4. **Performance Guarantee.** The Building Official may require that a performance guarantee be deposited with the Township to insure proper completion of required sidewalk construction. The performance guarantee shall satisfy the performance guarantee requirements specified in the Zoning Ordinance.

Section 5.02. Site Plan Review. If a proposed sidewalk is part of larger development that requires site plan review, then the sidewalk shall be shown on the site plan, which plan shall be reviewed in accordance with the site plan review procedures set forth in the Zoning Ordinance.

Section 5.03. Authority of the Township Board to Require Sidewalk Construction or Maintenance. In accordance with Michigan Public Act 246 of 1931, as amended, the Township Board may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks in a designated area within the Township because of the health, safety, or welfare of the residents. The Township Board shall hold a public meeting relative to the ordering of the sidewalk construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing. If the Township Board determines that the construction, repair or maintenance of sidewalks is necessary, it may construct, repair, or maintain the sidewalks and assess the costs to the property involved, payable over a five (5) year period, or permit the owners of the property involved to have the sidewalks constructed, repaired, or maintained according to Township specifications at their own expenses.

SIDEWALK ORDINANCE

Article VI

**PENALTIES, SEVERABILITY, CONFLICTING
PROVISIONS, EFFECTIVE DATE**

Section 6.01. Penalties. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, and shall be liable for a fine of not more than \$100 and the costs of prosecution for the first violation. Upon a finding of responsibility for a subsequent violation, such person shall be liable for a fine of not more than \$500 and the costs of prosecution. In addition, the Township may exercise those rights identified in Section 5.03 of this Ordinance or seek such injunctive or other relief as may be appropriate to abate a continuing violation, the Township's costs thereof to be borne by the responsible party. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.

Section 6.02. Severability. Should any portion of this Ordinance be found invalid for any reason, such a finding shall not be construed as affecting the validity of the remaining portions of the Ordinance, which shall remain in full force and effect.

Section 6.03. Conflicting Provisions Repealed. All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 6.04. Effective Date. This Ordinance was adopted by the Township Board of the Township of Williamstown, Ingham County, Michigan on the third day of February, 1998, and shall take effect on the 13th day of March, 1998, thirty (30) days following publication in a newspaper of general circulation within Williamstown Township, in accordance with Michigan statutes.

Norman Obst, Township Supervisor

Shirley Graham, Township Clerk

SUBDIVISION ORDINANCE

**Williamstown Township
Ingham County, Michigan**

**McKenna Associates, Incorporated
235 East Main Street, Suite 105
Northville, Michigan 48167
(248) 596-0920**

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WILLIAMSTOWN Page No: 311P

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CHAPTER
SUBDIVISION ORDINANCE

Williamstown Township
INGHAM COUNTY, MICHIGAN

AN ORDINANCE ENACTED PURSUANT TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED (THE LAND DIVISION ACT), MICHIGAN PUBLIC ACT 59 OF 1978, AS AMENDED (THE CONDOMINIUM ACT), AND MICHIGAN PUBLIC ACT 246 OF 1945, AS AMENDED (THE TOWNSHIP ORDINANCES ACT), FOR THE PURPOSE OF ESTABLISHING REGULATIONS GOVERNING THE SUBDIVISION AND FILING OF PLATS; PROVIDING FOR PRELIMINARY AND FINAL APPROVAL OR REJECTION OF SUCH PLATS BY THE TOWNSHIP; PROVIDING DESIGN STANDARDS FOR THE SUBDIVISION OF LAND; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE WITHIN WILLIAMSTOWN TOWNSHIP.

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

ARTICLE 1.00 - TITLE AND PURPOSE

Section 1.1 Title

This Ordinance shall be known and cited as the "Subdivision Ordinance of Williamstown Township."

Section 1.2 Purpose

This Ordinance, the adopted Zoning Ordinance, and the adopted Ordinance to Regulate Division of Land, shall be considered the ordinances referred to in Section 105(b) of Public Act 288 of 1967, as amended, which have been adopted in part to carry out the provisions of said Act 591. These regulations are adopted for the following additional purposes:

1. To provide for the orderly development of the Township in furtherance of the Master Plan and consistent with the Zoning Ordinance.
2. To achieve efficient use of the land and a quality living environment.
3. To provide for adequate light, air, and privacy to minimize danger from fire, flood, and other dangers, and to promote the health, safety and welfare of the general public.
4. To protect the character and social and economic stability of all parts of the Township.
5. To encourage the orderly and beneficial development of the Township through appropriate control of the timing and sequence of development and protection of sensitive environmental areas.
6. To protect and conserve the value of land, buildings, and improvements by minimizing conflicts among land uses.
7. To guide public and private policy making and actions in order to achieve adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, open space, police and fire protection, and other public facilities and services.
8. To coordinate land use with road and highway development in the interest of preventing traffic congestion; accommodating vehicular, pedestrian and other non-motorized transportation; and, providing for the proper location of streets and buildings.
9. To establish reasonable standards for design of subdivisions in order to further the orderly layout and use of land, and to ensure proper survey, legal description, and placement of monuments on subdivided land.
10. To permit development at a rate that is consistent with the availability and capacity of public facilities and services.
11. To prevent the pollution of air and surface and ground water; to assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources so as to

preserve the integrity, stability and beauty of the Township in addition to protecting the public health, safety and general welfare.

12. To promote subdivision design that conserves energy, in part by creating a network of connected roads and by avoiding excessively long dead end or cul-de-sac roads.
13. To preserve the natural character and natural features of the land, including woodlots, wetlands, water courses, natural drainage courses and stream channels, wildlife habitats, and other valuable natural assets.

Section 1.3 Scope of Regulations

1. These regulations apply to all subdivision of land, located totally or partially within the boundaries of Williamstown Township. .
2. No land may be subdivided through the use of any legal description other than with reference to a plat, condominium unit, or lot split approved by the Township in accordance with this ordinance.
3. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of this ordinance that is not in conformity with the provisions of this ordinance. After the effective date of this ordinance, no excavation of land or construction of any public or private improvements shall take place or be commenced for the purposes of creating a subdivision except in conformity with these regulations.

Section 1.4 Vested Rights

Except as otherwise provided in this Ordinance, no vested rights shall accrue to the owner or developer of any subdivision *solely* as a result of tentative or final preliminary plat or final plat approval. Furthermore, tentative preliminary plat approval provides no rights or authority to begin improvements or construction related to subdivision development.

ARTICLE 2.00 - RULES OF CONSTRUCTION AND DEFINITIONS

Section 2.1 Rules of Construction

The following rules of construction shall apply to this ordinance:

1. The particular shall control the general.
2. Unless the context clearly indicates to the contrary, where a regulation involves two or more items, conditions, provisions, or events connect by a conjunction, the conjunctions shall have the following meaning:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that all connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
3. Unless the context indicates to the contrary, where an illustration accompanies any provision in this ordinance, the written text shall have precedence over the illustrations.
4. References to departments, commissions, boards, other offices, and positions are to those of Williamstown Township, unless otherwise indicated. In the event that any department, commission, board, or other office or position is re-named or replaced, then the reference shall apply to the successor department, commission, board, office or position.
5. A reference to a public official of the Township is to that person who performs the function referred to, and may include a designee of the public official.
6. A reference to days is to calendar days unless otherwise indicated in this ordinance or specified by state law. If a deadline falls on a weekend or Township holiday, the deadline shall be extended to the next working day. A working day is defined as any day that is not a Saturday, Sunday, or official Township holiday.
7. In computing a period of days, the day of the act or event from which the designated period of days begins to run shall be excluded, and the last day of the period is included, unless the last day is not a working day. If the last day is not a working day, the period runs until the end of the next working day.
8. Use of "shall," "will," "must," or "should" is mandatory; use of "may" is permissive.
9. Use of "including," "includes," "such as," "additional," or "supplemental" means that the examples provided are illustrative and not an exhaustive listing, unless the context clearly indicates to the contrary.

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10. Words in the present tense include the future tense, words used in the plural include the singular, and the singular plural, unless the context clearly indicates to the contrary.
 11. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
 12. "Across" or "across from" shall mean "on the opposite side" and shall not be interpreted as having the same meaning as "adjacent" or "contiguous" unless the context clearly indicates to the contrary.
 13. All measurements shall be to the nearest integer, unless otherwise specified.
 14. Words or terms not defined herein shall have the meaning customarily assigned to them.

Section 2.2 Definitions

The following definitions shall apply in the interpretation and enforcement of this Subdivision Control Ordinance:

Abutting: Having a common border with, or being separated from such common border by an easement.

Accessible: A parcel is accessible if it meets one or both of the following requirements:

- a. The parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Department pursuant to Michigan Public Act 200 of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- b. The parcel is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the Michigan Department of Transportation or Ingham County Road Department pursuant to Michigan Public Act 200 of 1969, as amended, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

Adjacent: See **Contiguous.**

Adjoining: For the purposes of giving proper public notice as required in this ordinance, "adjoining" shall include properties across the street from the property being developed

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on another street. An alley is not intended for general traffic circulation.

Applicant: The owner of land proposed to be subdivided or the owner's representative who shall have express written authority to act on behalf of the owner.

Appropriate Road Agency: The road agency having jurisdiction over the road, street, or highway being referenced.

As-Built Plans: Construction plans that have been revised upon completion of construction to illustrate the actual location and details of improvements.

Berm: A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this or other applicable ordinances.

Bicycle Path: A path, usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

Block: An area of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies, public open space, unsubdivided acreage, or other barrier to the continuity of development, and not traversed by an existing or future through street.

Block Length: The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersection streets.

Board: The Township Board of Williamstown Township.

Bond: Any form of a surety bond in an amount and form satisfactory to the Township Board.

Buffer: An area occupied by trees, shrubs, fences, and/or berms, designed to separate conflicting uses or limit the view and/or travel of sound between adjacent sites (see also **Greenbelt**). A buffer is often located along a property line. Plantings may consist of natural vegetation or trees and shrubs planted in accordance with a landscape plan (see illustration, Appendix B).

Buildable Area: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

Buildable Area, Net: The net buildable area is that portion of a site that is not encumbered by Michigan Department of Environmental Quality (MDEQ)-regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels or property or materials of any kind.

Building Line or Setback Line: A line parallel to the front lot line at the minimum required front setback line, beyond which a building or part thereof cannot extend unless otherwise permitted under the terms of the zoning ordinance.

Caliper: The diameter of a tree trunk measured in inches, 12" above ground level.

Canopy Tree: A canopy tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater when grown in Ingham County and has a trunk with at least eight (8) feet of clear stem at maturity (see illustration, Appendix B).

Capital Improvements Program: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Caption: The name by which the plat is legally and commonly known.

Centerline Offset of Adjacent Intersections: The gap between the centerlines of roads that intersect a common road from opposite or the same sides.

Clerk: The Township Clerk of the Williamstown Township.

Cluster Development: A development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commission or Planning Commission: The Planning Commission of Williamstown Township.

Commercial Development: A planned commercial center containing buildings, parking, service areas, landscaping, and road improvements to accommodate businesses involved in the sales of goods and services.

Common Open Space: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements (see also **Private Open Space**).

Condominium Project: A plan consisting of not less than two (2) condominium units established in conformance with Michigan Public Act 59 of 1978, as amended.

Condominium Subdivision Plan: The drawings and information prepared pursuant to Section 66 of Michigan Public Act 59 of 1978, as amended.

Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Construction Plans: The drawings accompanying a subdivision plat that show the specific location and design of improvements to be installed in the subdivision.

Contiguous: Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Conventional Development: Development other than planned development.

Crosswalk or Pedestrian Walkway: A right-of-way, at least ten (10) feet in width, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets.

Cul-de-Sac: A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

Culvert: A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

Date of Filing: The date on which a plat is submitted to the Township Clerk in a form that complies with all of the application data requirements in this ordinance for review in accordance with procedures outlined in this ordinance.

Dedication: A conveyance of land by a private owner in the nature of a gift or grant and an acceptance of that land by or on behalf of the public.

Density: The permitted number of dwelling units per gross acre of land to be developed.

Design Flood: The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

Design Standards: Standards that set forth specific improvement requirements.

Detention Basin: A man-made or natural water collector facility which collects surface and/or sub-surface water in order to impede its flow.

Developer: The legal or beneficial owner or owners of land proposed to be subdivided, or the owner's representative.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Diameter at Breast Height (DBH): The trunk diameter of a mature tree in inches measured four and one-half (4 ½) feet above grade.

Divided Street: A street having an island or other barrier separating moving lanes.

Division: The partitioning or splitting of a parcel or tract of land for the purposes of sale, or lease of more than one (1) year, or of building development, that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of Public Act 288 of 1967, as amended. "Division" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and a division is not subject to the platting requirements of said Public Act 288.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage System: The natural and man-made system through which water flows from the land.

Driveway: A private lane, designed primarily for use by vehicles that connects a building with a road.

Easement: A right, created by an express or implied agreement of the owner of land, to make lawful and beneficial use of adjacent land or the land of another.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation, or may require limited development, or in certain instances may preclude development.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

Escrow: A deed, a bond, money, or interest in a piece of property temporarily deposited with a neutral third party, called the escrow agent, by the agreement of two parties. The escrow agent will hold the deposit until the conditions of the agreement are met, at which time the agent will release it to the grantee.

Fence: An artificially constructed unroofed barrier of wood, masonry, stone, wire, metal, or similar manufactured material, used to prevent or control entrance, confine within, or mark a boundary.

Finished Grade: For the purposes of this ordinance, the elevation of the surface of the ground, paving, sidewalks or other surface upon completion of excavation, filling and land balancing related to subdivision construction.

Floodplain: That land which can be expected to be inundated and that is delineated on the Flood Boundary and Floodway Map prepared by the U.S. Department of Housing and Urban Development, as may be supplemented, amended, or revised from time-to-time.

Frontage: See **Lot Frontage**.

Governing Body: The Township Board of Township of Williamstown, Ingham County, Michigan.

Grade: The slope of a street, or other public way, specified in percentage (%) terms. The slope of a street is the ratio of its "rise" to its "run." This calculation results in a fraction, which can be converted to a percentage by multiplying its decimal equivalent by 100.

Ground Cover: A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

Greenbelt: A strip of land located within or adjacent to a road or highway right-of-way, reserved for the planting of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance. In certain cases, existing vegetation may be permitted in a greenbelt, subject to requirements of the ordinance (see illustration, Appendix B).

Grubbing: The removal of understory vegetation from a site which does not include the removal of any trees with a caliper of three (3) inches or greater.

Half Street: A street containing less than the required right-of-way width.

Household: Any person or persons who reside or intend to reside in the same housing unit.

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.

Impoundment: An artificially-created body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

Improvements: Grading, street surfacing, curbs and gutters, sidewalks, cross-walks, water mains, fire hydrants, sanitary sewers, storm sewers, drains, culverts, bridges and other additions to the natural state of land which increases its value, utility, habitability, and use as a subdivision.

Industrial Development: A planned industrial area containing buildings, parking, service areas, landscaping, and road improvements to accommodate industrial uses.

Island: In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signs, or lighting.

Land Division Act: Michigan Public Act 288 of 1967, as amended (known as the Subdivision Control Act prior to enactment of Michigan Public Act 591 of 1996).

Level of Service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Loop Road: A road or street that has its only ingress and egress at two points on the same collector street.

Lot: A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

Lot, Corner: A lot abutting upon two streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 135 degrees (see illustration, Appendix B).

Lot Area, Net: The total horizontal area within the lot lines of the lot, exclusive of any abutting public road rights-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median 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. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

Lot Frontage: The length of the front lot line measured along the street right-of-way or easement line.

Lot Line: The fixed boundaries of a lot described by a survey and recorded in a plat.

- a. **Front Lot Line:** In the case of a lot not located on a corner, the line separating said lot from a street right-of-way. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Building Official. On corner lots where the dwelling unit is placed at an angle, both lines along the street rights-of-way shall be considered Front Lot Lines.
- b. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. On corner lots where the dwelling unit is placed at an angle, the rear lot line shall be an imaginary line parallel to the front building line, not less than ten (10) feet in length, lying farthest from the front building line and wholly within the lot.
- c. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, Reverse Frontage: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts (see definition of **Through Lot**).

Lot, Through: A lot, other than a corner lot, that fronts upon two (2) more-or-less parallel streets or upon two (2) streets that do not intersect at the boundaries of the lot (see illustration, Appendix B).

Lot Width: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

Maintenance Guarantee: Any security which may be required and accepted by Williamstown Township to ensure that necessary improvements will function as required for a specific period of time.

Master Plan: A comprehensive, long-range plan adopted and amended from time to time by the Planning Commission, that is intended to serve as a guide for growth and development of the Township. The plan consists of maps, text, tables, and graphics with recommendations concerning land use, economic development, housing, recreation and open space, transportation and community facilities.

Median: That portion of a divided road or highway that separates lanes of traffic proceeding in opposite directions.

MDOT: Michigan Department of Transportation.

Model Home: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

Mulch: A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevents weeds from growing, hold soil in place, or aid plant growth.

MDEQ: Michigan Department of Environmental Quality (or its successor department or agency).

MDHHS: Michigan Department of Health and Human Services (or its successor department or agency).

MDNR: Michigan Department of Natural Resources (or its successor department or agency).

Natural Resources: Natural resources shall include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources).

Offset: The distance between the centerlines of driveways or streets that are across the street from one another.

Off-Site: Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Off-Street Parking: Parking that is not located within a street or road right-of-way, such as parking in a parking lot, parking structure, or private driveway.

On-Street Parking: Parking that is located on a dedicated street right-of-way.

Open Space: Land within or related to a development which is designated and intended for the enjoyment and use of residents of a subdivision. Open space typically is unoccupied and unobstructed from the ground upward except for living plant material and recreational facilities (such as neighborhood parks, golf courses, ballfields, sidewalks, bikepaths, and gazebos), permitted signs, and drives needed to access open space facilities and utility lines.

Outlot: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use. For example, land set aside for a future road would typically be set aside in an outlot.

Parcel A continuous area or acreage of land which can be described as provided for in the Land Division Act.

Parent Parcel or Parent Tract: A parcel or tract lawfully in existence on the effective date of Public Act 591 of 1996.

Parking Space: An area provided for the parking of a motor vehicle.

Performance Guarantee: Any security that may be required by Williamstown Township as a guarantee that the improvements required as a result of approval of subdivision plat are satisfactorily completed.

Person: Any individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Planned 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.

Planner or Township Planner: The Planning Director, staff planner or consulting planner designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on items such as planning, zoning, land use, subdivision, housing and other related planning and development issues. This term shall include Township specialists on such subjects as landscaping, woodlands, and wetlands.

Planning Assistant: The Planning Assistant is the person or persons designated by the Township Board to administer the Township's planning and zoning program on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work.

Plat: A map or chart of a subdivision of land, prepared in conformance with the Land Division Act.

- a. Sketch Plan. An optional initial review by the Planning Commission of a plan, drawn to scale, showing the proposed layout of streets, lots and other features in relation to existing conditions on the site and on adjoining sites and also showing general subdivision information.
- b. Preliminary Plat: A map showing all salient features of a proposed subdivision submitted to the Township for the purposes of preliminary consideration, and prepared in accordance with this ordinance and the Land Division Act. The preliminary plan review process is separated into "tentative" and "final" preliminary plat review.
- c. Final Plat: A map of a subdivision of land prepared in a form that is ready for approval and recording in accordance with the requirements of this ordinance and the Land Division Act.

Potable Water Supply: Water suitable for drinking or cooking purposes.

Preliminary Plat Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission, Township Board and the applicant.

Private Open Space: Land within or related to a development that is privately maintained and that has not been accepted for maintenance and ownership by the Township or other public agency or governmental unit.

Private Road: A road that is privately maintained and has not been accepted for maintenance or ownership by the Ingham County Road Commission or the State of Michigan. The inclusion of this definition is not intended to indicate that private roads are permitted in Williamstown Township.

Proprietor: A natural person, firm, association, partnership, corporation or combination of any of them, which may hold any ownership interest in land, whether recorded or not. Sometimes also referred to herein as the "Developer."

Public Open Space: An open space area conveyed or otherwise dedicated to the Township, a school district, a state or county agency, or other public body for recreational or conservation uses.

Public Sewer: A sewerage system as defined in Michigan Public Act 98 of 1913, as amended.

Public Utility: Any person, firm or corporation, municipal department, board or commission, or other public authority duly authorized to furnish gas, steam, electricity, storm sewers, sanitary sewers, communication, cable television, telegraph, telephone, transportation, water or other services to residents of the Township.

Public Walkway: A right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or to a street and a public land parcel.

Record Drawings: Construction plans that have been revised upon completion of construction to illustrate the recorded location and details of improvements.

Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: A pond, pool, or basin used for storage of water runoff and that lacks an outlet for water, relying instead on percolation of storm water into the ground.

Right-of-Way: A strip of land reserved and dedicated for a street, alley, walkway, or other public purpose, and which may be occupied by public utilities, such as electric transmission lines, gas pipelines, cable television lines, fiber optics lines, water mains, sanitary sewers, storm sewer mains, shade trees, or other utility uses. Rights-of-way established and shown on the final plat are to be distinct and separate from the lots or parcels adjoining such rights-of-way, and are not to be included in the dimensions or areas of such lots or parcels. Nothing in this definition or ordinance is intended to prevent the establishment of separate easements for utilities.

Right-of-Way Lines: The lines that form the boundaries of a right-of-way.

Road Classifications: The classification of roads described in the Master Plan as follows:

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- a. Principal Arterial. Principal arterial roads are intended to serve the major centers of activity, the highest traffic volume corridors, and the longest trips. Principal arterials serve major traffic movements within the Township.
 - b. Minor Arterial. Minor arterial roads interconnect with the principal arterial system and provide trips of moderate length with a lower level of traffic mobility. Minor arterial roads place more emphasis on land access than principal arterials.
 - c. Collector Roads. Collector roads provide access to abutting properties and traffic circulation within residential, commercial, industrial, and agricultural areas. The purpose of a collector road is to collect traffic throughout the Township and channel it to the arterial system.
 - d. Local Roads. Local roads primarily provide direct access to abutting land and to collector and arterial streets.

The term "street" shall have the same meaning as the term "road" as used in this Ordinance.

Road Department or County Road Department: The Ingham County Road Department.

Screen: A structure or plantings consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Sedimentation: The movement of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Setback: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of the Zoning Ordinance.

Shade Tree: A tree in a public place, street, easement, or right-of-way adjoining a street (also referred to as Street Tree).

Shoulder: The portion of the road right-of-way between the edge of the traffic lane and the intersection of the shoulder slope and side slope planes. The shoulder facilitates road drainage and provides space for emergency stops and maintenance operations.

Sidewalk: A paved path provided for pedestrian use and commonly located at the side of a road within the right-of-way.

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle requirement may apply to the intersection of a public street and a private road or drive.

Sketch Plan: A sketch preparatory to the preliminary plat to enable the subdivider to reach general agreement with the Township as to the form of the plat and the objectives of the regulations contained in this ordinance.

Slope, Steep: A slope with a “moderate” or “high” erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100.

Storm Water Detention: A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention: See **Retention Basin**.

Street Furniture: Man-made, above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

Stub Street: A portion of a street for which an extension has been proposed.

Subdivision Control Act: Michigan Public Act No. 288 of 1967, as amended, now known as the Land Division Act as a result of enactment of Michigan Public Act 591 of 1996.

Subdivide, Subdivision: The partitioning or splitting of a parcel or tract of land for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements specified in Public Act 288 of 1967, as amended. Subdivide or “subdivision” does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel.

Surveyor: A person who, by reason of knowledge of law, mathematics, physical sciences, and techniques of measuring acquired by professional education and practical experience, is licensed to engage in the practice of professional surveying.

Topographical Map: A map prepared by a professional surveyor showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Township: Williamstown Township, Ingham County, Michigan.

Township Engineer or Engineer: The staff engineer or consulting engineer designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

Tract: Two (2) or more parcels that share a common property line and are under the same ownership.

Traffic Assessment: A type of traffic impact study for low traffic generating uses which focuses on the impacts at proposed site access points.

Traffic Impact Study: The analysis of the effect of traffic generated by a development on intersection "Level of Service" and the safety and operation of the public street and highway system. A traffic impact study evaluates the impacts on streets and highways adjacent to the proposed subdivision as well as specified nearby intersections.

Variance: 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 owing to circumstances unique to the individual property on which the variance is granted.

Vested Right: The right to initiate or continue the establishment of a use that will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

Wetland, Regulated: A wetland regulated by the Township pursuant to the Township's Wetlands Ordinance or by the Michigan Department of Environmental Quality (MDEQ) under the provisions of , Part 303, Wetlands Protection, of the Natural Resources and Environment Protection Act of 1994, as amended and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river or stream;
- B. Not contiguous to an inland lake or pond, or a river or stream, and more than 5 acres in size;
- C. Not contiguous to an inland or pond, or river or stream; and 5 acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Zoning Ordinance: The Williamstown Township Zoning Ordinance.

ARTICLE 3.00 - SUBDIVISION REVIEW PROCEDURES

Section 3.1 Introduction

Subdivision plats created pursuant to Michigan Public act 288 of 1967, as amended, shall be subject to the review and approval procedures in this Article 3.00. Proposed condominiums shall be subject to the site plan review and approval procedures in Section 29.12 of the Zoning Ordinance.

Section 3.2 Summary of Review Procedures

The plat review process shall consist of the following steps (the process is also outlined graphically in Appendix A):

1. **Optional sketch plan** review, involving Planning Commission review but no formal action. The purpose of sketch plan review is to provide the proprietor with information needed to complete the plat, to explain applicable standards and regulations, and to acquaint the Township with the proposed plat. Comments made during sketch plan review about the proposed plat shall not be binding on the Township or the developer (see Section 3.6).
2. **Tentative preliminary plat** review involving review and action to recommend approval or denial of the plat by the Planning Commission within sixty (60) days from the date of filing, followed by review and action to approve or deny the plat by the Township Board within ninety (90) days from the date of filing (see Section 3.8).
3. **Final preliminary plat** review involving review by outside agencies (state and Ingham County agencies) prior to action by the Township Board. The Township Board shall approve or deny the final preliminary plat within twenty (20) days from the date of filing (see Section 3.9).
4. **Final plat** review, involving review and action to approve or deny the plat by the Township Board within twenty (20) days of the date of filing (see Section 3.11).

Section 3.3 Extension of Review Deadlines

Deadlines for the Township to take action on a preliminary or final plat, as specified in the Land Division Act and reiterated in this ordinance, may be extended by mutual written consent of the proprietor and the Township. A waiver of the review deadlines may be required to permit concurrent processing of related review applications. In the absence of written consent for such a waiver, denial of a plat shall be considered appropriate if the proprietor has been unable to bring the plat into compliance with Ordinance regulations within the review deadline.

Section 3.4 Coordination of Development Options with Subdivision Approval

1. **Simultaneous Review.** It is the intent of these regulations that subdivision review be carried out simultaneously with the review of development options permitted under the Zoning Ordinance (such as Planned Development). To achieve simultaneous review, the plans required for the development options shall be submitted in a form to satisfy the requirements of the subdivision regulations.

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2. **Subdivision Approval Required.** Whenever the Zoning Ordinance authorizes development options which permit uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated, and the application entails the subdivision of land as defined herein, whether residential or nonresidential, subdivision approval shall be required in addition to all other procedures and approvals required in the Zoning Ordinance.
 3. **Rezoning.** Since proper zoning is required as a condition of plat approval, whenever a development option involves rezoning of the land, approval of the rezoning shall be required prior to any formal action by the Township to approve or deny the tentative preliminary plat.
 4. **Issuance of Permits.** No building permits or certificates of occupancy shall be issued until the Township has granted final approval of the zoning application and the final plat has been properly recorded, except as specified in this ordinance.

Section 3.5 Pre-application Conference

Prior to submitting an application for plat approval, the proprietor may request a conference with Township Supervisor, Planning Assistant, and Township Planner to achieve an understanding of subdivision regulations and procedures. There shall be no charge for such a conference, unless consultant services are required or requested, in which case the proprietor shall be required to cover the cost of such services.

Section 3.6 Sketch Plan Review

1. **Purpose.** Pursuant to Section 107(1) of the Land Division Act, a proprietor may submit a proposed plat for sketch plan review. The purposes of the sketch plan review are as follows:
 - a. To determine if the land is appropriately zoned.
 - b. To acquaint the Township staff and Planning Commission with the proposed plat.
 - c. To inform the proprietor of the procedures for approval of the plat.
 - d. To inform the proprietor of applicable Township ordinances and regulations related to subdivision and improvement of land, including the Subdivision Control Ordinance, Zoning Ordinance, and engineering design and construction standards.
 - e. To inform the proprietor generally about requirements regarding layout of streets, street improvements, and relationship of subdivision streets to the overall Township street network and to major thoroughfares.
 - f. To inform the proprietor generally about the requirements for and/or availability of public facilities and services, including water, drainage, sanitary sewers and waste water treatment, fire and police protection, recreation and open space, and schools.
 - g. To determine the impact of floodplains and wetlands on the use of land and design of the plat.

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- h. To identify woodlands, topography, watercourses, and other natural features that are to be protected.
 - i. To inform the proprietor about development options that would achieve the planning goals of the Township while satisfying the proprietor's objectives.
 - j. To provide the proprietor with any other information to aid in the preparation of the preliminary plat.

- 2. **Submittal Requirements.** A minimum of two (2) sketch plans shall be submitted for review. The first shall illustrate in schematic form a proposed subdivision layout based on Open Space Preservation regulations in Section 8.03(c) of the Zoning Ordinance. The second sketch plan shall illustrate the uses of land, dimensional requirements, and density allowed in the district in which the land is located (i.e., a conventional development), based on the standards in the Schedule of Regulations, Article 28.00 of the Zoning Ordinance. The chief purpose of this plan is to establish the maximum feasible development density (see illustration, Appendix B).

The sketch plans shall illustrate in conceptual form the proposed subdivision and existing features on the site and on surrounding properties that may affect the design of the subdivision. Accordingly, the following information shall be provided for sketch plan review (see illustrations in Appendix B):

- a. A completed application for sketch plan review.
- b. The name, mailing address, telephone, and email address of the proprietor(s).
- c. The name, mailing address, and telephone of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.
- d. The name, mailing address, and telephone of the legal owner(s) or agent(s) of the property.
- e. The proprietor's interest in the property.
- f. Location of the property by section, town and range, or by other legal description along with a vicinity map showing the general relationship of the proposed subdivision to the surrounding area.
- g. Existing conditions and characteristics of the site and adjacent land, including:
 - (1) Approximate boundaries of woodlands, wetlands, floodplains, and watercourses.
 - (2) The approximate location and intended future use of existing structures on the site.
 - (3) Existing land use on surrounding properties.
 - (4) Location of existing easements on the site.

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- h. For each sketch plan, the proposed approximate layout of streets, blocks, and lots.
 - i. For each sketch plan, the approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use property owners in the proposed subdivision.
3. **Review Procedures.**
- a. **Copies.** The proprietor shall submit a minimum of two (2) paper copies and one (1) electronic copy (pdf.) of each sketch plan design to the Township along with the review fee authorized by the Township Board.
 - b. **Review Authority.** Within sixty (60) days of the date of filing, the Planning Commission or a subcommittee of the Planning Commission along with appropriate Township staff shall review the plans with the proprietor and/or the proprietor's agents and consultants. The Commission may also request that copies of the sketch plan be submitted to other public agencies having jurisdiction over various aspects of the plat.
 - c. **Comments.** Planning Commissioners, staff, and consultants shall offer comments and suggestions concerning the proposed development in the interest of achieving the purposes of sketch plan review and the planning goals of the Township. The Planning Commission shall take no formal action to approve or deny a sketch plan, but may offer suggestions as to which sketch plan design best meets the intent and requirements of this ordinance, the Zoning Ordinance, and the Master Plan. Comments and suggestions made during sketch plan review about the proposed plat shall not be binding on the Township or the developer.

Section 3.7 Preapplication Review Meeting

Pursuant to Section 111(3) of Public Act 288 of 1967, as amended, a proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting a copy of the concept plan for the preliminary plat to the Township. In the event that such a meeting is requested, it shall be attended by the Township Planner and/or other person designated by the Township Supervisor. The purpose of such a meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.

Section 3.8 Tentative Preliminary Plat Review

1. **Purpose.** Preliminary plat review provides for formal application by a proprietor for Township approval of a subdivision plat as described in this ordinance and the Land Division Act. Preliminary plat review also provides the Township with the opportunity to review a proposed plat to determine whether it is in compliance with Township ordinances and regulations, and to approve or deny the plat on the basis of that determination.

Preliminary plat review involves two steps: 1) Tentative preliminary plat review, which provides for review of all of the salient features of a proposed subdivision, except detailed engineering and approvals from other authorities, and 2) Final preliminary plat review, which includes review of engineering plans and requires approvals from other authorities.

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2. **Submittal Requirements.** If the proprietor previously obtained sketch plan review in accordance with Section 3.6, or if the proprietor previously obtained approval of a layout based on the development options cited in Section 3.4, then only one (1) tentative preliminary plat design shall be required. Otherwise, a minimum of two (2) preliminary plat designs shall be submitted for review. The first shall illustrate the proposed subdivision layout based on Open Space Preservation regulations in Section 8.03 (c) of the Zoning Ordinance. The second shall illustrate the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located (i.e., a conventional development), based on the standards in the Schedule of Regulations, Article 28.00 of the Zoning Ordinance. The chief purpose of this plan is to establish the maximum feasible development density.

The preliminary plat submitted for tentative approval shall show all of the salient features of the proposed subdivision to allow the Township to determine whether the proposal is in compliance with this and other applicable ordinances. The lack of information related to any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a tentative preliminary plat.

The following information shall be provided for tentative preliminary plat review (see illustrations in Appendix B):

- a. **Application.** A completed application for tentative preliminary plat review shall be submitted, which shall contain the following information:
- (1) The name, mailing address, telephone and email address of the proprietor(s).
 - (2) The name, mailing address, telephone and email address of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.
 - (3) The name, mailing address, and telephone of the legal owner(s) or agent(s) of the property. The citation of the last instrument conveying title to each parcel of property in the proposed subdivision shall be provided.
 - (4) The proprietor's interest in the property. The proprietor shall submit proof of ownership in the form of a title insurance policy or a title opinion prepared by an attorney licensed in Michigan. Such documentation or other legal opinion shall be required showing the legal and equitable owners (including mortgagees, contract purchasers, and fee owners) of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which may condition the use of the property.
- b. **Tentative Preliminary Plat.** Thirteen (13) full size copies, one (1) 11" x 17" copy and one (1) electronic copy (pdf) of the tentative preliminary plat, sealed by the professional surveyor who prepared the plat, shall be submitted to the Township Planning Assistant, along with the completed application and the fee authorized by the Township Board. The Planning Assistant shall record the submittal date. These materials must

be submitted at least twenty-one (21) days prior to the Planning Commission or Township Board meeting where review is desired.

The tentative preliminary plat shall be on paper that is no greater than twenty-four (24) inches by thirty-six (36) inches, and shall be drawn at a scale of not more than two hundred (200) feet to one (1) inch. The plat shall provide a scale, north arrow, and date of original submittal and dates of any revisions. The sheets shall be numbered in sequence if more than one (1) sheet is used.

c. **Tentative Preliminary Plat -- Existing Conditions.** The tentative preliminary plat shall include one or more sheets containing the following information, at minimum, regarding existing conditions:

- (1) Location of the property by section, town and range, or by other legal description.
- (2) An area map showing the general relationship of the proposed subdivision to the surrounding area, to nearby community facilities, such as parks, schools, bicycle path systems, and existing or planned open space, and to shopping centers. The map should also identify the boundaries of school districts serving the development.
- (3) Boundary of the proposed subdivision and the location of any easements with dimensions of the overall property and of the individual easements.
- (4) Property lines of adjacent land within three hundred (300) feet of the proposed subdivision and across abutting roads. The plat shall identify the owners of all adjacent properties based on the most current assessment roll and the names of adjoining developments, including developments across abutting roads. The plat should also identify the names of adjacent subdivisions.
- (5) A site analysis consisting of maps and written analysis which identify, describe, and quantify the following features, at minimum:
 - i. Existing woodlands. Where woodlands will be cut as a result of construction of roads, stormwater drainage facilities, and other subdivision improvements, the woodlands inventory shall identify the location and species of all trees eight (8) inches or greater diameter of breast height. The character of other vegetation on the site shall also be noted on the plat.
 - ii. Boundaries and character of any water bodies, watercourses, wetlands (including the required setback from wetlands or water features located on adjacent sites), and 100-year floodplain datum. Wetland boundaries shall be determined by a qualified wetlands consultant and surveyed by a professional surveyor. Documentation supporting the wetland delineation shall be submitted, including but not necessarily limited to:

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- dominant vegetation, wetland indicators, and a description of the soil profile.
- iii. Groundwater recharge areas, to the extent that such information is available from existing data sources.
 - iv. Existing stormwater drainage patterns, systems, and structures, including approximate locations of farm field drain tiles, if known.
 - v. Soils (based on U.S. Soil Conservation Survey or soil borings).
 - vi. Habitats of threatened and endangered species (i.e., federal and state listed species), if known.
 - vii. Sight distance limitations along existing or proposed roads.
 - viii. Topographic relief of the site and within two hundred (200) feet of the site at two (2) foot contour intervals, referenced to U.S.C. and G.S. elevation datum.
 - ix. If any streets are proposed as dead-end streets at or near the subdivision boundary which abuts vacant land, the general topography and features of the adjacent land shall be delineated. This information shall be used to determine if future street extensions are desirable.
 - x. Other features uniquely affecting the site.
- (6) Zoning classification of the proposed subdivision and all adjoining properties.
 - (7) Name, location, and right-of-way width of any existing public, private, or platted streets, roads, highways, or railroads abutting or on the subdivision site or within three hundred (300) feet of the subdivision site. The number of lanes and the most current traffic volumes shall be noted for existing streets roads and highways.
 - (8) Locations and sizes of any existing sanitary or storm sewers, existing county or private drains, cross culverts under existing roads, and other underground structures within the subdivision site or immediately adjacent to it.
 - (9) Locations of other above- or below-ground utilities within the subdivision site or immediately adjacent to it, including but not limited to gas, electric, telephone, and cable television utilities.
 - (10) Location of existing permanent structures on and within one hundred (100) feet of the subdivision site. Structures to be removed shall be so marked.
 - (11) The water elevations of lakes, streams and other water bodies on or adjacent to the site, and the ordinary high- and low-water elevations of such water bodies.

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- d. **Tentative Preliminary Plat -- Proposed Improvements.** The tentative preliminary plat shall contain the following information regarding proposed improvements, at minimum:
- (1) Name of the proposed subdivision. The proposed name shall not duplicate the name of any plat previously recorded unless the proposed subdivision is an addition contiguous to a plat with the same name or the proposed subdivision is a part of a previously approved plat of the same name.
 - (2) Layout, right-of-way width, typical cross-section, and names of proposed public or private streets or roads. The plat should also indicate if on-street parking will be permitted.
 - (3) Sight distance plan and profile at each intersection of a proposed subdivision street with any existing or proposed public road or street.
 - (4) The locations, width, and type of construction of any sidewalks, bicycle paths, or multi-use paths.
 - (5) The location, width, and purpose of any proposed easements.
 - (6) The location, approximate dimensions, and approximate area of all proposed lots. Lots shall be numbered consecutively beginning with lot number one (1). The front and rear yards shall be identified on all corner lots and lots located on cul-de-sacs.
 - (7) The tentative preliminary plat shall have a table that provides the following information for each lot: lot area (in square feet), road frontage, and lot width measured at the front setback line.
 - (8) The location and dimensions of required front, side and rear yard setbacks on each lot (i.e., the building envelope), as well as the required setbacks from any wetland or shoreline.
 - (9) The location, approximate dimensions, approximate area, and proposed use of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use property owners in the proposed subdivision. The conditions, if known, of any such dedication or reservation shall be specified.
 - (10) Where a proprietor proposes to subdivide land in phases, the tentative preliminary plat shall include a general layout for the entire development. The initial phase and the method of temporary construction and permanent access to subsequent phases shall be clearly identified.
 - (11) An indication of the ownership and existing and proposed uses of any parcels identified as "excepted" on the tentative preliminary plat. If the proprietor has an ownership interest in any excepted parcel, the tentative preliminary plat shall indicate how this parcel could be developed in accordance with the

requirements of the existing zoning district in which it is located and in a manner that is compatible with and relates to the proposed plat in terms of utilities, streets, and land uses.

- (12) If the subdivision abuts undeveloped residentially zoned land or includes any outlots or excepted parcels, information shall be provided to demonstrate that the adjacent or remaining land can be used or subdivided in conformance with Township standards.
- (13) Landscape plan, which shall identify existing trees to be saved and removed, and species, locations, and sizes of all proposed plantings.

e. **Tentative Preliminary Plat -- Other Submittals.** The following additional information shall be provided, unless otherwise indicated, with the application for tentative preliminary plat review:

- (1) If the proprietor chooses, he/she may cause temporary stakes to be located on site to enable the Township officials to find and evaluate features of the tentative preliminary plat in the field.
- (2) If the intended use of the proposed plat is not entirely residential single family then a written statement specifying the intended use should be submitted. The location and size of proposed multiple family dwellings, shopping centers, churches, commercial or industrial facilities should be noted.
- (3) A "traffic assessment" shall be required for developments that would generate between fifty (50) and ninety-nine (99) directional trips during a peak hour of traffic, and a "traffic impact study" shall be required for new developments that would generate over one hundred (100) directional trips during a peak hour or over seven hundred fifty (750) trips on an average day.

The threshold conversions shall be based on the current Trip Generation Manual, which is published by the Institute of Transportation Engineers (ITE), and updated as needed.

The requirement for a traffic assessment or traffic impact study may be waived by the Planning Commission or Township Board in the following instances:

- a. The existing level of service is not expected to be significantly impacted by the proposed development due to the nature of the request or specific conditions at the subject site.
 - b. A similar traffic study was previously prepared for the subject site and is still considered applicable.
- (4) **Comments from Other Review Authorities.** The proprietor shall submit copies of the tentative preliminary plan to county, regional and state agencies that have jurisdiction over any aspect of the subdivision including, where applicable,

the Ingham County Road Department, Ingham County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Quality, Ingham County Health Department, Tri-County Regional Planning Commission, and the Ingham Natural Resources and Soil Conservation Service. Although approval from these agencies is not required for tentative preliminary plat approval, any written comments received from these agencies shall be submitted to aid the Township review process.

3. **Planning Commission Review Procedures.**

- a. **Initial Review.** Upon receipt of the tentative preliminary plat, the Township staff shall check it for completeness. If required data specified in this ordinance has been omitted, the proprietor shall be notified of the additional data required and that the application will be delayed until the required data are received. The "date of filing" shall be considered the date on which a plat containing all required data is received by the Township.
- b. **Placement on Planning Commission Agenda.** When the information is complete, the proposed tentative preliminary plat shall be placed on the agenda of the next regular Planning Commission meeting, and copies shall be distributed to appropriate Township staff and consultants to obtain planning, preliminary engineering, wetland and public safety review.
- c. **Public Notice.** Prior to action on the tentative preliminary plat by the Planning Commission, notice shall be sent to all property owners within five hundred (500) feet of the boundary of the proposed subdivision, based on the Township's assessment records. Such notice shall be mailed at least (5) days prior to the Planning Commission meeting. The notice shall explain that a subdivision has been proposed, give the location and general information, and note the time and place where the public can attend the meeting when the subdivision proposal will be discussed. The purpose of the notification is to inform the public of the project; it is not a "public hearing". The Planning Commission, however, may elect to accept comments from the public during the informational meeting.

At least fifteen (15) days prior to the Planning Commission meeting, the applicant must, at his/her own expense, install signage on the property proposed to be subdivided, in full public view along road frontages. A corner lot will require a sign for each frontage. The sign must be located on the property line of the right-of-way at the midpoint of the property width.

The sign must meet the following specifications:

- 1. Black letters on white background.
- 2. Size: minimum 4 ft. (vertical) by minimum 6ft. (horizontal)
- 3. Sign facing must be exterior plywood, aluminum, or other durable material
- 4. Wording on the sign shall be as follows:

SUBDIVISION PROPOSED	(minimum 8" high letters)
Size of parcel: ____ Acres	(minimum 3" high letters)

No. of proposed lots: _____ (minimum 3" high letters)
Date of Planning Commission review: _____ (minimum 4" high letters)
For more information call: (517) 655-3193 (minimum 4" high letters)

5. Sign support system must be structurally sound.
 6. Signs must be removed within seven (7) days of approval or denial of the tentative preliminary plat by the Township Board, or within seven (7) days of withdrawal of the application by the applicant. Signs must be removed within seven (7) days of approval or denial of a final condominium subdivision plan, or within seven (7) days of withdrawal of the application by the applicant.
- d. **Planning Commission Review.** The Planning Commission shall review the tentative preliminary plat with respect to the requirements of this ordinance, the Zoning Ordinance, other applicable ordinances and standards, and the Master Plan.
- e. **Planning Commission Recommendation.** The Planning Commission shall recommend approval, conditional approval, or denial of the proposed tentative preliminary plat, as indicated below. Action shall be taken at the next available Planning Commission meeting after the plat was filed with the Township unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.3. If no action is taken at the next available Planning Commission meeting and the review deadline has not been waived, the tentative preliminary plat shall be deemed "recommended approved" by the Planning Commission.

If the proprietor submitted more than one tentative preliminary plat design for review pursuant to Section 3.8(2), the Planning Commission shall review each design but only one such design shall be recommended for approval or conditional approval to the Township Board. The Planning Commission may, however, recommend denial of all tentative preliminary plat designs submitted for review.

- (1) Conditional approval shall be granted only if the proprietor has waived the review deadlines in writing, pursuant to Section 3.3, in which case the tentative preliminary plat shall not be forwarded to the Township Board until said conditions have been properly addressed on a revised tentative preliminary plat and with supporting documentation. At its discretion, the Planning Commission may waive its right to review the revised plat in lieu of administrative review by Township staff or Township Planner.
- (2) Upon determination that the tentative preliminary plat does not comply with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Planning Commission shall recommend denial. The reasons for denial shall be recorded in the meeting minutes and a copy of the minutes and the tentative preliminary plat shall be forwarded to the Township Board and proprietor.
- (3) Upon determining that the tentative preliminary plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Planning Commission shall recommend approval and

the Planning Assistant shall make a notation to that effect on each copy of the tentative preliminary plat. One copy of the approved plat shall become a matter of permanent record in the Commission files, one copy shall be returned to the proprietor, and the remaining copies shall be forwarded to the Township Board with a copy of the Planning Commission minutes.

4. **Township Board Review Procedures.**

- a. **Notification of Planning Commission Action.** The Township Board shall not receive or take action on a preliminary plat until it has received the review and recommendations from the Planning Commission or until the Board has been notified that the review period for the Planning Commission expired. The Planning Commission's recommendations may be transmitted to the Township Board in the form of minutes from the meeting at which action was taken. A draft copy of the minutes may be transmitted to the Township Board prior to being approved by the Planning Commission, provided that it is noted that the minutes are subject to approval and provided that adopted minutes are transmitted as soon as feasible.
- b. **Review Deadline.** Following receipt of the Planning Commission's action, the Township Board shall take action on the preliminary plat within the following time period, as applicable:
 - i. If a pre-application review meeting was not conducted, within ninety (90) days of the date of filing of the tentative preliminary plat with the Township Clerk, unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.3.
 - ii. If a pre-application review meeting was conducted, within sixty (60) days of the date of filing of the tentative preliminary plat with the Township Clerk, unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.3
- c. **Township Board Action.** The Township Board shall approve, conditionally approve, or deny the proposed plat, as follows:
 - i. Conditional approval shall be granted only if the proprietor has waived the review deadlines in writing, pursuant to Section 3.3. The proprietor may re-submit the plat to the Township Board for approval after the conditions have been properly addressed. At its discretion, the Township Board may waive its right to review the revised plat in lieu of administrative review by Township staff or Township Planner.
 - ii. Upon determination that the preliminary plat does not comply with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall deny the tentative preliminary plat.

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- iii. Upon determining that the preliminary plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall approve the tentative preliminary plat.
 - d. **Notification.** The Clerk or the Clerk's designee shall promptly notify the proprietor, the Planning Commission, and all other agencies involved in the plat review process of approval or disapproval in writing, and the reasons if the plat was disapproved. One copy of the approved or disapproved plat shall become a matter of permanent record in the Township files and one copy appropriately designated "Approved" or "Denied" shall be transmitted to the applicant.
 - e. **Effect of Approval.**
 - i. Approval of the tentative preliminary plat by the Township Board shall confer upon the proprietor for a period of one (1) year from the date of approval, approval of lot sizes, lot orientation, and street layout. The one (1) year period may be extended if applied for in writing by the proprietor prior to the expiration date and granted by the Township Board in writing. The Township Board may seek the Planning Commission's recommendation on any such extension. If the extension is granted, the Township Clerk shall notify the other approving authorities. In approving an extension, the Township Board may impose new standards (not necessarily related solely to lot size, lot orientation, and street layout) as a result of new standards, changing conditions on surrounding parcels, or other considerations, provided that the revised plat shall still be considered substantially conforming to the previously approved tentative preliminary plat, as outlined in Section 3.9
 - ii. Tentative approval of the preliminary plat grants the proprietor no rights to begin installation or construction of improvements, including grading, tree removal, or land balancing.

Section 3.9 Final Preliminary Plat Review

- 1. **Submittal Requirements.** Sixteen (16) copies of the final preliminary plat plus one (1) electronic copy (pdf), sealed by the engineer or surveyor who prepared the plat, shall be submitted along with the completed application, the fee authorized by the Township Board, and a copy of the drawings in digital format. These materials must be submitted at least ten (10) days prior to the Township Board meeting where review is desired.

The final preliminary plat shall be on paper that is no greater than twenty-four (24) inches by thirty-six (36) inches, and shall be drawn at a scale of not more than two hundred (200) feet to one (1) inch. The plat shall provide a scale, north arrow, and date of original submittal and dates of any revisions. The sheets shall be numbered in sequence if more than one (1) sheet is used. The digital files shall be provided to Township on a CD or via email, in either .dwg or .dxf file format, or another file format that is deemed acceptable to the Township.

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2. **Final Preliminary Plat -- Required Information.** The final preliminary plat submittal shall contain all of the information required for the tentative preliminary plat listed in Section 3.6, sub-section 2, plus the following information:
- a. Copies of proposed restrictive or protective covenants and deed restrictions (required to determine consistency with the ordinance, the zoning ordinance, and other applicable ordinances and regulations and to determine that maintenance and funding of public spaces have been adequately addressed). The covenants shall indicate that maintenance of improvements illustrated on the approved final preliminary plat and final plat and in supporting documentation shall be a continuing responsibility of the subdivision association and individual owners of lots on which the improvements are located.
 - b. A written explanation of any proposed restrictions on construction traffic.
 - c. Preliminary engineering plans shall be provided as follows:
 - (1) The preliminary engineering plans shall be submitted in sufficient detail to enable the Planning Commission, Township Board, Township Engineer, and other reviewing authorities to make a preliminary determination that the proposed improvements comply with applicable regulations and standards of the Township and other agencies.
 - (2) At minimum, the preliminary engineering plans shall show the locations of and provide preliminary specifications for sewage disposal systems, water supply systems (including fire hydrants), stormwater drainage systems, site grading, street trees, street lighting, street signs, and sidewalks. Stormwater runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities.
 - (3) The preliminary engineering plans shall show connections to any existing or proposed gas, electric, telephone, cable television or other utility systems.
 - (4) If the subdivision will not be served by sanitary sewers, the plans shall show the locations and results of all soil borings.
 - d. A detailed drawing to scale of any proposed entry features including specifications and locations of walls, landscaping, signs, and lighting.
 - e. General information concerning the proposed Construction Operations Plan, as described in Section 3.10, sub-section 4.
 - f. The proprietor shall submit a list of all agencies to which the proprietor has sent copies of the final preliminary plat, certifying that the list shows all authorities listed in this sub-section. The proprietor shall also submit copies of all written approvals of all authorities as required by the Land Division Act and this ordinance, including:
 - (1) Ingham County Road Department.

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- (2) Ingham County Drain Commissioner.
 - (3) Michigan Department of Transportation, if any of the proposed subdivision includes or abuts a state trunk line highway, or includes streets or roads that connect with or lie within the right-of-way of state trunkline highways.
 - (4) Michigan Department of Environmental Quality, if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected, or contains regulated wetlands, or lies wholly or in part within a flood plain of a river, stream, creek or lake.
 - (5) Ingham County Health Department, if public water or sanitary sewers are not available and accessible to the land proposed to be subdivided, and for appropriate comment on matters under the Health Department's jurisdiction.
 - (6) The Tri-County Regional Planning Commission for verification that proposed street names do not duplicate or conflict with existing street names, and for appropriate comment on other matters under the Planning Commission's jurisdiction.
 - (7) The Ingham Natural Resource and Soil Conservation Service for review of soil limitations if public sanitary sewer and water are not available to the subdivision, and for appropriate comment on other matters under the Soil Conservation Service's jurisdiction.
 - (8) The plat shall also be submitted to the county plat board, utilities serving the area, the post office, and the school board(s) of the school district(s) serving the area, for informational purposes. The school district(s) shall be requested to specify school bus loading/unloading requirements. The post office shall be requested to specify mailbox requirements, including whether cluster mail boxes will be required.
3. **Conformance to Tentative Preliminary Plat.** The final preliminary plat shall conform substantially to the tentative preliminary plat as approved. In determining whether the final preliminary plat satisfies this requirement, the Township Board shall consider the following:
- a. A final preliminary plat shall be considered *no longer substantially conforming* to the tentative preliminary plat if any of the following revisions have been made, provided that the Township Board may exercise discretion in applying these criteria where changes to the plat beyond the limits described below were required by an outside agency having jurisdiction over some portion of the plat.
 - (1) An increase in the number of lots.
 - (2) An increase or decrease in the buildable area of any lot by over ten percent (10%).

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- (3) A change in the boundary of a regulated wetland or floodplain that reduces the building envelope on any lot below minimum requirements or would create nonconformance with required water feature setbacks.
 - (4) Expansion of a construction zone into areas which were previously shown as "not to be disturbed."
 - (5) Realignment of proposed roads and intersections.
 - (6) Change in the basic layout of the subdivision and lots.
 - (7) An increase in the volume or surface coverage of a detention or retention basin by more than ten percent (10%).
 - (8) Deletion of sidewalks, bicycle paths or nature trails.
- b. A final preliminary plat shall still be considered *substantially conforming* to the tentative preliminary plat if any of the following revisions have been made, provided that the Township Board may determine that several of the following revisions implemented in combination may be deemed no longer substantially conforming.
- (1) Decrease in the number of lots without changing the basic layout.
 - (2) Revisions to horizontal or vertical alignment of streets to satisfy Road Commission standards, provided that such revisions do not affect the overall arrangement of streets.
 - (3) Adjustment to lot lines or setbacks due to a more precise wetland or floodplain boundary where such an adjustment has an insignificant impact on lot area, setbacks, or buffer zone requirements.
 - (4) Change in location of monuments or lot markers to correct surveying errors.
 - (5) Increase in the amount of landscaping.
 - (6) Replacement of landscape species with other species.
 - (7) The addition of sidewalks, bicycle paths, and nature trails.
 - (8) A change in entranceway design that still meets ordinance requirements.
 - (9) Minor relocation of a stormwater detention or retention basin.

4. Review Procedures.

- a. **Initial Review.** Upon receipt of the final preliminary plat, the Township staff shall check it for completeness. If any of the required data specified in this ordinance is

omitted, the proprietor shall be notified of the additional data required and that the application will be delayed until the required data are received. The "date of filing" shall be considered the date on which a plat containing all required data is received by the Township.

- b. **Placement on Township Board Agenda.** When the information is complete, the proposed final preliminary plat shall be placed on the agenda of the next regular Township Board meeting.
- c. **Distribution for Review.** Copies of the plat shall be distributed to the Planning Commission and appropriate Township staff and consultants to obtain planning, engineering, and public safety review and to determine if the final preliminary plat conforms substantially to the approved tentative preliminary plat. The Planning Commission shall review the final preliminary plat and make a recommendation to approve, approve with conditions, or deny the plat.
- d. **Review Deadline.** The Township Board shall take action on the final preliminary plat at its next regular meeting or within twenty (20) days of the date of filing the plat with the Township, unless the proprietor has waived the review deadlines in writing, pursuant to Section 3.3.
- e. **Township Board Action.** The Township Board shall approve, conditionally approve, or disapprove the proposed final preliminary plat, as follows:
 - i. Conditional approval shall be granted only if the proprietor has waived the review deadlines in writing, pursuant to Section 3.3. The proprietor may re-submit the plat to the Township Board for approval after the conditions have been properly addressed. At its discretion, the Township Board may waive its right to review the revised plat in lieu of administrative review by Township staff or Township Planner.
 - ii. Upon determination that the final preliminary plat does not comply with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall deny the final preliminary plat.
 - iii. Upon determining that the final preliminary plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances, standards, and plans, the Township Board shall approve the final preliminary plat.
- f. **Notification.** The Planning Assistant shall promptly notify the proprietor, the Planning Commission, and all outside agencies involved in the plat review process of approval or disapproval in writing, and the reasons if the plat was disapproved. One copy of the approved or disapproved final preliminary plat shall become a matter of permanent record in the Township files and one copy appropriately designated "Approved" or "Denied" shall be transmitted to the applicant..

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- g. **Effect of Approval.** Approval of the final preliminary plat by the Township Board shall confer upon the proprietor for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two (2) year period may be extended if applied for in writing by the proprietor prior to the expiration date and granted by the Township Board in writing. The Township Board may seek the Planning Commission's recommendation on any such extension. If the extension is granted, the Planning Assistant shall notify the other approving authorities.

Section 3.10 Completion of Subdivision Improvements

1. **Condition of Final Plat Approval.** Before the final plat is approved by the Township, the proprietor shall be required to complete all of the following improvements at his/her expense and without reimbursement from any public agency or any improvement district (except as may be permitted by state law), and in accordance with the conditions and specifications contained in this ordinance, except as provided in Section 3.10(3), following. If the proprietor does form or cause to be formed a special district or districts to finance or construct required improvements, such action does not release the developer from his/her obligations to complete such improvements. Where applicable, the proprietor shall dedicate these improvements to the Township or other applicable governmental unit, free and clear of all liens and encumbrances on the dedicated property and public improvements. These improvements shall be completed in accordance with the approved preliminary plat, the approvals of other authorities, the regulations in this ordinance (particularly Article 4.00), and the requirements of other applicable ordinances, laws and regulations, and shall be subject to inspection by the Township Engineer and other authorities having jurisdiction over such improvements. Required improvements include, where applicable:
- a. **Monuments.** Monuments shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the Michigan Department of Commerce. If any monument or lot marker is removed during construction the responsible party shall secure the services of a professional surveyor to replace the monument or lot marker.
 - b. **Streets (including curbs and gutters, where applicable).**
 - c. **Utility lines.**
 - d. **Storm drainage.**
 - e. **Water supply system.**
 - f. **Sanitary sewer system.**
 - g. **Street Signs.**
 - h. **Sidewalks, Pedestrian-Bicycle Pathways, and Crosswalks.**
 - i. **Landscaping, including street trees.**

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- j. **Soil Erosion and Sedimentation Control Measures.**
 - k. **Mailbox clusters, if required by the U. S. Postal Service.**
 - l. **Self-imposed improvements and restrictions.** If the proprietor proposes any improvements or places restrictions on any of the land contained in the subdivision that exceed the requirements in this ordinance or the Zoning Ordinance, such improvements and restrictions shall be indicated on the plat and recorded in the subdivision restrictive covenants in a form to be approved by the Township Attorney.
2. **Construction Plans and Specifications.** No installation or construction of any improvements shall be made before construction/engineering plans and specifications have been approved by the Township Engineer and by other authorities that have jurisdiction over the improvements. Where a plat straddles municipal boundaries, no permits for construction shall be issued until verification has been received that the preliminary plat has been approved by both municipalities.
3. **Alternative to Completing Improvements -- Subdivision Improvement Agreement.** In lieu of completion of all applicable public improvements prior to approval of the final plat, the Township Board may permit the developer to enter into a Subdivision Improvement Agreement by which the developer covenants to complete all required public improvements no later than two (2) years following the date on which the final plat is signed by the Township. The Subdivision Improvement Agreement shall provide for the following:
- a. **Performance Guarantee.** The proprietor shall agree to furnish a performance guarantee in an amount not to exceed 120 percent of the cost of installation of the improvements. The performance guarantee shall be in a form specified in Section 5.5.
 - b. **Subdivision Improvement Agreement.** The Subdivision Improvement Agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the proprietor. The subdivision improvement agreement shall be adopted by the Township Board and recorded pursuant to applicable state and local laws and ordinances.
 - c. **Completion of Improvements.** Upon substantial completion of all required improvements, the proprietor shall notify the Township in writing of the completion or substantial completion of improvements, and shall send a copy to the Township Engineer and other agencies that have authority over the project. The Township Engineer shall inspect all improvements identified in the notice and shall file a detailed report, in writing, with the Township Board indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be listed.
 - d. **Approval of Improvements.** The Township Engineer shall either approve, partially approval, or reject the improvements and shall notify the proprietor in writing of the contents of the report and the action taken no later than thirty (30) days after receipt of the notice from the developer of the completion of the improvements. Failure of the

Township Engineer to send or provide such notification within thirty (30) days shall be deemed to constitute approval, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee.

- e. **Partial Approval.** Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.
 - f. **Sidewalk Installation.** Required sidewalks shall be completed within two (2) years after final plat approval.
4. **Review of Construction Plans and Specifications.** Review of the construction plans and specifications by the Township shall be initiated by submitting the plans and specifications in the form and quantity and according to the process specified by the Building Inspector.
- a. **Required Plans.** Plans and specifications shall be submitted for all proposed improvements including, where applicable: sanitary sewers; public water; storm sewers; sidewalks; soil erosion and sedimentation control measures; site grading (including all information required by the Township Engineer); roads (including road and paving cross-sections and profiles); street lighting; landscaping; and signs. Cost estimates for each such improvement shall be included.
 - b. **Construction Operations Plan.** The proprietor shall also submit a Construction Operations Plan for review and approval, which shall include the following information:
 - i. The routes to be used by all construction traffic in the first phase and in subsequent phases. Construction traffic shall be routed to minimize impact on existing residential development, to the extent feasible.
 - ii. The method of storage, frequency of removal, type of covering, and disposal destination of all construction debris. No cut trees, timber, debris, rocks, junk, rubbish, or other waste materials of any kind shall be buried within the subdivision, or left or deposited on any street. Removal of such waste materials shall be required at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever is sooner, unless weight restrictions on roads prevent removal, in which case the Township may extend the time limit for removal. As a condition of extending the time limit, the Township may require a performance guarantee to assure removal of waste materials.
 - iii. The methods and frequency of dust control (including dust, dirt, and other material deposited or tracked onto public streets).
 - iv. Methods to protect adjacent property, including wetlands, other natural areas, and residential developments, from construction impacts (eg., temporary screen walls, fencing, landscaped buffer, silt fencing, and other appropriate actions, including actions necessary to comply with State and local soil erosion and sedimentation control regulations). Michigan Public Act 347 of 1972 and other applicable statutes).

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- v. The approximate construction timetable on a month-by-month basis, the days of the week when construction will occur, and the maximum daily starting and ending times for construction.
 - vi. The methods that will be used to notify subcontractors of the requirements in the Construction Operations Plan.
 - vii. Methods established to control impacts from construction in accordance with an approved Construction Operations Plan shall be maintained on a continuing basis for the duration of the construction project.
- c. **Covenants and Restrictions.** The developer shall create a homeowners association and submit a copy of the declaration of covenants and restrictions that will govern the association. The homeowners association shall be responsible for maintenance of common areas and facilities, including roads. The covenants and restrictions shall specify, at a minimum, when the homeowners association will be established; that membership will be mandatory for each home buyer and any successive home buyer; that the association will be responsible for liability insurance, applicable taxes, and the continuing upkeep and proper maintenance of recreation, open space, roads and other common facilities; that homeowners will be required to pay their pro rata share of the cost of maintenance, and how unpaid assessments will be collected; and how the association will adjust any assessment to meet changing needs.
- d. **Review by Other Authorities -- Proprietor's Responsibility.** It shall be the responsibility of the developer to obtain review and approval of construction plans and specifications for public improvements that are under the jurisdiction of other authorities. Evidence of all approvals required from other authorities shall be submitted in the form specified by the Township prior to issuance of any permits for construction.
5. **Authorization to Proceed.**
- a. **Developer Requirements.** Authorization to proceed with construction may be granted after:
 - i. Construction plans and specifications have been approved by the Township and other applicable authorities, and
 - ii. The developer has submitted evidence of public liability and property damage insurance in a form and amount specified by the Township, and
 - iii. The developer has submitted evidence of public liability and property damage insurance in a form and amount specified by the Building Inspector.
 - iv. The developer has submitted an inspection fee deposit in an amount specified by the Township.

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- v. Required performance guarantees have been paid.
 - b. **Grading Permit.** Notwithstanding the preceding requirements, subsequent to final preliminary plat approval the developer may apply for a topsoil, tree removal, and excavation permit from the Building Inspector provided that the final grading plan has been approved by the Township. Upon receipt of the grading permit, the developer may commence construction to the grades and elevations specified on the approved grading plan.
 - c. **Construction of Homes Prior to Final Approval.** The Building Inspector may permit construction of up to three (3) homes which may be used as model homes prior to final plat approval, subject to applicable zoning standards and the following conditions:
 - (1) The lots on which such homes are constructed shall have direct access to an existing county road or state highway, except as noted in item (2), following.
 - (2) The developer shall submit plans and specifications and a performance guarantee to cover the cost of all improvements (including improvements required to provide proper access to a public road) that would be necessary to achieve a certificate of occupancy for single family homes in the event that the remainder of the subdivision is not constructed.
 - (3) The model homes shall not be offered for sale until certificates of occupancy have been properly issued and approval has been obtained from other local, county or state agencies, as necessary.
6. **Pre-Construction Meeting.** At least ten (10) days prior to construction of subdivision improvements, including site grading, the contractor shall contact the Township Representative to establish a date and time for a pre-construction meeting which shall occur at least five (5) days prior to commencement of construction. The proprietor shall be responsible for making all arrangements and notifying meeting attendees.

Except where proposed improvements include only site grading, those invited to attend shall include, but not necessarily be limited to: the proprietor, the proprietor's engineer, the contractor and the contractor's on-site superintendent, subcontractor representatives, the Township Engineer, representatives from the Ingham County Road Commission, representatives from the Ingham County Drain Commission, Michigan Department of Transportation (if the project abuts a state highway), and the Williamstown Township Building Inspector. In addition, utility companies and other state, county, or local governmental agencies that have facilities that may be affected by the proposed development, or that may be able to contribute information of use to the construction project, shall be informed of and invited to attend the pre-construction meeting.

If proposed improvements involve only site grading, those invited to attend shall include the proprietor, the proprietor's engineer, the contractor and the contractor's on-site superintendent, the Township Engineer, the Township Building Inspector and representatives from the Ingham County Drain Commission.

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7. **Inspections.** No work on water mains, sanitary sewers, storm drains and retention basins, and paving shall proceed without prior notification of the Township Building Inspector to allow the Township to schedule inspections, as deemed necessary. The contractor or proprietor shall contact the Township Building Inspector at least forty-eight (48) hours prior to the start of construction to arrange for the inspection and to deposit the required inspection fee.

Work installed without required inspections may not be accepted for dedication to the Township and may not be allowed to connect to the public system and/or be issued a certificate of occupancy.

8. **Field Changes.** Where actual conditions encountered on the construction site warrant design modifications, such modifications may be permitted in accordance with the usual procedures established by the Township for review and approval of such modifications, and provided further that all such modifications comply with the regulations in this and other applicable ordinances and laws, and provided that such modifications do not result in any significant change to the subdivision layout or lot sizes or dimensions. Changes to the subdivision layout or lot size or dimensions, where such changes result in an increase or decrease of greater than ten (10%) percent in lot size, lot width, or lot depth for any lot, shall be subject to Planning Commission review and Township Board approval.
9. **Escrow Deposits for Seasonal Improvements.** If certain lot improvements cannot be completed because of the season of the year, the Township Building Inspector may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit or certified letter of credit for the full cost of the improvements. All required improvements for which escrow funds have been accepted shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of this time period, the Building Inspector shall give notice to the developer that the improvements shall be installed within two (2) weeks. If the improvements are not properly installed after two (2) weeks, the Building Inspector may request the Township Board to proceed to contract out the work for installation of the improvements for a cost not to exceed the amount of the escrow deposit. At the time of issuance of the certificate of occupancy for which escrow monies are being deposited, the developer shall file a notarized statement from the purchaser or purchasers of the premises authorizing the Township to install the improvements at the end of the nine (9) month period if the improvements have not been properly installed by the developer.
10. **Final Inspections and Acceptance.**
- a. **Final Inspection and Tests.** Prior to acceptance of public facilities or utilities for use and maintenance by the Township or other public entity having jurisdiction, all improvements shall have been completed and equipment removed from the site, and the final inspection and all required tests shall be completed. Any tests which fail shall be repeated after repairs have been made. Any portions of the work found to be unacceptable shall be repaired or replaced prior to acceptance.

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- b. **As-Built Drawings.** As-built (record) drawings showing the final locations and grades of all utilities and other improvements shall be submitted to the Township for review and acceptance.

Section 3.11 Final Plat Approval

1. **Submittal Requirements.** The following information shall be submitted to the Township, along with the completed application, the review fee authorized by the Township Board, and the recording and filing fee required by the Land Division Act. These materials shall be submitted at least ten (10) days prior to the Township Board meeting at which review is desired.
 - a. The final plat shall be prepared and submitted in a form that is consistent with the requirements in the Land Division Act, Michigan Public Act 288 of 1967, as amended.
 - b. The final plat shall conform substantially to the final preliminary plat as approved. In determining whether the final plat satisfies this criterion, the Township Board shall use the criteria set forth in Section 3.9, sub-section 3.
 - c. The proprietor shall submit an abstract of title, a policy of title insurance, or an attorney's title opinion based on the abstract of title, in accordance with Section 245 of Michigan Public Act 288 of 1967, as amended.
 - d. All easements and utility agreements shall be executed by the Township and/or appropriate utility authority and the subdivider, setting forth the terms of utility arrangements and the use and/or development of any land reserved for the use of the public and/or future subdivision property owners.
 - e. The proprietor shall submit copies of deed restrictions and protective covenants in their final recordable form.
2. **Submittal to Approving Authorities.** The proprietor shall submit the final plat and as-built engineering plans, where required for approval, to obtain final approval signatures on the final plat mylar as required by Section 142 of the Land Division Act, Michigan Public Act 288 of 1967, as amended.
3. **Initial Review.** Upon receipt of the final plat, the Township staff and Township Planner shall check the plat for completeness. If any of the required data specified in this ordinance is omitted, the proprietor shall be notified of the additional data required and that review will be delayed until the required data are received. The date of filing shall be considered the date on which a plat containing all required data is received by the Township.
4. **Placement on Township Board Agenda.** When the information is complete, the proposed final plat shall be placed on the agenda of the next regular Township Board meeting.
5. **Distribution for Review.** Copies of the final plat shall be distributed to the Planning Commission, the Township Planner, the Township Engineer, and the Building Inspector for review. The Planner, Engineer, and Building Inspector shall determine if the final plat is in compliance with the approved final preliminary plat and with plans for utilities and other

improvements, and shall inform the Planning Commission of their findings. The Planning Commission shall review the final plat and make a recommendation to approve, approve with conditions, or deny the final plat.

6. **Township Board Action.** Within twenty (20) days of the date of filing, the Township Board shall review the proposed final plat to determine conformance with the Land Division Act, this ordinance, the preliminary plat, and any conditions of approval attached to the preliminary plat. The Township Board may approve or deny the final plat as follows:
 - a. Upon determination that the final plat does not comply with the standards and regulations in this ordinance and other applicable ordinances and laws, the Township Board shall deny the final plat, record the reasons for denial in the official minutes, and refund the filing recording fee.
 - b. Upon determining that the final plat is in compliance with the standards and regulations in this ordinance and other applicable ordinances and laws, the Township Board shall approve the final plat and direct the Township Clerk to sign the plat. The Township Clerk shall forward all copies of the plat to the clerk of the County Plat Board, together with the filing and recording fee.

Section 3.12 Building Permits and Certificates of Occupancy

1. Proposals to construct residential or non-residential structures shall comply with the review and permit requirements in the adopted Building Code and Zoning Ordinance.
2. When a Subdivision Improvement Agreement and performance guarantee have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of dedication of those improvements by the Township or other authority having jurisdiction.

ARTICLE 4.00 - DESIGN STANDARDS

Section 4.1 Objectives

The design standards in this Article are intended to achieve an arrangement of lots, streets and utilities which accomplish the following objectives:

1. A development pattern consistent with that described in the Township Master Plan;
2. Respect for the natural features on the site, and preservation of significant environmental resources;
3. Minimize negative impacts on adjacent properties, both during and after construction;
4. Promote continuity in the public street and utility systems;
5. Help ensure adequate accessibility for emergency vehicles;
6. Provide links to non-motorized facilities and links between open space, whether public or private; and
7. Help ensure consistency with standards of the other agencies which review the proposed subdivision.

Section 4.2 Preservation of Natural Features

Subdivisions shall be designed to preserve the natural character and natural features of the land, including woodlots, wetlands, water courses, natural drainage courses and stream channels, wildlife habitats and other valuable natural assets. In order to accomplish these objectives, dedication of easements, creation of protective barriers, and similar measures should be considered. In addition, the following standards shall be met.

1. **Open Space Preservation.** In order to achieve the objectives of this Ordinance and the Township Master Plan, particularly with respect to preservation of natural features, subdivisions shall be designed based on the principles of Open Space Preservation, as set forth in Section 8.03(c) of the Zoning Ordinance.
2. **Wetlands.** Subdivision design is subject to the regulations governing wetlands in the Township's Wetland Protection Ordinance and Part 202, Wetlands Protection, of Public Act 451 of 1994, as amended, the Natural Resources and Environmental Protection Act. Wetlands shall be delineated by a qualified wetland consultant and shown on the preliminary plat (see requirements for a wetland within a lot and water features setback in Section 4.3 below).
3. **Woodlands and Mature Trees.** Woodland areas are to be identified in the preparation of plans submitted to the Township for the development of a subdivision. Significant trees or tree stands, defined as the largest known individual species in the state, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area, of

particular horticultural or landscape value, or that provide habitat for endangered wildlife shall be identified on the preliminary plat and preserved to the extent consistent with the reasonable utilization of land and in accordance with Township or State regulations.

4. **Floodplains.** Areas of special flood hazard within Williamstown Township have been identified by the Federal Insurance Administration in a scientific and engineering report. Those areas so designated have been mapped on the Flood Insurance Rate Map. The flood insurance map and study are on file at the Township offices.

Portions of plats located within any area of Special Flood Hazard shall be subject to the provisions of Section 60.3(d) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59, etc., formerly 1901). If any part of a proposed subdivision lies within a floodplain, deed restrictions or covenants shall be recorded with the final plat which specify that the original discharge capacity of the floodplain will be preserved and stream flow will not be altered in a manner that would affect the riparian rights of others, or conflict with federal or state laws or regulations governing the use of floodplains.

Section 4.3 Lots

Lots within subdivisions shall conform to the following standards:

1. General Lot Arrangement.

- a. Every lot in a subdivision shall front on and have direct access to a public road.
- b. Side lot lines shall generally be within five (5) degrees of being at right angles or radial to the street centerlines. A greater degree of variation may be permitted where such lot lines would create irregularly shaped lots which would unreasonably limit construction, or where adjustments to the standard lot configuration would protect regulated wetlands or preserve other natural features, such as topography.
- c. Residential lots abutting arterial streets shall be platted with reverse frontage lots or with side lot lines parallel to the arterial streets, or shall provide extra depth to permit greater distances between buildings and the arterial street. The arterial frontage shall be developed as a greenbelt as specified in Section 4.7. Alternatively, lots may front on an arterial street provided that access to the lots is provided by a public secondary access road parallel to the arterial street, subject to Ingham County Road Department approval.
- d. Lots shall have a front-to-front relationship across all streets where possible.
- e. Through lots are prohibited, except as permitted in item (1.c.), above.
- f. Except for corner lots, lots less than one (1) acre in area shall not have frontage on more than two public streets.
- g. Lots facing a three-way intersection should be aligned to prevent on-coming headlight glare into the building envelope of the living area.

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- h. Corner lots shall have access to the lesser traveled roadway.
 - i. If the plat extends into an adjacent community, boundaries for individual lots shall be within one community to the extent feasible. In no case shall a building envelope result in a situation where a home crosses a community or school district boundary.
 - j. Lots which abut an active rail line shall have sufficient depth to comply with the minimum setback requirements from the railroad right-of-way line as specified in the Zoning Ordinance.

2. Lot Sizes and Shapes.

- a. **Lot area and width.** Each lot shall comply with the minimum area and width requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
- b. **Area calculation of ponds and lakes.** Areas of the subdivision plat that contain ponds, lakes, or similar bodies of water shall not be platted as subdivision lots nor calculated as a portion of the minimum lot area as required by the Zoning Ordinance.
- c. **Lots occupied by wetlands.** A portion of each lot may be occupied by wetlands provided that, if wetlands are present on the lot, the applicant shall demonstrate that adequate buildable area exists on each lot without intruding into the required setbacks, including the required wetland or water features setback.
- d. **Natural water features setback and required natural vegetation strip.** A minimum setback and natural vegetation strip of 40 ft. shall be maintained for structures and grading adjacent to any water feature, including wetlands, rivers, drains, creeks and lakes, as required by the Zoning Ordinance.
- e. **Area in floodplain.** Lands within the 100-year Intermediate Regional Floodplain shall not be included within platted lots for residential uses or uses which the Planning Commission determines may increase the flood hazard or endanger life, health, general welfare or property values. Such land may be set aside as open space or park land.
- f. **Width-to-depth ratio.** Narrow, deep lots shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum, except where the proprietor demonstrates that a deeper lot will protect natural resources, such as woodlands, wetlands, or wildlife habitat.
- g. **Lot frontage.** Each lot shall comply with the minimum road frontage required for the zoning district.
- h. **Building setbacks.** Lots shall be of sufficient size and proportion to accommodate the minimum required building setbacks listed in the Zoning Ordinance for the district in which the subdivision is located.

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- i. **Corner lot setbacks.** Corner lots shall have additional depth and/or width of at least ten (10) feet to provide the required front yard setback along all sides facing a public street, leaving a buildable area of sufficient size to accommodate an average-sized home without variances.
 - j. **Nonresidential lots.** Lots intended for purposes other than residential use shall be specifically designated for such purposes, and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the Zoning Ordinance.

Section 4.4 Roads

The provisions of this Ordinance shall be the minimum requirements for roads and intersections. If any other public agency having jurisdiction, including the Ingham County Road Department, shall adopt any statute, ordinance, rule or regulation imposing additional, or more rigorous requirements, then the provisions of such statute, ordinance, rule or regulations shall govern.

1. **Compliance with Ingham County and Michigan Department of Transportation Standards.** The standards of this section are intended to comply with the public road standards of the Ingham County Road Department and the Michigan Department of Transportation. The Township reserves the right to adopt written standards which are more restrictive, upon a determination that the additional regulations meet special needs or goals in the Township which may not be appropriate on a county-wide basis.
2. **Conformance with Township Master Plan and County Street Plan.** The layout of the street system shall conform to the goals, policies, street functional classification system, alignment and minimum rights-of-way recommended in the transportation element of the Township Master Plan. Street functional classification, rights-of-way and alignments shall also conform with any street or road plan of the Ingham County Road Department or the Michigan Department of Transportation.
3. **Relationship to Natural Features and Grades.** Streets shall be aligned to maximize the preservation of natural features and existing grades to the extent feasible.
4. **Continuity of Road System.** The arrangement of roads shall provide for the continuation of existing roads from adjoining areas into new subdivisions, unless otherwise approved by the Township Board due to documented environmental constraints or where the abutting road system is not deemed capable of safely handling additional traffic volumes. Where adjoining vacant areas are zoned or planned for development similar to the proposed subdivision, roads shall be extended to the boundary line of the parcel to make provision for the future road connections. The applicant shall demonstrate that the proposed stub road is a reasonable location for extension into the adjacent lands, in consideration of such factors as grades, water bodies, wetlands and lot configuration. A temporary T-turnaround shall be provided at the end of a stub road, subject to approval by the Ingham County Road Department. A sign shall be placed at the end of the stub road or cul-de-sac with a sign face on both sides stating "Future Street Extension".

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5. **Minor Roads (collectors and local roads).** The proposed subdivision road layout shall be designed to discourage through traffic and excessive speeds. This shall be accomplished by incorporating offset street intersections within the subdivision, curvilinear street alignments, and discontinuities in the street pattern where appropriate. In general, straight sections of roads shall not exceed 1,320 feet in length, except that at subdivision entrances the straight sections of subdivision street that intersect arterial streets shall generally not exceed 660 feet in length.

These restrictions shall not prevent continuation of roads to adjoining properties where deemed desirable by the Township. In determining the need for such connections, the Township shall consider the need for adequate access and response time for emergency vehicles, the impacts such connections may have on reducing congestion along arterials, the projected traffic volumes and the compatibility with adjacent developments.

6. **Alleys.** Alleys shall be permitted in areas of detached single or two-family residences where designed as an integral part of a new urbanist design. Alleys shall be allowed in multiple dwelling or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead-end alleys are prohibited.
7. **Half Roads.** Half roads shall be prohibited. Wherever a half road exists adjacent to the parcel to be subdivided a dedicated or platted and recorded, the other half shall be platted.
8. **Existing Roads.** Where a subdivision incorporates existing roads which are not in conformance with current standards, such facilities shall be reconstructed as necessary to improve the road to the extent required by the Ingham County Road Department.
9. **Maximum Length for Blocks.** Blocks, or the length of any road constructed for any phase of a subdivision, shall not be less than five hundred (500) feet long, nor longer than 1,320 feet measured from centerline to centerline of the intersections at each end of the block, except that the Township Board, upon recommendation from the Planning Commission, may approve a plat which varies from these dimensions upon consideration of the following:
- a. Documented evidence that significant natural features will be preserved or stub road to connect to vacant land are being provided which will result in a conforming condition in the future;
 - b. Recommendations from Township public safety officials;
 - c. Recommendations from the Ingham County Road Department; and
 - d. Evidence that the longer block length will not create a threat to public safety.

The minimum block length dimensions do not apply to approved stub roads.

10. **Cul-De-Sac Dead-End and Loop Roads:** The length of cul-de-sac and dead-end roads shall not exceed six hundred sixty (660) feet measured from the centerline of the street to the center point of the cul-de-sac or end of the traveled portion of the dead end street, unless a longer street is necessary and appropriate because of topography or other natural features, existing

conditions or other circumstances as may be approved by the Township Board and the Ingham County Road Department. Each cul-de-sac street, dead-end street, or loop road having more than thirty-five (35) single family lots or uses shall intersect with a road that provides access from two different directions. Thirty-five lots would result in approximately three hundred fifty (350) trips or more per average weekday, based on the most recent edition of Trip Generation, published by the Institute of Transportation Engineers.

All lots that have their sole means of vehicular access to a cul-de-sac or dead-end street, or extension thereto, shall be counted when determining the number of lots on the cul-de-sac or dead-end street. For the purposes of this regulations, therefore, the cul-de-sac or dead-end street shall include:

- a. The turnaround circle at the end of a cul-de-sac, plus
- b. The dead-end road; and
- c. Any road extension of the cul-de-sac or dead-end road that have no other outlet except through the cul-de-sac or dead-end road.

11. **Minimum Right-of-Way Widths.** The minimum road right-of-way (r.o.w.) width for subdivisions shall be based on applicable Ingham County Road Department or Michigan Department of Transportation standards. However, a greater right-of-way may be required by the Township or the Road Commission in consideration of the intensity of development, the expected traffic volumes, the need for additional area for utilities or grading or to accommodate planned or expected street cross sections, and the expected traffic volumes and characteristics associated with the types of uses which may access the street based on the zoning.

12. **Location of Major Entrances along Principal and Minor Arterial Streets.** The intersection of subdivision streets with arterial streets should be limited to half mile or quarter mile points along the arterial streets where both of the following conditions exist:

- a. The subdivision street is expected to have an average daily traffic volume of over two thousand (2,000) trips per day, and
- b. The potential for traffic signalization exists on the arterial in the future.

Intersections that do not meet these conditions shall comply with the spacing requirements in sub-section 13, following. Deviations from this standard shall be permitted if needed to provide adequate sight distance or if a modification is supported by a traffic impact study provided by the proprietor.

13. **Spacing of Intersections Along Principal and Minor Arterials or Collector Roads.** Except as noted in the previous sub-section 12, streets intersecting an arterial or collector road shall be spaced at least six hundred sixty (660) feet from the intersection of another platted street on the same side of the street, and shall be aligned with public streets or private roads across the street, or offset at least two hundred fifty (250) feet from such streets or roads, measured between centerlines. Lesser offsets may be approved where there are numerous streets or where adequate sight distance would be compromised.

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14. **Design at Entrances.** Deceleration and acceleration lanes, passing lanes, and tapers shall also be provided if required by the Ingham County Road Department. Deceleration and acceleration facilities and passing lanes shall be designed according to the standards of the Ingham County Road Department or Michigan Department of Transportation, as applicable. Boulevard entrances to subdivisions shall be permitted by the Township, subject to the County Road Department approval.
 15. **Internal Street Offsets.** Three-way intersections ("T" type intersections) are encouraged within the plat, rather than four-way intersections. No more than two (2) streets shall cross at any intersection. Street intersections within a plat shall be offset at least two hundred fifty (250) feet, measured between centerlines. Lesser offsets may be approved where less than ten (10) homes are served by the intersection or where significant natural features would be preserved that would otherwise be destroyed.
 16. **Road Geometrics.** Road geometrics, including horizontal curves, tangents between reverse curves, sight distance at intersections, street gradients, and vertical alignment at intersections, shall comply with the standards of the Ingham County Road Department or Michigan Department of Transportation, as applicable.
 17. **Intersection Angles.** Streets shall be laid out to intersect as nearly as possible to ninety (90°) degrees; in no case shall the intersection be less than eighty degrees (80°).
 18. **Street Names.** Street names shall be sufficiently distinct from other street names in the area to avoid confusion, particularly for emergency service providers. A review of the master list of existing street names retained by the Tri-County Regional Planning Commission is required to avoid duplicate names. Proposed street names shall be reviewed by the Tri-County Regional Planning Commission and approved by the Road Department as a part of the preliminary plat approval process.
 19. **Signs.** The developer shall be responsible for placement of street name signs at all street intersections in accordance with the requirements of the County Road Department. The developer shall also be responsible for placement of pavement markings and regulatory street signs (such as no parking signs, stop or yield signs, speed limit signs, and warning signs) as requested by the Township or the Road Department. All regulatory signs shall be in conformance with the Michigan Manual of Uniform Traffic Control Devices.
 20. **Stormwater Drainage.** Open drainage along roads may be permitted by the Township, except where curb and gutters are required by the County Road Department or Michigan Department of Transportation. Open drainage or curb and gutter design and construction shall be in accordance with the specifications of the County Road Department or the Michigan Department of Transportation, as applicable.
 21. **Street Lighting.** Street lighting may be required throughout the subdivision or at road intersections for the purposes of public safety. When determining the need for street lights consideration shall be given to the location of the subdivision, density of development, existing traffic conditions, desire to maintain rural character, and other public safety criteria.

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22. **Street Construction Requirements.** All streets and appurtenances thereto shall be constructed in accordance the specifications of the Ingham County Road Department or the Michigan Department of Transportation, as applicable.
 23. **Phasing.** Each phase of the plat shall be designed to meet the street requirements above, regardless of whether future phases are constructed.

Section 4.5 Sidewalks and Bicycle Paths

1. Sidewalks, bicycle paths, and/or bicycle lanes (a portion of the road that has been designated by striping and signs) shall y be required by the Township on one or both sides of subdivision streets or roads where deemed necessary to achieve safe pedestrian and non-motorized travel. The determination of need for such facilities shall be based on consideration of such factors as the density of and size of the development, age characteristics of the expected residents, expected traffic volumes along the street, existing conditions on roads in the vicinity, proximity to other sidewalk systems and proximity to schools, parks and public institutions.
 2. Pedestrian through-block connectors may be required in the middle of any block over 1,320 feet in length to obtain satisfactory pedestrian circulation within the subdivision, to provide access to parks or open space, to provide links with an adjacent development, and/or to provide access to an activity center. Where such pedestrian through-block connectors are required a ten (10) foot wide easement, a dedicated common area, or other means of securing the land for the connector shall be required. The Township may require placement of a fence along the easement to ensure the location is visible and to protect the adjacent property owners.
 3. Any yard which abuts a pedestrian easement shall provide the required minimum building setback, as applicable, from the easement.
 4. All sidewalks shall be paved, have a minimum width of five (5) feet, and be constructed to the specifications of the County Road Department and Township Engineer.
 5. Bicycle paths shall be at least ten (10) feet wide and constructed in accordance with the specifications of the Township Engineer.
 6. Grades shall be clearly illustrated on the plans to insure proper connection to sidewalks and bicycle paths on adjacent lands.
 7. Sidewalks and bicycle paths shall be installed by the proprietor within the dedicated road right-of-way, except that placement within private access easements may be permitted where grades or other factors prevent placement within the road right-of-way.
 8. Crosswalk pavement markings and signs may be required by the Township. Crosswalks shall be in accordance with the requirements of the County Road Department.
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Section 4.6 Mailbox Clusters

Where the United States Postal Service requires that new subdivisions be served by clusters of mailboxes serving several lots rather than individual mailboxes serving individual lots, the clusters shall comply with the following requirements.

1. **Procedure.** Mailbox clusters of four (4) or more, if required by the United States Postal Service, must be indicated on the preliminary plat in accordance with the Location Criteria set forth below. The plan shall indicate, by means of symbols and/or numbers, the location of clusters and number of boxes in each mailbox cluster. The plan shall be submitted to the United States Postal Service having jurisdiction in the area. Any approvals or recommendations of the United States Postal Service shall be submitted with the plat.
2. **Location Criteria.** Cluster mail boxes shall be located a safe distance from intersections (to allow vehicle stacking without blocking intersections). Where possible, mail box clusters shall be located along or near side lot lines, at corner lots (block ends) or at entrances to open spaces, provided that access for maintenance vehicles remains. Changes in the location of mailbox clusters may be made with the approval of the Planning Commission.
3. **Design Criteria.** A paved area shall be provided for residents in their vehicles to pull off of the road while retrieving their mail. If mailbox clusters are not located within a building then they shall be screened on three sides with evergreen landscaping.

Section 4.7 Landscaping

The selection, size, spacing and planting of all landscaping within a subdivision shall comply with the Zoning Ordinance and the following standards:

1. **General Standards.**
 - a. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches.
 - b. The development and planting of required landscaping shall be the responsibility of the proprietor, not the individual lot owner.
 - c. Fewer trees may be required if the proprietor provides evidence that existing trees over 3-inch caliper or natural habitat areas will be preserved during and after construction.
 - d. The landscape plan shall be approved by the Township Board, upon recommendation of the Planning Commission, in consideration of the above and compatibility with the visual character of the surrounding area.
 - e. Landscaping shall comply with minimum sight line standards required by the County Road Department or Michigan Department of Transportation, whichever agency has jurisdiction.
 - f. To prevent conflict with utilities, compliance with the following guidelines shall be required:

(i) Guidelines for above-ground utilities:

<u>Distance from centerline of utility easement</u>	<u>Maximum height of trees or shrubs</u>
within 10 feet	15 feet
10.1 to 20 feet	25 feet
20.1 to 30 feet	40 feet

(ii) Plantings directly underneath above-ground wires, or directly over underground utilities shall be avoided.

(iii) The following clearances shall be provided around equipment cabinets:

	<u>Minimum Landscaping Setback</u>
In front of cabinet door	10 feet
In back or side of cabinet	4 feet

2. Street Trees.

- a. One (1) canopy tree shall be planted for each forty (40) feet of frontage along a street or private road, including all frontages for a corner lot, rounded up to the next whole number, and one canopy (1) tree shall also be planted for each forty (40) linear feet along a median boulevard, except where such trees would conflict with traffic control devices, driveways, street lights, fire hydrants, and utility locations (see illustration, Appendix B).
- b. The minimum size of all street trees shall be two and one-half inches (2 1/2") caliper.
- c. Tree species should be selected for tolerance of the harsh roadside conditions in central Michigan, for compliance with overhead clearance and sight distance requirements, to ensure maintenance of accessibility to fire hydrants, and to avoid interference overhead or underground utility lines, street lights or street pavement. To control tree loss due to insects or disease, more than one species shall be planted. Trees shall be selected from the list of approved species specified by the County Road Department.
- d. Street trees shall be planted so that each lot has at least one (1) canopy tree and each corner lot has at least three (3) canopy trees. Street trees shall be placed to avoid future driveway locations, if known.
- e. Street trees shall be at least fifty (50) feet from the intersection of two (2) street right-of-way lines or access easements.

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- f. Street trees shall be planted in accordance with the setback standards established by the Ingham County Road Department (minimum of fifteen (15) feet from the nearest edge of the curb or nineteen (19) feet from the nearest edge of pavement if there is no curb) or Michigan Department of Transportation. Trees shall be outside of areas needed for open ditches or potential future sidewalks. Street trees may be located on private property as close to the front line as possible for those lots where tree location in the public right-of-way is not possible due to conflicts with overhead or underground utility lines or restrictions of the Ingham County Road Department .
 - g. The lowest branch of any canopy tree shall provide a minimum thirteen (13) foot clearance over a public street or private road, and a minimum seven (7) feet above grade from a sidewalk, and a minimum of nine (9) feet above grade from a bicycle pathway. Greater clearances shall be provided if required by the Ingham County Road Department.

3. **Landscaping in Cul-De-Sacs.**

- a. A minimum of one (1) canopy tree for every one thousand (1,000) square feet of ground area, rounded upward, shall be planted within each cul-de-sac or island (e.g., if the island is 2,305 s.f., three (3) canopy trees would be required – see illustration, Appendix B).
- b. Canopy trees shall be maintained so that the lowest branch that is greater than one (1) inch in diameter is a minimum of fifteen (15) feet above the elevation of the street surface.
- c. The island must be planted with grass or ground cover OR have four (4) low shrubs planted for every one thousand (1,000) square feet of ground area. The shrubs shall be maintained at a maximum height of two feet, six inches (2'-6")If planted with grass or ground cover, the island shall first be mounded to a height of between one foot, six inches (1'-6") and two feet, six inches (2'-6").

4. **Subdivision Entrances.** Subdivision entrances may include landscaping, lighting, identification signs, wrought iron fences or other architectural features. All such features shall comply with the Zoning Ordinance. Details of the entranceway may be submitted at any stage in the plat review process or after final plat approval.

5. **Landscaping as a Buffer Zone.** A landscaped buffer zone shall be required along those boundaries of a residential subdivision that abut land that is used for other than single family residential purposes, including where the abutting land is occupied by a rail line or high voltage power transmission lines (69 kV to 765 kV). This buffer zone may include trees, shrubs, berms, fences, walls or a combination.

6. **Required Landscape Greenbelt.** When a subdivision borders on a state highway, county primary road or street classified as a principal or minor arterial in the Township Master Plan, and wherever a rear yard abuts a public or private road, an easement for construction of a minimum twenty (20) foot wide landscape greenbelt shall be provided. This buffer zone may include trees, shrubs, berms, walls or a combination designed in accordance with the landscape

standards described in the Zoning Ordinance. Existing natural features shall be retained wherever possible to promote a natural appearance and to protect the existing ecosystem within the greenbelt. However, nothing in this section is intended to prevent a pedestrian-bicycle pathway, sidewalk or underground utilities within the greenbelt.

Section 4.8 Public Reservations

A proprietor may set aside areas suitably located and of adequate size for playgrounds, school sites, parks, recreation facilities, open space or other public use where the need for such facilities or uses is identified in the Master Plan, Zoning Ordinance, or other written analysis or report of public needs. The proprietor may set aside such areas using any of a variety of methods, including, but not necessarily limited to:

1. Dedication to the Township.
2. Reservation of land for the use of property owners by deed or covenants.
3. Reservation for acquisition by the Township or School Board within a specified period after recording of the final plat. Said reservation shall be made in such a manner as to provide for a release of the land to the proprietor in the event that the Township, the School Board or other public entity does not proceed with the purchase.

Section 4.9 Easements and Reserve Strips

1. **Utility Easements.** A ten (10) foot wide easement shall be provided along the front lot line of each lot for utilities. Easements may also be required along the side and rear property lines for utility extensions and storm water drainage. Recommendations on the proposed layout of public utility easements shall be sought from all of the public utility companies serving the area. It shall be the responsibility of the developer to submit copies of the approved preliminary plat to all appropriate public utility agencies.
2. **Drainage Ways.** Easements for drainage ways, detention and retention ponds and other parts of the storm water management system shall be provided, as required by the rules of the Ingham County Drain Commissioner.
3. **Municipal Services.** The Township may require easements to provide access for municipal water and sanitary sewer facilities, and to insure the extension of such services into adjoining lands.
4. **Common Areas.** The developer shall provide access easements to parks, open space and other common areas (see also Section 4.6).
5. **Reserve Strips.** Privately held reserve strips controlling access to streets shall be prohibited. The Township may require a one (1) foot wide reserve strip deeded to the Township at the end of a stub road which terminates at the subdivision boundary or between half streets unless such a reserve strip would create a landlocked property.

Section 4.10 Utilities

It is the purpose of this section to establish and define the public improvements which shall be provided by the proprietor, at his/her expense with or without reimbursement from any public agency or improvement district, as conditions for final plat approval.

1. Wastewater Treatment.

- a. When a proposed subdivision is located within the service area of a public sanitary sewer system with adequate capacity, or when connection to a public sanitary sewer system having adequate capacity is proposed regardless of the location of service area boundaries, a sanitary sewer system consisting of appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances shall be provided by the proprietor. This system shall meet all requirements of governmental agencies that have jurisdiction.
- b. In areas outside of the public sanitary sewer service area septic tanks and disposal fields may be utilized so long as they comply with all requirements of Ingham County and the State of Michigan.
- c. All or part of a subdivision may be served by an on-site community wastewater treatment system, subject to the requirements of Ingham County and the State of Michigan.

2. Water Supply.

- a. When a proposed subdivision is located within, adjacent to or reasonably near the service area of a public water system with adequate capacity, a water distribution system consisting of appropriate water distribution mains, fire hydrants, and other water system appurtenances shall be provided by the proprietor. This system shall meet all requirements of governmental agencies that have jurisdiction.
- b. In areas outside of the public water system service area, individual wells or on-site community wells may be permitted. Individual and community wells shall comply with the requirements of Ingham County, the State of Michigan and the Township.

3. Storm Drainage.

- a. An adequate storm and surface water drainage system that meets all requirements of the Township and the Ingham County Drain Commissioner shall be required. The storm drainage system, which may consist of storm sewers, drain inlets, manholes, culverts, bridges, sedimentation basins, sump pumps, and natural and constructed components, shall be subject to Drain Commissioner approval.
- b. A subdivision grading plan shall be submitted prior to final preliminary plat approval. The grading plan and the plan for managing storm water flow shall be designed to not adversely affect neighboring properties and natural features, or worsen downstream flooding and water quality. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid increased flow of storm water from one lot onto adjacent lots.

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- c. Surface water management systems shall be designed to retain the natural function and value of any wetland, water body, or watercourse, and to not increase flooding or the potential for pollution of surface or groundwater, either on-site or off-site, from such pollutants as sediment, nutrients, or toxic substances.
 - d. Existing surface water flow entering the site shall be received and discharged as nearly as possible in the manner prior to the development. Both peak flow and runoff volumes shall be maintained as nearly as possible at predevelopment levels.
 - e. The grading of lots shall be such that surface water drains away from building foundations and toward swales, ditches, retention areas, or drainage structures. Surface water from all roofs and paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas.
 - f. Wetlands may be used for on-site detention or retention of surface water if the proprietor demonstrates that such use will not have an adverse effect upon ecological and hydrological characteristics of the wetland. Final preliminary plat approval shall not be granted until all necessary federal, state, county, and Township wetland permits are obtained.
 - g. If the Township or the County Drain Commissioner accepts or requires storm water retention or detention ponds, the ponds shall be designed based on the following guidelines:
 - (i) The maximum side slope for such ponds shall not exceed a one (1) foot rise per five (5) foot run.
 - (ii) The outside edges of such ponds shall provide adequate space for landscaping, which shall be depicted on a landscape plan.
 - (iii) Landscaping around ponds that border existing or proposed single-family residential development shall be consistent with the standards for greenbelt plantings contained in the Zoning Ordinance.
 - (iv) Ponds shall be designed to appear as a natural landscape feature. Accordingly, a curvilinear shape is generally desired. Where feasible, ponds shall be incorporated into common subdivision open space.

4. Soil Erosion and Sedimentation Control.

- a. In the event that any subdivider or developer intends to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by razing, excavating, removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the property owner or his/her agent shall first apply to the Ingham County Drain Commissioner for approval of a plan for soil erosion and sedimentation control.

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- b. No certificate of occupancy shall be issued until: 1) Final grading has been completed in accordance with the approved final plat, 2) The lot has been covered with soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter, except those portions covered by buildings or streets, or where the grade has not been changed or where natural vegetation has not been seriously damaged, and 3) The lot has been seeded, covered with sod, or covered with the appropriate ground cover. Where, because of seasonal conditions final grading will be delayed, the Township may accept a performance guarantee as described in Sections 3.10.

5. **Telephone, Electric and Other Cable Services.** Telephone, electric, and other cable services shall be placed underground throughout the subdivision, except as follows:

- a. Primary distribution lines (e.g., 5 to 35 kV power lines) on the perimeter of the subdivision may be aboveground when located on or along a section or quarter section line.
- b. The Township Board, upon recommendation from the Planning Commission, may waive or modify this requirement where it finds that underground utilities would be impractical.

Telephone, electric and other cable services shall also comply with the following requirements:

- a. All such services shall be located in the public road right-of-way or in a private easement, which shall generally be located at the front of each lot.
- b. If located in a public road right-of-way, the location and installation of such services shall be planned so as to not conflict with other utilities.
- c. All such services shall be installed in accordance with standards promulgated by the Michigan Public Services Commission and other agencies having jurisdiction.

ARTICLE 5.00 - ADMINISTRATION AND ENFORCEMENT

Section 5.1 Compliance

- a) No subdivision plat required by this Ordinance or the Land Division Act (Michigan Public Act 288 of 1967, as amended) shall be admitted to the public land records of the County or received or recorded by the County Register of Deeds, until such subdivision plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance unless such public improvements have been accepted or otherwise permitted in accordance with the terms of this Ordinance. No public board, agency, commission, official or other authority shall issue building or occupancy permits for structures on lands subject to this Ordinance where the subdivider has not complied with the requirements set forth herein.
- b) **Notice to Subsequent Owners and Continued Maintenance.** Maintenance of improvements illustrated on the approved final preliminary plat and final plat and in supporting documentation shall be a continuing responsibility of the subdivision association and individual owners of lots on which the improvements are located. The subdivision developer shall place a notice in every deed when the property is sold that shall indicate as follows:

Maintenance of improvements illustrated on the approved final preliminary plat and in supporting documentation shall be a continuing responsibility of the grantee of this deed and shall run with the land.

Section 5.2 Interpretation, Conflict, and Severability

1. **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.
2. **Conflict.** Where the conditions imposed by any provisions of this ordinance are either more or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. **Severability.** The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this ordinance.

Section 5.3 Fees

The proprietor shall be responsible for payment of all fees, based on the fee adopted and occasionally updated by the Township Board. Fees may be required for:

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- Planning and engineering review; legal review; municipal review and administration (including notification and publication costs);
 - Review, filing and recording as specified in the Land Division Act;
 - Inspection; and,
 - Connection to public utilities.

Section 5.4 Performance Guarantee

Whenever the Township Board permits or requires a performance guarantee as security for required improvements, the performance guarantee shall be in the form of a bank letter of credit, certified check or cash escrow. Any such security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Township.

1. **Letter of Credit.** If the developer posts a bank letter of credit as security, the credit shall:
 - a. Be irrevocable,
 - b. Be for a term sufficient to cover the completion, maintenance, and warranty periods specified in this ordinance or in other ordinances or regulations for the specific improvement, and
 - c. Require only that the Township present the credit with a sight draft and an affidavit signed by an authorized representative of the Township attesting to the municipality's right to draw funds under the credit.
2. **Cash Escrow or Certified Check.** If the developer posts a cash escrow or certified check as security, the escrow instructions shall provide that:
 - a. The developer shall have no right to a return of any of the funds except as provided herein, and
 - b. The escrow agent shall have a legal duty to deliver the funds to the Township whenever an authorized representative of the Township presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the developer protests the right.
3. **Release or Reduction of Security.**
 - a. **Certificate of Satisfactory Completion.** The Township Board shall not accept dedication of required improvements, or release or reduce the amount of any security posted by the subdivider until the Township Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the Township Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials and other information required by the Township Engineer, that the layout of the line and grade of all public improvements is in accordance with

construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the Township Attorney indicating that the improvements have been completed, are ready for dedication to the Township and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the Township Engineer and Township Attorney, the Township Board may accept the improvements for dedication in accordance with the established procedure.

- b. **Reduction of Escrowed Funds and Security.** If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principal amount. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the Township Attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the Township Attorney shall execute waivers of the municipality's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

Section 5.5 Enforcement

1. **Enforcement.** Enforcement of this Ordinance shall be chiefly the responsibility of the Township Supervisor, who shall have the authority to enforce this Ordinance in accordance with requirements and procedures set forth herein.
2. **Authorized Township Official.** The Township Supervisor, Building Inspector, and Planning Assistant or their designees are hereby designated as authorized Township Officials to investigate alleged violations of this ordinance and to take appropriate action. Such action may include an order to correct the violation, issuance of an appearance ticket pursuant to Michigan Public Act 147 of 1968, as amended, or other actions as provided for by state law and Township ordinances.

Section 5.6 Penalties and Sanctions

1. **Penalties.** Any violation of this Ordinance shall constitute a misdemeanor or municipal civil infraction, as determined within the Township's discretion. Any person who is convicted of a misdemeanor under this section shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense. If instead a municipal civil infraction is imposed, the penalty shall be a fine not to exceed \$500.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as

notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits participants 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.

The imposition of any sentence shall not exempt the offense from compliance with the requirement of this Ordinance.

2. **Procedures for Addressing Violations.** All violations shall be addressed by following the procedures outlined in the Township Municipal Civil Infractions Ordinance.
3. **Authority to Pursue Court Action.** The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.
4. **Other Remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such non-compliance.
5. **Rights and Remedies Preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

Section 5.7 Pending Prosecutions

Any prosecution arising from a violation of ordinances or regulations repealed herein, which prosecution may be pending at the time this ordinance shall become effective, or any prosecution which may be commenced in the future for any offenses committed before the effective date of this ordinance, may be instituted, tried and determined in accordance with the provisions of such ordinances or regulations in effect at the time of the commission of the offenses.

Section 5.8 Repeal and Effective Date

All other subdivision regulations heretofore adopted by the Township Board and all amendments thereto, are hereby specifically repealed as of the effective date of this ordinance. All other ordinances conflicting or inconsistent with the provisions of this ordinance, to the extent of such conflict or inconsistency only, are hereby repealed.

This Ordinance shall become effective immediately upon its passage, publication and recording by the Township Clerk.

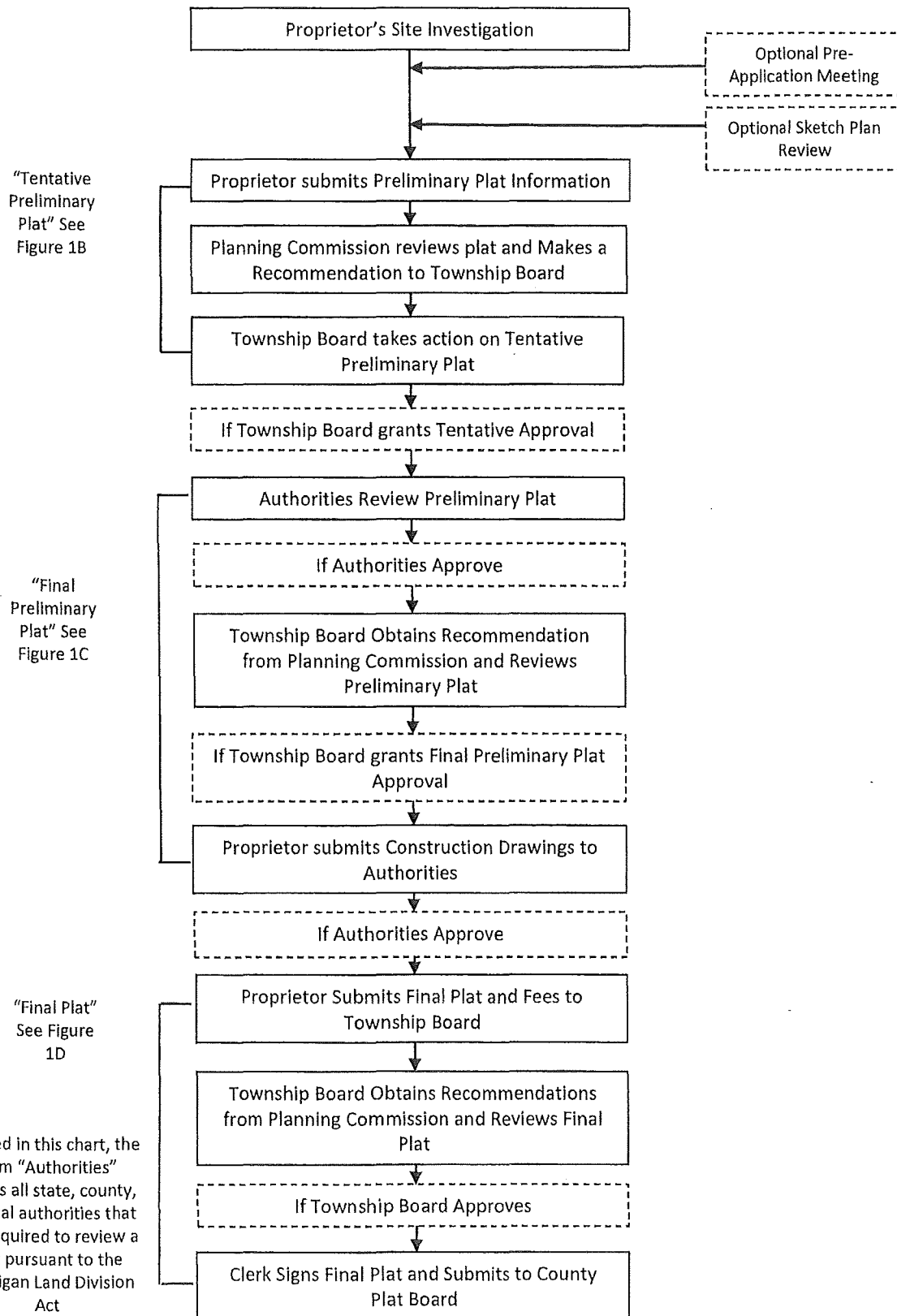
Adoption and Recommendation by Planning Commission: _____

Adoption by Township Board: _____

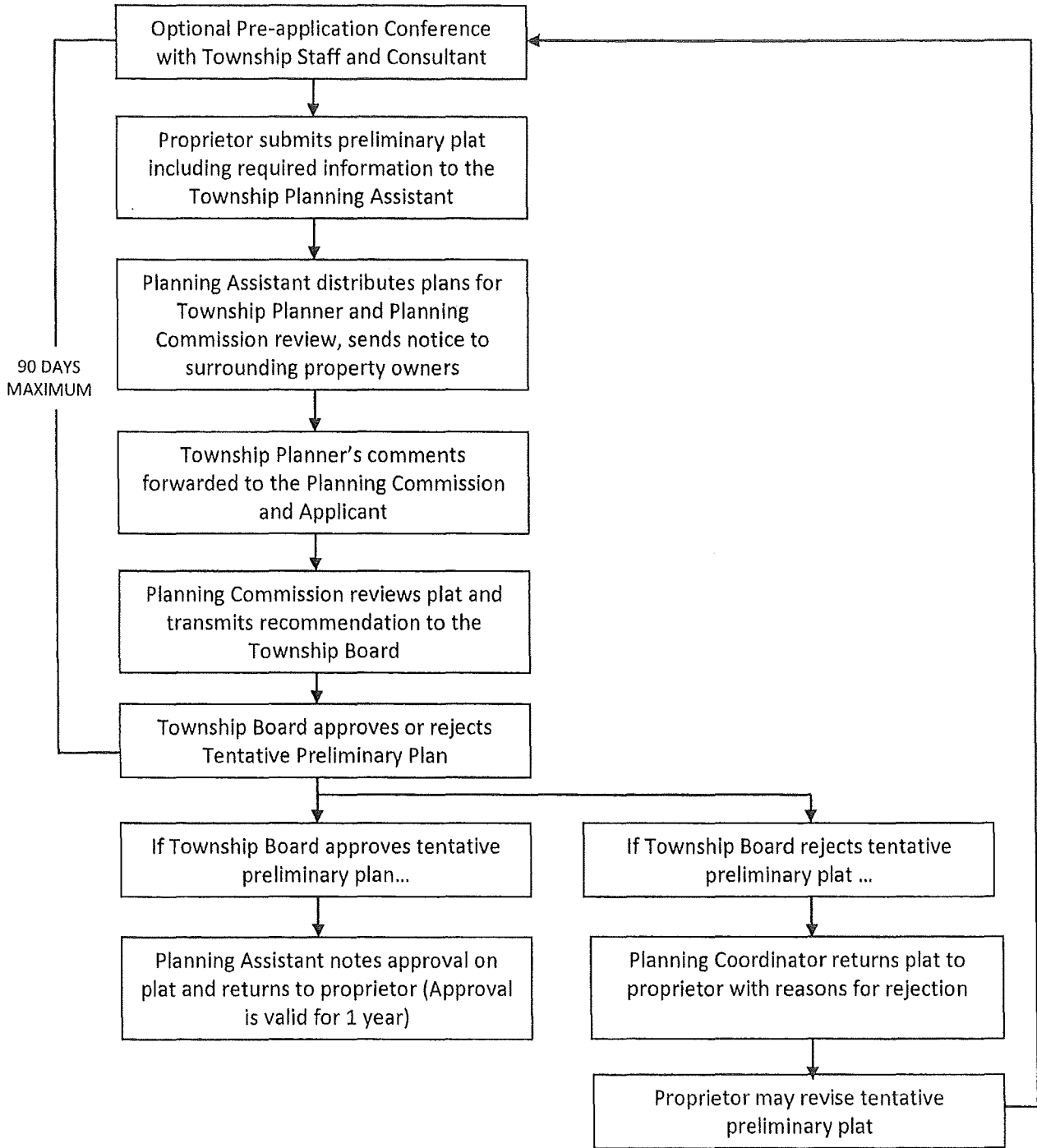
Effective Date: _____

Appendix A
Review Procedures

**Figure 1A
Summary of Overall
Subdivision (Plat) Approval Process**

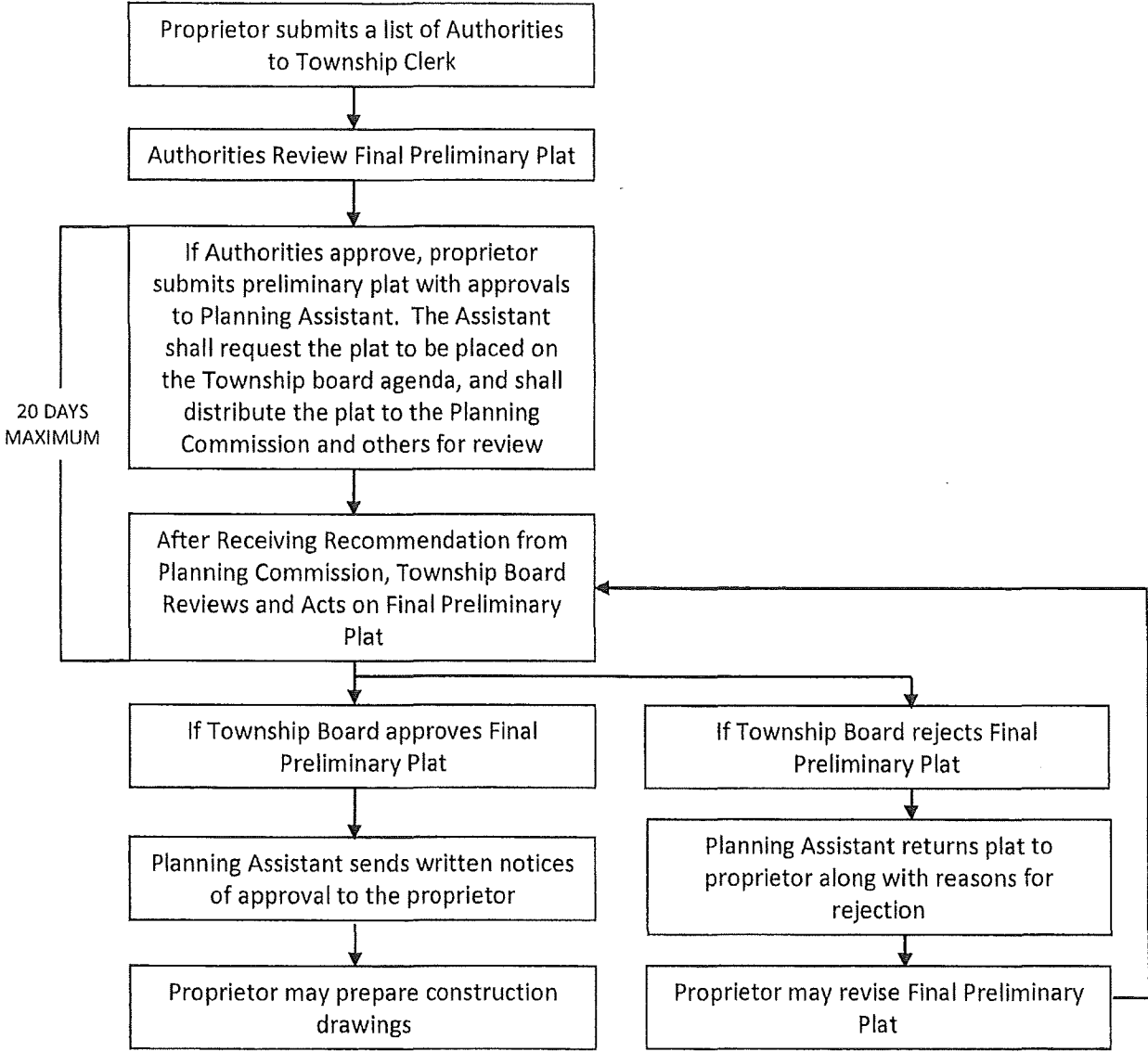


**Figure 1B
Tentative Preliminary Plat Approval Process**



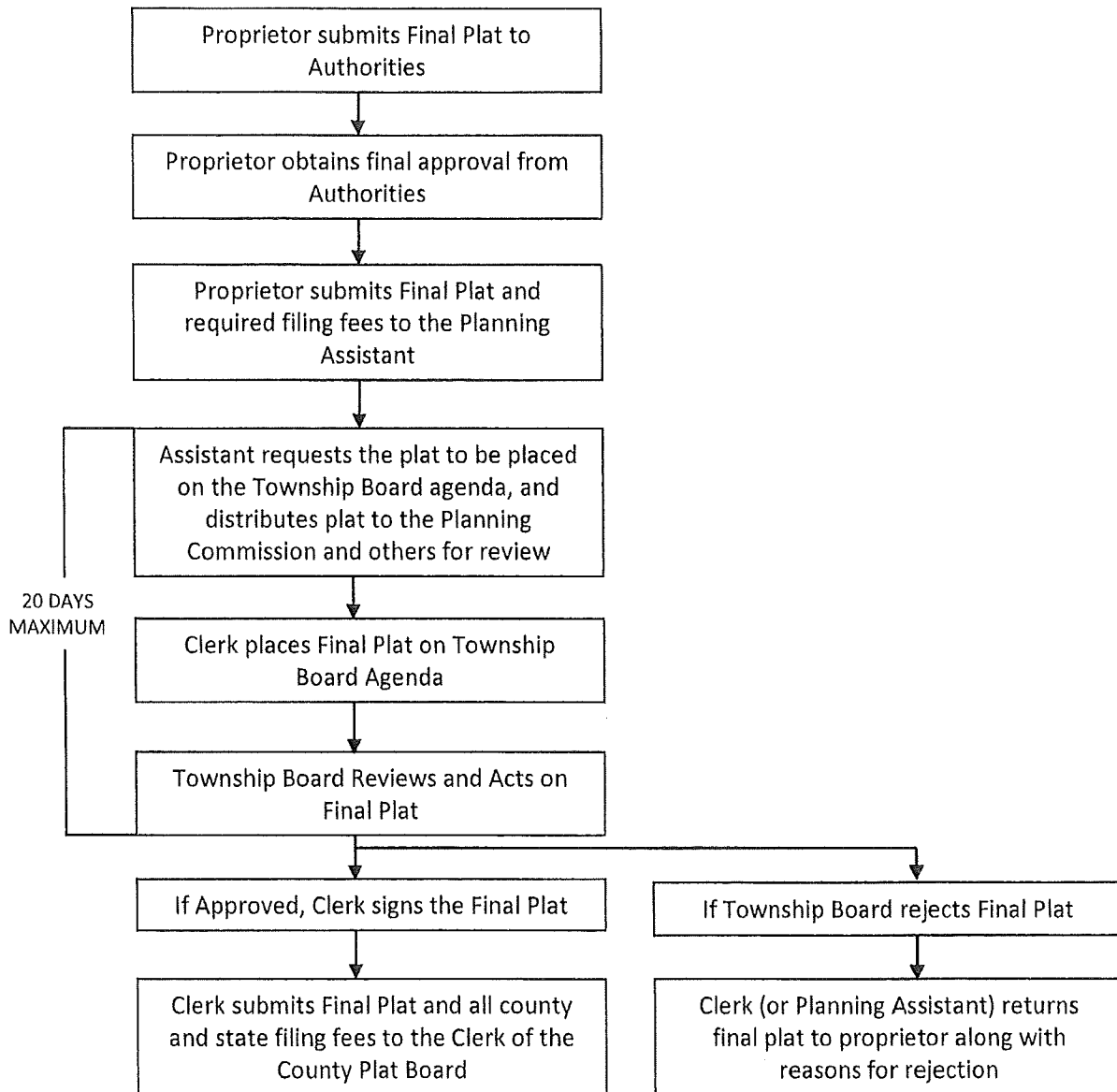
As used in this chart, the term "Authorities" means all state, county, or local authorities that are required to review a plat pursuant to the Michigan Land Division Act

**Figure 1C
Final Preliminary Plat Approval**



As used in this chart, the term "Authorities" means all state, county, or local authorities that are required to review a plat pursuant to the Michigan Land Division Act

Figure 1D
Final Plat Approval Process



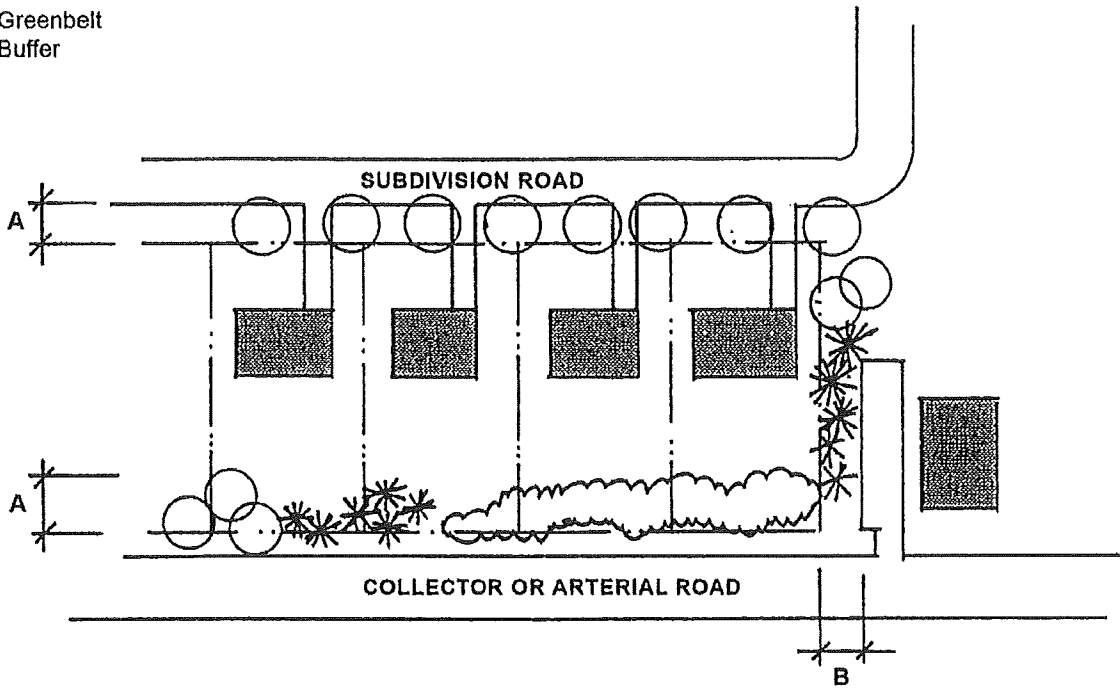
As used in this chart, the term "Authorities" means all state, county, or local authorities that are required to review a plat pursuant to the Michigan Land Division Act

Appendix B
Illustrations

SECTION 2.2, DEFINITIONS

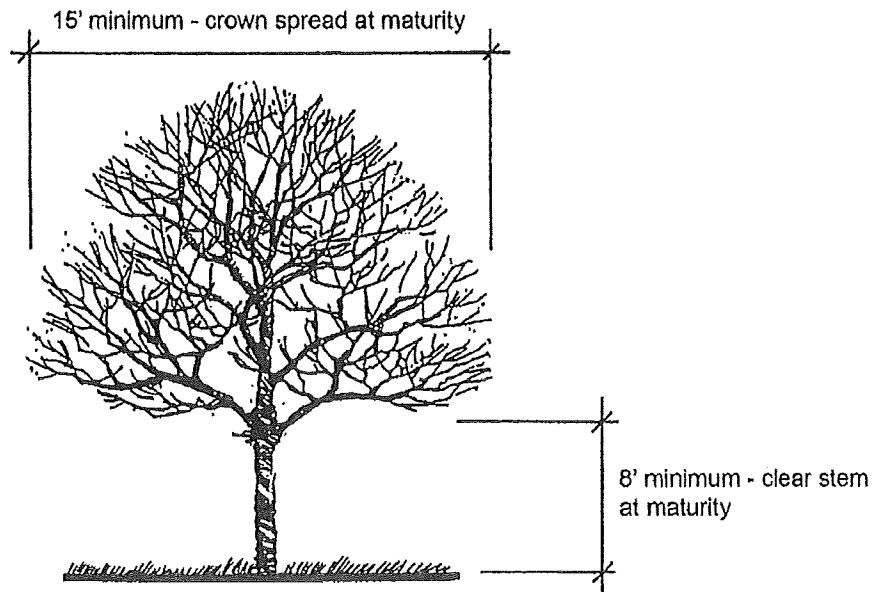
Buffer and Greenbelt

A = Greenbelt
B = Buffer



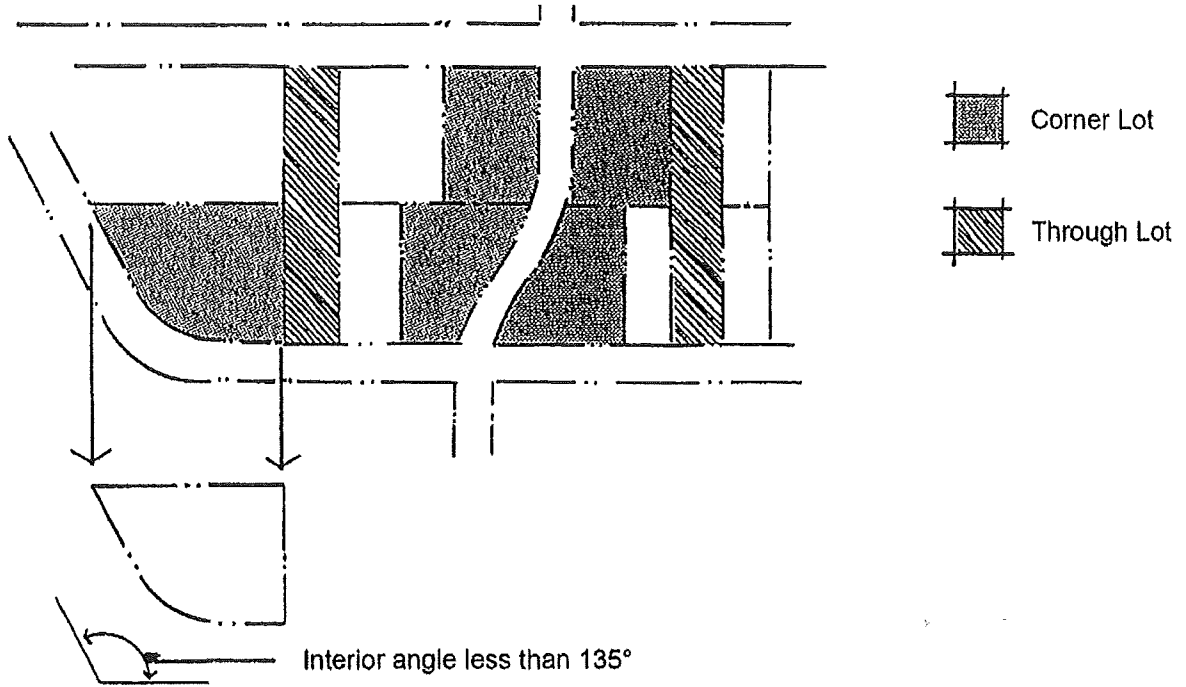
SECTION 2.2, DEFINITIONS

Canopy Tree



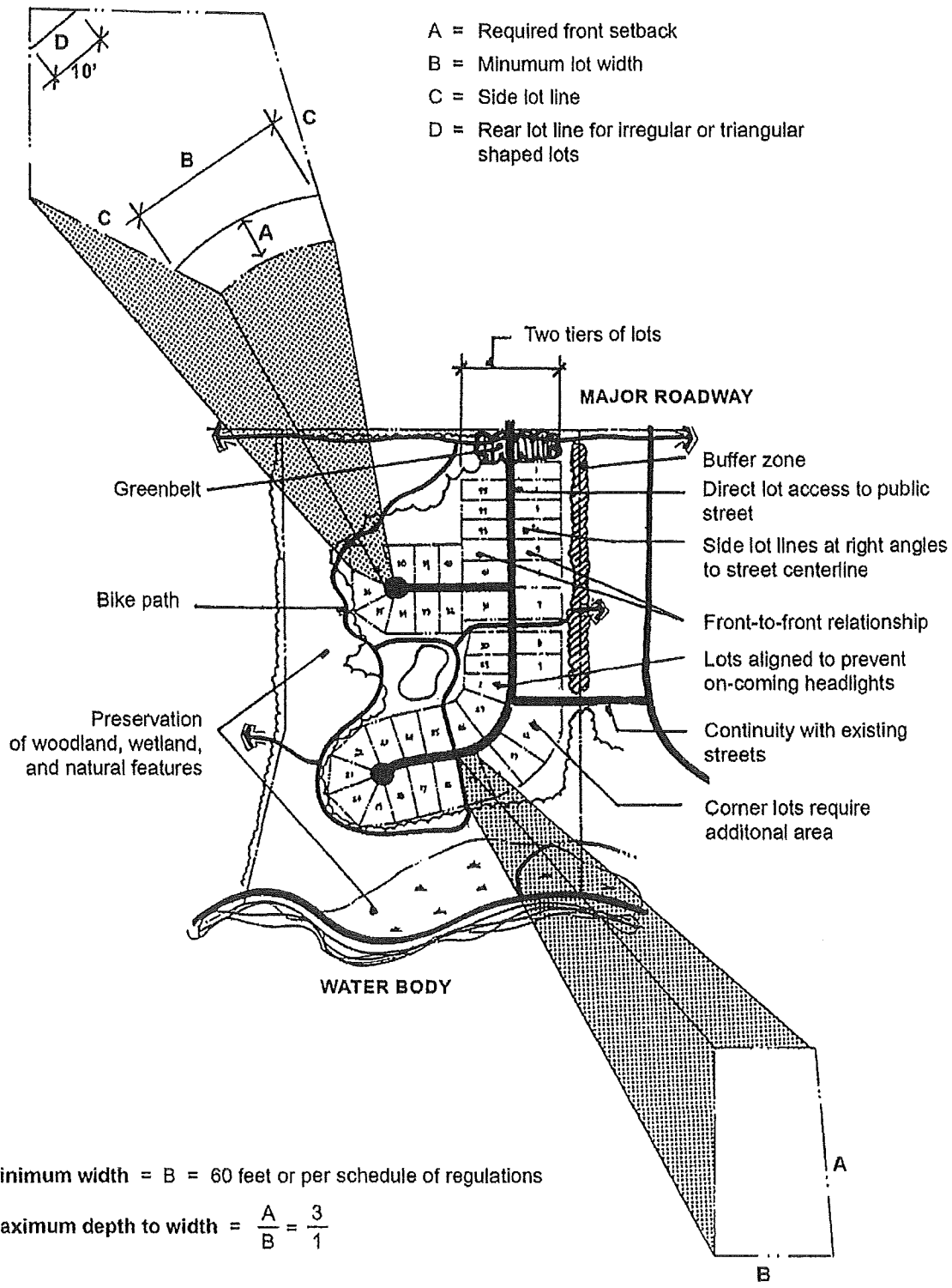
SECTION 2.2, DEFINITIONS

Corner and Through Lot



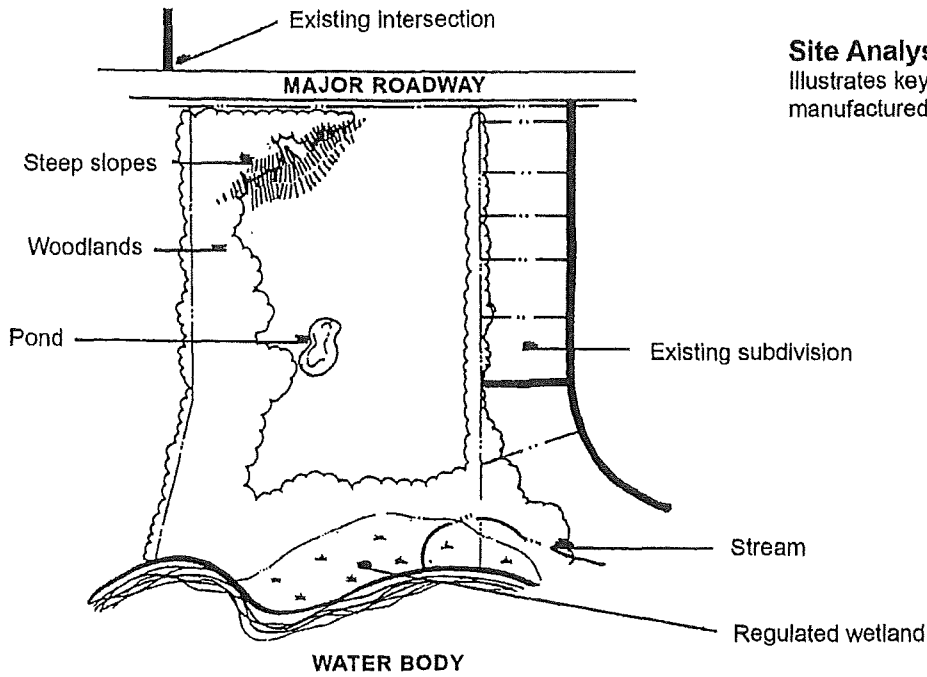
SECTION 3.6, SKETCH PLAN REVIEW, SUBSECTION 2

Submittal Requirements

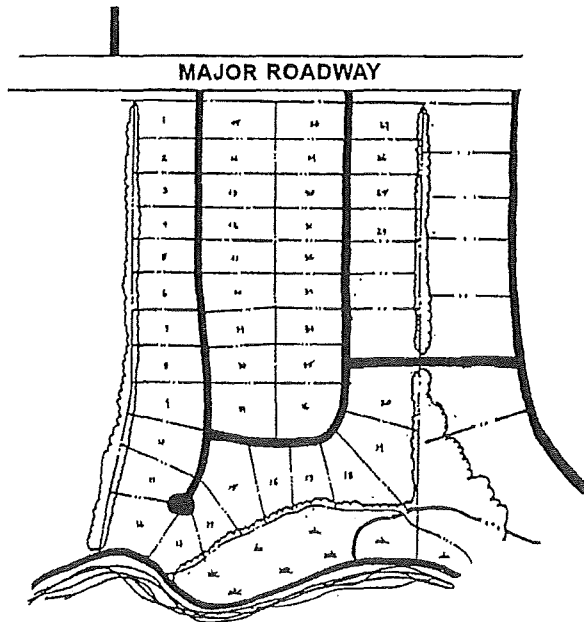


SECTION 3.6, SKETCH PLAN REVIEW · SUBSECTION 2

Submittal Requirements



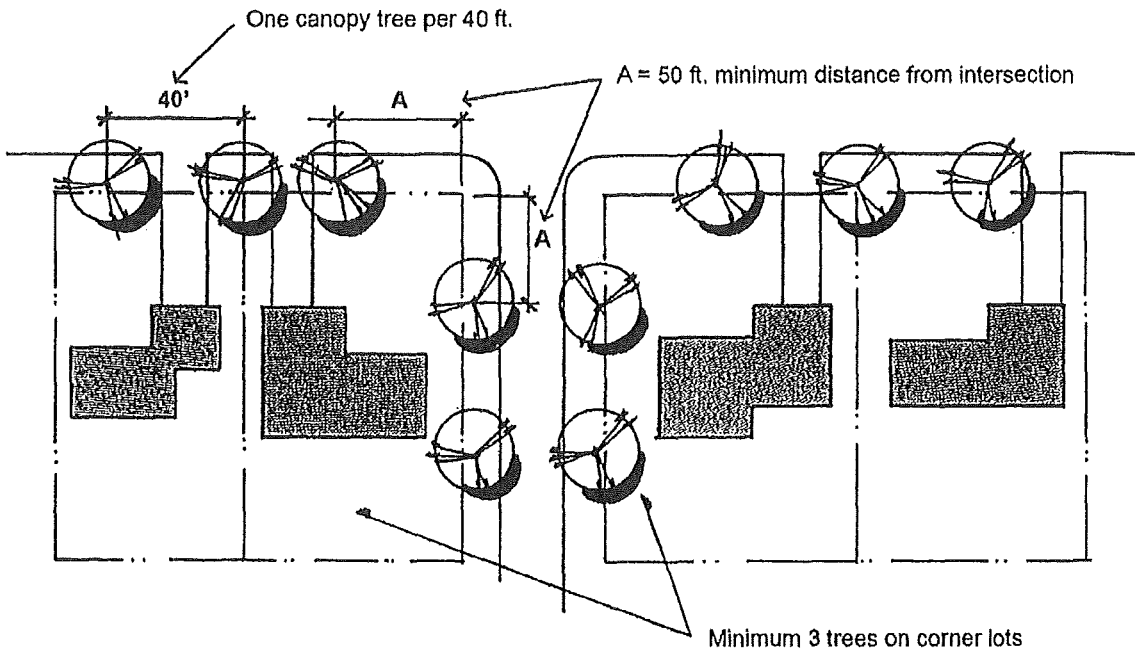
Site Analysis
Illustrates key natural and manufactured site features



Parallel Plan
Illustrates approximate layout of streets, blocks and lots based on conventional standards

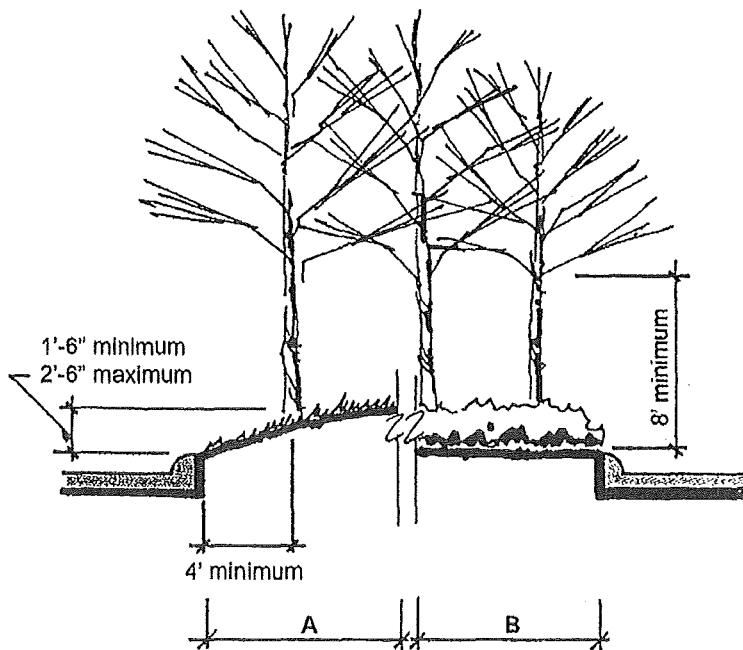
SECTION 4.7, LANDSCAPING, SUBSECTION 1

Street Trees



SECTION 4.7, LANDSCAPING, SUBSECTION 3

Landscaping Cul-de-Sacs



Example:
2,305 S.F. Cul-de-Sac Island

3 canopy trees required, plus A or B

- A = Mounded as shown with ground cover or grass
- B = Four low shrubs per 1,000 S.F., maintained at a maximum height of 2'-6"

WETLAND PROTECTION ORDINANCE

Updated Ordinance adopted by the Township Board on September 7, 2010

**Williamstown Township
Ingham County, Michigan**

Prepared with assistance from:
McKENNA ASSOCIATES, INC.
235 E. Main Street, Suite 105
Northville, Michigan 48167
(248) 596-0920

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Ordinance _____

WETLAND PROTECTION ORDINANCE

**Williamstown Township
INGHAM COUNTY, MICHIGAN**

AN ORDINANCE ENACTED PURSUANT TO MICHIGAN PUBLIC ACT 451 OF 1994, AS AMENDED (THE MICHIGAN NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT), AND MICHIGAN PUBLIC ACT 246 OF 1945, AS AMENDED (THE TOWNSHIP ORDINANCES ACT), FOR THE PURPOSE OF PROTECTING WETLANDS IN WILLIAMSTOWN TOWNSHIP; PROVIDING FOR A TOWNSHIP WETLAND INVENTORY MAP; PROVIDING FOR A WETLAND USE PERMIT; PROVIDING REVIEW PROCEDURES, APPROVAL STANDARDS, AND CONDITIONS FOR WETLAND USE PERMITS; PROVIDING FOR WETLAND MITIGATION; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE WITHIN WILLIAMSTOWN TOWNSHIP.

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

ARTICLE 1.00 - TITLE AND PURPOSE

Section 1.1, Title

This Ordinance shall be known and cited as the "Wetland Protection Ordinance of Williamstown Township."

Section 1.2, Legislative Authority

The authority for requiring permits and regulating activities within wetlands is derived from Section 30308 of Part 303 of Michigan Public Act 451 of 1994, as amended, which is also known as the Natural Resources and Environmental Protection Act, or NREPA.

The Williamstown Township Board finds that wetlands are indispensable and fragile natural resources that provide many public benefits, including maintenance of water quality through nutrient cycling and sediment trapping, and by serving as biological and chemical oxidation basins; flood and storm water runoff control through temporary water storage; groundwater recharge; and by providing open space, passive outdoor recreation opportunities, and fish and wildlife habitat.

Preservation of the remaining Township wetlands in a natural condition is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future residents of Williamstown Township.

Pursuant to Article 4, Section 52 of the Constitution of the State of Michigan, the conservation and development of natural resources of the state is a matter of paramount public concern in the interest of the health, safety, and general welfare of the people. Therefore, with authority provided by Part

303 of Act 451, the Township Board finds that this Ordinance is essential to the long term health, safety, economic, and general welfare of the people of Williamstown Township, and, to the furtherance of the policies set forth in Act 451.

Section 1.3, Purpose

This Ordinance is adopted for the following purposes:

1. To provide for the protection, preservation, replacement, proper maintenance, restoration, and use of the Township's wetlands in accordance with their character, adaptability, and stability, in order to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
2. To encourage proper and reasonable economic use of wetlands, discourage and prevent improper use, reduce financial burdens that improper uses impose on the community, maintain a harmonious and compatible land use balance within the Township, and prevent nuisance conditions that arise with the indiscriminate use or development of wetlands.
3. To support the enforcement of applicable federal, state, and county statutes, ordinances, and regulations, including the Natural Resources and Environmental Protection Act which imposes a responsibility on governmental agencies, individuals, and organizations to prevent or minimize the pollution, impairment or destruction of natural resources that would be likely to be caused by their activities.
4. To establish standards and procedures for the review and regulation of the use of wetlands.
5. To provide for the issuance of Wetland Use Permits for approved activities.
6. To provide a procedure for appealing decisions.
7. To establish enforcement procedures and penalties for the violation of this Ordinance.
8. To assure that the right to reasonable use of private property is maintained.

Section 1.4, Scope of Regulations

1. These regulations apply to all wetlands, as defined in this Ordinance, that: (i) are contiguous to an inland lake or pond, or a river or stream, or (ii) are equal to or greater than one half (1/2) acre in size, or (iii) are not contiguous to an inland lake or pond, or a river or stream, and are one half (1/2) acre or greater but less than two (2) acres in size, if the Township determines that its protection is essential to the preservation of the natural resources of the Township, pursuant to Section 4.6. It is unlawful to conduct or maintain any regulated activity or use within a regulated wetland without full compliance with the requirements of this Ordinance and Part 303 of Act 451.

Whenever persons requesting a wetland use permit are also subject to state and/or federal permit requirements, the following shall also apply:

- a. The Township shall have jurisdiction for the regulation of wetlands under this Article, concurrent with the jurisdiction of the Michigan Department of Natural Resources and Environment.
 - b. Approvals under this division shall not relieve a person of the need to obtain a permit from the Michigan Department of Natural Resources and Environment and/or U.S. Army Corps of Engineers, if applicable.
 - c. Issuance of a permit by the Michigan Department of Natural Resources and Environment and/or U.S. Army Corps of Engineers shall not relieve a person of the need to obtain approval under this Ordinance, if applicable.
2. In the event that the MDNRE retains authority over any wetlands that are not governed by this Ordinance, then Wetlands Use Permit applications involving such wetlands shall be submitted to the Township for review and comment, pursuant to Section 30307(7) of Part 303 of Act 451.

ARTICLE 2.00
RULES OF CONSTRUCTION AND DEFINITIONS

Section 2.1, Rules of Construction

The following rules of construction apply to this Ordinance:

1. The particular shall control the general.
2. Words used in the present tense shall include the future.
3. Words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The words "shall," "will," and "must" are always mandatory and not discretionary. The word "may" is permissive.
5. The masculine gender includes the feminine and neuter.
6. All measurements shall be to the nearest integer, unless otherwise specified herein.
7. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
8. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
9. The word "person" shall be defined as noted in the following Section 2.2.
10. 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," or "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.

- c. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- 11. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- 12. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over the illustrations.
- 13. Words or terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2, Definitions

The following definitions shall apply to the words and terms used in this Ordinance:

Aggrieved Person: Any land owner whose property is within a wetlands drainage basin who may reasonably assume that proposed activity within the wetlands would affect the quantity or quality of water on the land owner's property.

Aquatic Life: Vertebrates or invertebrates that are dependent on wetlands for some vital portion of their life cycle including any of the following: breeding, spawning, nesting, rearing of young, feeding, and resting or protection.

Contiguous:

- (a) A permanent surface water connection or other direct contact with an inland lake, pond, river or stream, or
- (b) A seasonal or intermittent direct surface water connection or other direct contact to an inland lake, pond, river or stream, or
- (c) A wetland that is partially or entirely located within 500 feet of the ordinary high water mark of an inland lake, pond, river or stream, unless it is demonstrated by the property owner with clear and convincing evidence that there is no relation whatsoever between the wetland and the inland lake, pond, river or stream, taking into account the purposes of this Ordinance, or
- (d) Two or more areas of wetland separated only by human barriers, such as dikes, roads, berms, or other similar features, but only with any of the wetland areas contiguous under the criteria described in subsections (a), (b), or (c) of this definition.

Continuing Violation: A violation of this ordinance for which a citation and/or stop work order has been issued but no substantive restorative action has been taken.

Deposit: To fill, place or dump.

Exceptional Wetland: A wetland that provides physical or biological functions essential to the natural resources of the state and that may be lost or degraded if not preserved through an approved site protection and management plan for the purposes of providing compensatory wetland mitigation.

Fill Material: Soil, rocks, sand, pilings, waste of any kind, or any other material that displaces soil or water, reduces water retention potential or reduces wetland vegetation growth.

Inland Lake or Stream: A natural or artificial lake, pond, or impoundment; a river, stream, or creek that may or may not be serving as a drain as defined by the drain code of 1956 (Sections 280.1 to 280.630 of the Michigan Compiled Laws); or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, or a lake, or a pond that has a surface area of less than five (5) acres.

Landscape Level Wetland Assessment: The use of aerial photographs, maps, and other remotely sensed information to predict and evaluate wetland characteristics and functions in the context of all of the following:

- The wetland's landscape position and hydrologic characteristics.
- The surrounding landscape.
- The historic extent and condition of the wetland.

Lot: A designated parcel of land established by subdivision, condominium, or metes and bounds description, to be used or built upon as a unit.

Minor Wetland Activity: Types of regulated activities that would be expected to have only a minor impact on wetlands and that can, therefore, be reviewed through an expedited permit application process. Minor Wetland Activities are further defined as those that may cause only minimal adverse environmental effects when performed separately, and may have only minimal cumulative adverse effects on the environment. Examples of Minor Wetland Activities are listed in the document titled "General Permit Categories for Minor Activities in Wetlands in the State of Michigan," which was issued by the Michigan Department of Natural Resources and Environment on June 13, 2007, and is attached to this Ordinance as Appendix A. These examples of Minor Activities in Wetlands are subject to replacement by minor project categories established by the MDNRE pursuant to Section 303.1.2, Park 303 P.A. 451 of 1994, as amended. Examples of Minor Activities listed include: construction or maintenance of small ponds one half of an acre or less, construction of simple elevated or floating structures, construction of fences, walkways on public lands or lands managed by nonprofit conservation organizations, construction of new driveways or widening of existing driveways, installation of utilities, oil, gas, and mineral well access roads, storm water outfalls, culverts for water level equalization, emergency administration, drain management and conservation, septic system replacement, repairs to serviceable structures, emergency spill cleanup, cleanup of hazardous substances and hazardous and toxic waste, maintenance dredging of man-made storm water and wastewater treatment ponds and lagoons; public road projects, minor residential construction with the total impact area in wetlands not exceeding one-quarter acre for all phases, scientific measuring devices and test wells, fish and wildlife habitat structures, wetland habitat restoration and enhancement, removal of man-made structures, and mowing of vegetation or the removal of vegetation in the area between the ordinary high-water mark and the water's edge.

Minor drainage: Ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering.

Mitigation of wetlands: Creation of new wetlands of the same or similar function to offset unavoidable loss of existing wetlands, or preservation of non-regulated wetlands of the same or similar function to offset unavoidable loss of existing wetlands.

Mowing of Vegetation: The cutting of vegetation to a height of not less than 2 inches, without disturbance of soil or plant roots.

Nationwide Permit: A nationwide permit issued by the United States army corps of engineers under 72 FR 11091 to 11198 (March 12, 2007), including all general conditions, regional conditions, and conditions imposed by this state pursuant to a water quality certification under section 401 of title IV of the federal water pollution control act, 33 USC 1341, or a coastal zone management consistency determination under section 307 of the coastal zone management act of 1972, 16 USC 1456.

Person: An individual, sole proprietorship, partnership, corporation, association, municipality, this state, and instrumentality or agency of this state, the federal government, or an instrumentality or agency of the federal government, or other legal entity.

Planner or Township Planner: The Planning Director, staff planner or consulting planner designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on items such as planning, zoning, land use, subdivision, housing and other related planning and development issues. This term shall include Township specialists on such subjects as landscaping, woodlands, and wetlands.

Rapid Wetland Assessment: A method for generally assessing the functions, values, and condition of individual wetlands based on existing data and field indicators.

Remove: To dig, dredge, suck, pump, bulldoze, drag line, or blast.

Restoration: Action taken to return a wetland from a disturbed or totally altered condition to a previously existing natural or un-altered condition.

Structure: Anything constructed, erected, or assembled of materials above or below the surface of the land or water, including but not limited to, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, paving and roads, poles, towers, cables, pipelines, drainage tiles, and other underground installations.

Township Board: The Supervisor, Clerk, Treasurer, and Trustees, who together serve as the legislative body of Williamstown Township, Ingham County, Michigan.

Township Wetlands Consultant: The person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on matters related to implementing this Ordinance.

Township Wetland Inventory Map: The Williamstown Township Wetland Inventory Map created to comply with Part 303 of the Natural Resources and Environmental Protection Act P.A. 451 of 1994, as amended. The Township Wetland Inventory Map is based on the National Wetland Inventory

Map of the U.S. Fish and Wildlife Service; the Michigan Resource Information System Mapping (MIRIS), aerial photography, and on-site inspections. The Township Wetland Inventory Map may be referred to herein as Inventory Map.

Water Dependent: Requiring access or proximity to or siting within an aquatic site to fulfill its basic purpose.

Wetland: A wetland is land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

- Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
- Not contiguous to the Great Lakes, and inland lake or pond, or a river or stream; and more than 5 acres in size.
- Not contiguous to the Great Lakes, an inland or pond, or a river or stream; and 5 acres or less in size if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner.

A wetland is further characterized by the presence of hydric soils and prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. A wetland that exhibits these characteristics may be dry on the surface during part or all of the year.

Wetland Buffer: A strip of land surrounding a wetland that provides protection for the wetland from inadvertent and secondary impacts. A wetland buffer may also protect wildlife habitat, prevent erosion, provide nutrient filtration and serve other functions associated with a wetland.

Wetland Mitigation Plan: A plan which describes actions that will be taken to compensate for permitted wetland impacts.

Wetland Vegetation: Plants that, under normal conditions, exhibit adaptations to allow germination and growth with at least their root systems in water or in saturated soils.

ARTICLE 3.00
WETLANDS INVENTORY AND IDENTIFICATION

Section 3.1, Township Wetland Inventory Map

The Township Wetland Inventory Map is a general guide to the location of wetlands in Williamstown Township that shall be used in the administration of this Ordinance.

1. The Township Wetland Inventory Map on file at the Township, together with all explanatory matter thereon and attached thereto, as may be amended through the Wetland Identification, Verification or Delineation process, is hereby adopted by reference and declared to be part of this Ordinance.
2. The Township Wetland Inventory Map does not create any legally enforceable presumptions regarding whether a particular lot contains or does not contain wetlands, since wetlands are subject to verification and delineation as specified herein.
3. Wetlands boundaries approved through delineation shall be added to the Township Wetland Inventory Map.
4. The Township shall insure that each record owner of property on the property tax roll shall be notified of any amendment to the Township Wetland Inventory Map. The notice shall indicate that:
 - a. the Inventory Map has been amended;
 - b. the Inventory Map may be viewed at the Township Hall;
 - c. the owner's property may be designated as a wetland on the Inventory Map;
 - d. the Township has a Wetlands Protection Ordinance;
 - e. the Inventory Map does not necessarily include all of the wetlands in the Township that may be subject to the Wetland Protection Ordinance.

Section 3.2, Wetland Identification and Delineation

The Township Wetland Inventory Map shall be validated through the Wetland Identification Process, and the Wetland Delineation Process. The Wetland Identification Process shall be used to

verify that wetlands exist on properties where shown on the Wetland Inventory Map. The Wetland Delineation Process shall be used to establish the actual boundaries of the wetlands.

1. **Wetland Identification Process**

Prior to issuance of any permit to develop or use a parcel of land which is shown to have a wetland on the Inventory Map or which is otherwise determined to potentially contain a wetland, Wetland Delineation may be required. The Township Wetland Consultant shall first decide whether identification is required based on the proximity, relationship and potential impact of the proposed use on the wetland.

- a. The Township or owners of property containing wetlands may initiate the Identification Process.
- b. The identification shall be limited to a finding that wetlands exist (and their regulatory status) or do not exist by the Township Wetland Consultant. The finding may be based on, but not limited to review of aerial photography and topographical maps and field inspection. The Wetland Identification Process does not include the establishment of exact wetland boundaries.
- c. In the event that there is a finding of no wetlands on the property, then no further action by the applicant would be required and the finding shall be recorded on the Wetland Inventory Map.
- d. In the event that there is a finding of a wetland, then the establishment of the actual boundary through the Wetland Delineation Process may be required to amend the Township Wetland Inventory Map or process a Wetland Use Permit application.

2. **Wetland Delineation Process**

Prior to the issuance of a permit for regulated activities in wetlands or to develop or use a parcel of land containing wetlands, Wetland Delineation may be required. Following wetland delineation by the applicant's consultant or by the MDNRE as requested by the applicant, a survey or dimensioned site plan shall be provided, drawn at an appropriate scale, showing property lines, buildings and other points of reference. The Township Wetland Consultant shall then approve or recommend revisions to the applicant's wetland delineation and findings pertaining to regulatory status. The findings of these processes, once accepted in final by the Township, shall be indicated on the Township Wetland Inventory Map. In addition to illustrating the wetland findings from the delineation on the Wetland Inventory Map, the information shall be kept on file and made available at the Township.

The Township shall apply the technical wetland delineation standards set forth in the United States army corps of engineers January 1987 wetland delineation manual, technical report Y-87-1, and appropriate regional United States army corps of engineers supplements, in identifying wetland boundaries under this part, including, but not limited to, section 30307.

3. **Informal Review of Wetlands (Pre-Application Meeting)**

Prior to seeking Wetlands Delineation as described herein, a property owner may request advice and preliminary evaluation of wetlands by the Township Wetland Consultant. Such assistance shall be arranged through the Township, and shall be subject to payment of fees to cover expenses.

**ARTICLE 4.00
WETLAND USE PERMIT**

Section 4.1, Activities Requiring a Wetland Use Permit

It shall be unlawful for any person to conduct any of the following activities within a regulated wetland without first obtaining a Wetland Use Permit in accordance with the requirements of this Ordinance:

1. Depositing or permitting fill material to be deposited in a wetland.
2. Grading land, soil, or other materials in a wetland.
3. Dredging, removing, or permitting the removal of soil or minerals from a wetland.
4. Draining, or causing to be drained, any water from a wetland.
5. Diverting, obstructing or impeding the flow of water within a protected wetland.
6. Constructing, operating, or maintaining any use or development in a wetland.
7. Fertilization or chemical application for other than commercial agricultural purposes or ecological restoration purposes.
8. Cutting of vegetation other than for purposes of agricultural practices or ecological restoration.

Section 4.2, Permissible Activities

The following uses shall be allowed in a wetland without a permit, subject to other applicable state laws and regulations:

1. Fishing, trapping or hunting.
2. Swimming or boating.
3. Hiking.
4. Grazing of animals.

5. Farming, horticulture, silviculture, lumbering and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetlands altered as permitted in this sub-section shall not be used for a purpose other than a purpose described in this subsection without a permit from the Township
6. Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to Part 303 of the Natural Resources and Environmental Protection Act.
7. Construction or maintenance of farm or stock ponds.
8. Maintenance, operation, or improvement which includes straightening, widening or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - a. An existing private agricultural drain.
 - b. That portion of a drain legally established pursuant to the drain code of 1956, Act No. 40 of the Public Acts of 1956, as amended, being section 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.
 - c. A drain constructed pursuant to other provisions of Part 303 of the Natural Resources and Environmental Protection Act (Act 451, Public Acts of 1994, as amended) or former Act No. 203 of the Public Acts of 1979.
9. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained solely for agricultural or silvicultural purposes, and are constructed and maintained in a manner to assure that adverse effect on the wetland will be otherwise minimized.
10. Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in Part 303 of the Natural Resources and Environmental Protection Act, wetlands modified under this subsection after October 1, 1980, shall not be used for nonfarming purposes without a permit from the MDNRE. This subdivision shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the MDNRE has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.
11. Maintenance or improvement of existing public streets, highways or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes, increasing the right-of-way, or deviating from the existing location of the street, highway, or road.

12. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six (6) inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
13. Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
14. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980, or constructed pursuant to Part 303 of the Natural Resources and Environmental Protection Act.
15. Construction of iron and copper mining tailings basins and water storage areas.
16. A wetland that is incidentally created as a result of one (1) or more of the following activities:
 - a. Excavation for mineral or sand mining, if the area was not a wetland before excavation. This exemption does not include a wetland on or adjacent to a water body of one (1) acre or more in size.
 - b. Construction and operation of a water treatment pond or lagoon in compliance with the requirements of state or federal water pollution control regulations.
 - c. A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and if the diked area was not a wetland before diking.
17. Any structure lawfully existing prior to the adoption date of this Ordinance that is damaged by fire, explosion, an act of God, or other cause beyond the control of the owner may be restored, rebuilt, or repaired, but only to its former condition. Reconstruction must commence within two (2) years from the date the structure was damaged, and all necessary Township, State, and Federal permits must be obtained.
18. The cutting of vegetation within the right-of-way of a public street, highway, or road for the purpose of vehicular safety.
19. Impacts to vegetation occurring for the sole purpose of ecological restoration of native plant communities.
20. Removal and replacement of existing septic systems.

Section 4.3, Non-conforming Uses and Structures

1. Any structure or use lawfully existing prior to the adoption date of this Ordinance, but not in conformity with the provisions of this Ordinance, may be continued, maintained and operated. No such nonconforming structure or use shall be enlarged, increased, or expanded without first seeking a Wetland Use Permit.
2. Any structure lawfully existing prior to the adoption date of this Ordinance, damaged by fire, explosion, act of God, or other causes beyond the control of the owner, may be restored, rebuilt, or repaired without obtaining a Wetland Use Permit, provided construction on the structure commences within two (2) years from the date the structure was damaged.

Section 4.4, Protection of Wetlands During Land Division and Development

1. Land division to create new lots shall be allowed only if there will be sufficient buildable area to meet the minimum zoning setback regulations, and provide adequate non-wetland area to accommodate principal and accessory buildings, off-street parking, septic disposal fields, well location, and other required site features; except that land division may be permitted if the property owner records an affidavit acknowledging that the presence of wetlands may affect the usability of the resulting parcels for permitted uses in the zoning district. The affidavit shall be reviewed by the Township Planner and Assessor prior to recording, and property owner shall provide a copy of the recorded affidavit or deed restriction to the Township. This provision shall not apply to previously recorded lots of record upon which one single-family house is proposed to be built.
2. Maximum lot coverage by a building shall be based on that part of the site outside of the wetland.

Section 4.5, Criteria for Evaluating Permit Applications

The criteria to evaluate Wetland Use Permit applications to permit a use listed in Section 4.1 are as follows:

1. A permit for an activity listed in Section 4.1 shall not be approved unless the Township finds that issuance of the permit would be in the public interest, would be otherwise lawful in all respects, and is necessary to allow reasonable use of the property.
2. In determining whether an activity is in the public interest, the benefit which reasonably may be expected to accrue from the activity shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the national, state, and local concern for the protection of natural resources from pollution, impairment, and destruction, giving consideration to the following:
 - a. The relative extent of public and private need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

- c. The extent and permanence of beneficial or detrimental effects that the proposed activity may have on the public and private uses for which the area is suited, giving consideration to the benefits the wetland provides.
 - d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - e. The probable impact on recognized historic, cultural, scenic, wildlife, ecological, or recreational values, and on public health or safety.
 - f. The size and quality of the wetland being considered and the amount and quality of the wetland remaining in the general area.
 - g. Economic value, both public and private, of the proposed activity.
 - h. Findings of necessity for the proposed activity by other local, county, or state agencies.
 - i. Proximity to any waterway.
 - j. Extent to which upland soil erosion adjacent to the protected wetland is controlled.
3. In considering a permit application, the Township shall give serious consideration to the findings of necessity for the proposed activity which have been made by state agencies.
 4. A Wetland Use Permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources, giving consideration to the above criteria. A permit shall not be issued unless the applicant also demonstrates that:
 - a. The proposed activity is primarily dependent upon being located in the wetland,
 - b. A proposed mitigation plan will replace the lost or eliminated resource value of the wetlands.
 - c. A feasible and prudent alternative does not exist,
 5. If it is otherwise a feasible and prudent alternative, an area not presently owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity may be considered.
 6. An alternative that entails higher costs, as described in R 281.922a(11) of the Michigan administrative code, is not feasible and prudent if those higher costs are unreasonable. In determining whether such costs are unreasonable, the department shall consider both of the following:

- a. The relation of the increased cost to the overall scope and cost of the project.
 - b. Whether the projected cost is substantially greater than the costs normally associated with the particular type of project.
7. Failure to submit a complete application is sufficient reason for denial of a Wetland Use Permit.

Section 4.6, Criteria for Evaluating a Permit Application Involving Wetlands Less Than 2 Acres

Non-contiguous wetlands that are one half (1/2) acre or greater but less than two (2) acres in size shall be unregulated unless the Township Board finds that the wetland is essential to the preservation of the natural resources of the Township, pursuant to Section 30309 of Part 303 of Michigan Public Act 451 of 1994, as amended. In making this determination, the Township Board must find that one (1) or more of the following conditions exist at the site:

- a. The site supports state or Federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Section 36505 of the Natural Resources and Environmental Protection Act.
- b. The site represents what is identified as a locally rare or unique ecosystem.
- c. The site supports plants or animals of an identified local importance.
- d. The site provides groundwater recharge documented by a public agency.
- e. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
- f. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl and rare, threatened, or endangered wildlife species.
- g. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- h. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- i. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- j. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

ARTICLE 5.00
PERMIT APPLICATION AND REVIEW PROCEDURES

Section 5.1, Wetland Use Permit Application Requirements

1. Coordination with Other Permits

An application for a Wetland Use Permit may be submitted prior to or concurrently with an application for site plan approval or other land use permit application.

2. Application Requirements

The application for a Wetland Use Permit shall include the following:

- a. A completed application for wetlands, on the form supplied by the MDNRE, (copies of which may be obtained from the Township).
- b. A wetland delineation or verification request shall include, at minimum, the following information: dominant vegetation in the tree, sapling, shrub, and herb layers; presence or lack of accepted wetland hydrology indicators; analysis of soil including a description of the soil profile to at least 20 inches and comparison to Ingham County Soil Survey; and a map or maps, drawn to scale, showing the actual wetland boundaries. Mapped data shall be represented in a manner that allows comparison to the Township Wetland Inventory Map. The boundaries of the wetlands shall be staked or flagged and clearly marked with sequential numbers in the field to permit observation and review by the Township Wetland Consultant.
- c. Soil drainage and stormwater management plans.
- d. A mitigation plan, if the proposed activity will result in the loss of or alteration to wetland resources.
- e. Copies of any proposed or existing MDNRE or Michigan Department of Natural Resources permits or applications (including any for floodplains or threatened and endangered species) filed with Township in accordance with Part 303 of the Natural Resources and Environmental Protection Act (Act 451, Public Acts of 1994, as amended), which shall become part of the application.
- f. A written statement of the qualifications of the applicant's wetland expert.

Section 5.2, Wetland Use Permit Review Procedures – Minor Wetland Activities

Minor Wetland Activities, as defined in Section 2.2, shall be processed in accordance with the expedited review process set forth in Section 5.2. All other wetland use permit applications shall follow the regular review process in Section 5.3.

1. Expedited Review Process for Minor Wetland Activities

Upon receipt of an application for a Minor Wetland Activity, the Township Supervisor or his/her designee shall insure that all required information has been submitted. If an application is not complete, the applicant may be granted additional time to complete the application provided that the applicant agrees that the additional time shall not be charged against the Township's 90-day decision period. The receipt of the application shall constitute permission from the owner to conduct an on-site investigation.

Upon receipt of an application the Township Supervisor or his/her designee shall:

- (a) Transmit one copy of the application to the Township's Wetlands Consultant, who shall evaluate the proposed action and mitigation measures based upon the criteria listed in Section 4.6 of this Ordinance and submit a written recommendation to the Township Supervisor or his/her designee.
- (b) Transmit one copy of the application to the Michigan Department of Natural Resources and Environment (MDNRE).
- (c) Render a decision within 45 days of receipt of a completed application on the proposed activity based in part upon the Wetland Consultant's review and recommendation. The Township Supervisor or his/her designee may attach reasonable conditions to the permit in accordance with the requirements of Section 6.1 of this Ordinance.
- (d) After reviewing the Wetland Consultant's report, if the Township Supervisor or his/her designee determines that the proposed activity within the wetland would be of sufficient intensity that the wetland may be negatively impacted, full review and approval of the application by the Planning Commission and Township Board shall be required. If the application is forwarded to the Planning Commission and Township Board, a decision on the proposed wetland use application shall be rendered within 90 days of receipt of a completed application.
- (e) Any person who is aggrieved by a decision regarding a Minor Wetland Activity permit application may request that the Township Board reconsider the action following the procedures outlined in Section 5.3.2(d).

Section 5.3, Wetland Use Permit Review Procedures – Activities Not Considered Minor

The following wetland use permit review procedures shall be followed for activities not considered minor, as defined in Section 2.2.

1. **Review Options**

The applicant may elect to have the application processed under one of the following review options:

- a. The application may be reviewed prior to the review of a land use proposal on the site, with the understanding that the land use review may not be complete at the time a decision is rendered on the wetland application. Election of this option may require a reopening of the wetland application review if the land use approval is inconsistent with the wetland permit approval.
- b. The applicant may choose to have the wetland use application reviewed and acted upon concurrently with review and action on a land use proposal on the site, in which case the 90-day review period limitation specified in Section 5.3, subsection 2(c), shall be considered automatically extended to accommodate the land use review process.

2. **Procedures**

- a. The Township Planner, or his/her designee, shall insure that all required information has been submitted. If an application is not complete, the applicant may be granted additional time to complete the application provided that the applicant agrees that the additional time shall not be charged against the Township's 90-day decision period. The receipt of the application shall constitute permission from the owner to conduct an on-site investigation.
- b. Upon receipt of an application the Township administration shall:
 - (i) Transmit one copy of the completed application to the Michigan Department of Natural Resources and Environment (MDNRE).
 - (ii) Publish a notice of the application and the date and time of the Planning Commission public hearing required by Section 5.3, sub-section 2.c(iii). The Township administration may consult with the Planning Commission Chairperson or Vice Chairperson regarding scheduling of the hearing. The hearing notice shall be published in a newspaper of general circulation in the Township not less than five (5) days nor more than fifteen (15) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing, the place and time the proposed Wetland Use Permit application may be examined, and the date and time for submission of written public comments. The Wetland Use Permit hearing may be held in conjunction with a hearing on the related land use proposal.
 - (iii) Post the subject property with a sign no less than six (6) square feet in size which shall indicate that an application for a Wetland Use Permit Application has been submitted and that date and time for the public comment.

- (iv) Transmit copies of the application and supporting documentation to the Township Planner and Township Wetlands Consultant. The Wetlands Consultant and Planner shall submit written reviews and recommendations to the Township, basing their comments on the criteria in this Ordinance.
- (v) Transmit the application and supporting documentation to the Planning Commission.

c. Planning Commission and Township Board Review

- (i) Wetland Use Permit applications shall be decided by the Township Board, following receipt of a recommendation by the Planning Commission.
- (ii) The Planning Commission shall hold one public hearing, as described in Section 5.3, sub-section 2.b(ii).
- (iii) After completing review of the report and recommendation from the Township Wetland Consultant, holding a public hearing, and reviewing other public comment received, the Planning Commission shall recommend approval, approval with conditions or denial of the application to the Township Board. The Township Board shall then make a final decision within 90 days after receipt of the completed application.
- (iv) Written notice of the decision shall be sent to the applicant and to all persons who have requested notice of the decision. The denial of a permit shall be accompanied by a written statement of the reasons for denial.
- (v) A permit approval shall become effective ten (10) calendar days following the date of the approval.

d. Request for Reconsideration

- (i) Any person who is aggrieved by a decision regarding a Wetland Use Permit may request that the Township Board reconsider their action by filing a written request, which shall specify the reasons that reconsideration is requested, and which shall include any additional information that the Township Board may not have had when it first acted on the Permit. The request for reconsideration shall be submitted to the Township Clerk within ten (10) calendar days following the date of the initial decision. The timely filing of a request for reconsideration shall have the effect of staying the permit pending the outcome of the request. Since such reconsideration would be above and beyond any action mandated by Act 451, such action need not occur within the Township's 90-day decision period.

- (ii) The Township Board shall hold a hearing on the request for reconsideration which shall be open to public comment and shall include an opportunity for the appealing party to present evidence.
- (iii) Notice of the time and place for consideration of a request for reconsideration shall be sent by mail or personal delivery to the owners of the property considered in the request. The notice may also be placed in a newspaper of general circulation in the Township not less than five (5) days nor more than fifteen (15) days prior to the date of the meeting at which the request will be addressed.
- (iv) The Township Board shall affirm, affirm with conditions, or reverse, their initial decision.

Section 5.4, Request for Revaluation of Property

The owner of any property for which a Wetland Use Permit was applied for under this Ordinance and was denied, may request revaluation of the affected property by the Township Board of Review for assessment purposes to determine its fair market value under the use restriction. A landowner who is aggrieved by a determination, action, or inaction under this Ordinance may protest and appeal that determination, action or inaction pursuant to the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Section 211.1 to 211.157 of the Michigan Compiled Laws.

ARTICLE 6.00
PERMIT CONDITIONS AND MITIGATION

Section 6.1, Wetland Use Permit Conditions

1. As a condition of approval, the Township Board, upon consideration of recommendations from the Planning Commission, Township Wetlands Consultant, or Township Planner, may attach reasonable conditions considered necessary to insure that the intent of this Ordinance will be fulfilled, to minimize or mitigate damage or impairment to, encroachment in, or interference with natural resources and processes within the protected wetland or to otherwise improve or maintain the water quality.
2. As a condition of approval, the Township Board may establish a reasonable time for undertaking and completing all proposed activities and improvements, not to exceed five (5) years.
3. Following approval of a Wetland Use Permit application, a Wetland Use Permit shall be issued provided that the proposed activity complies with other Ordinances and laws, and that all other required permits have been obtained.
4. As a condition of approval, the Township may require the applicant to file with the Township Treasurer a performance guarantee in the form of cash, certified check, or an irrevocable bank letter of credit, in amount determined necessary to insure compliance with the Wetland Use Permit.
5. A Wetland Use Permit for a seasonal operation need not be renewed annually unless otherwise stated in the permit. Any temporary, seasonal, or permanent operation that is discontinued for two (2) or more seasons shall be presumed to have been abandoned and the Wetland Use Permit automatically voided.
6. Any change in activity that increases the size or scope of the operation and that affects the criteria considered in approving the permit shall require the filing of a new Wetland Use Permit application.
7. Any permit granted under this Ordinance may be revoked or suspended by the Township Board, after notice and an opportunity for a hearing, for any of the following causes:
 - a. A violation of a condition of the permit.
 - b. Misrepresentation or failure to fully disclose relevant facts in the application.

- c. A change in conditions that requires a temporary or permanent change in the activity.
8. An applicant who has received a Wetland Use Permit shall comply with the following in connection with any construction or other activity on the property for which the Wetland Use Permit has been issued:
- a. Maintain soil erosion and sedimentation control structures and measures, including but not limited to, silt fences, straw bale berms, and sediment traps.
 - b. Maintain clear delineation of the protected wetlands so that the boundaries are visible to all construction workers.
 - c. Post on the site, prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved Wetland Use Permit containing the conditions of issuance, in a conspicuous manner such that the wording of said permit is available for public inspection.
9. The Wetland Use Permit shall remain effective for a time period coincidental with any other land use permit reviewed and approved concurrent with the Wetland Use Permit. If applied for in writing prior to the expiration date and concurrent with the expiring land use permit, the Township Board may grant a Wetland Use Permit extension that corresponds to additional time granted for the underlying land use permit. The maximum number of extensions shall coincide with the maximum number allowed for the underlying land use permit. Where there is no other activity or permit involved, the Wetland Use Permit shall remain effective for one (1) year, with the opportunity for a one (1) year extension.

Section 6.2, Mitigation

1. No Net Loss of Wetlands

Unless explicitly approved otherwise by the Township Board, there shall be no permitted net loss in acreage of regulated wetlands in Williamstown Township. Wherever wetlands area loss or direct wetland resource impairment are anticipated due to proposed land use activity, mitigation shall be required. The ratio of wetland mitigation acreage to wetland impact acreage shall be at least 2:1 unless explicitly approved by the Township Board. Mitigation shall not substitute for making all prudent efforts to avoid wetlands loss. Accordingly, prior to considering a proposal for wetland mitigation, the applicant shall provide evidence to demonstrate that:

- a. No reasonable alternatives exist to avoid impact to existing wetlands, and
- b. The resource value of existing wetlands will be replaced through mitigation. Such resource value may include flood prevention; wildlife habitat; groundwater resource protection and recharge; pollution treatment; erosion control; nutrient sources; aesthetics; recreation; open space, or other resource value associated with the impacted wetland.

2. **Exception to Mitigation Requirement**

The Township Board may waive the mitigation requirement, upon receiving a recommendation from the Township Wetlands Consultant, and making the finding that the loss of wetland resource value will be so small as to make mitigation infeasible and/or unreasonable.

3. **Compensatory Wetland Mitigation**

In accordance with Section 30311d of Part 303 of Public Act 451 of 1994, as amended, the Township in coordination with the MDNRE may approve one (1) or more of the following methods of compensatory wetland mitigation:

- a. Acquisition of approved credits from a wetland mitigation bank.
- b. The restoration of a previously existing wetland. The restoration of a previously existing wetland is preferred over the creation of a new wetland where none previously existed.
- c. The creation of new wetlands, if the permit applicant demonstrates that ecological conditions necessary for establishment of a self-sustaining wetland ecosystem exists or will be created.
- d. The preservation of existing wetlands.

4. **Review of Mitigation Plans**

Mitigation plans shall be submitted to the Township Wetland Consultant and reviewed with the Wetland Use Permit application in accordance with the procedures outlined in Section 5.2.

5. **Review Criteria**

The following criteria shall be used to evaluate a mitigation plan:

- a. Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered. Only if all of these options are impractical shall mitigation be considered elsewhere.
- b. The mitigation plan shall assure that there will be no net loss to the wetland resource values.
- c. The mitigation plan must comply with all applicable federal, state, and local laws.
- d. A plan to monitor preserved and replacement wetlands over a minimum of five years must be included with the mitigation proposal. The monitoring plan shall provide a means (financial and technical) to modify the mitigation plan, where necessary, to preserve the resource value of the wetland.

6. **Timing of Mitigation**

Mitigation activity shall be completed before initiation of other permitted activities, unless the Township Board finds that another schedule would be more appropriate.

ARTICLE 7.00 ENFORCEMENT

Section 7.1, Penalties and Enforcement

1. **Penalties.** In addition to the rights and remedies herein provided to the Township, any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in an amount not exceeding Five Hundred Dollars (\$500.00) per day or per separate offense, or imprisonment for a period not exceeding ninety (90) days, or both, at the discretion of the court. Each violation of this act shall be a separate offense and in the event of a continuing violation, each day during which the violation exists shall be deemed to be separate and distinct offense. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The assessment of penalties shall not diminish the authority of the Township to order the restoration of a damaged wetland and seek full restitution for such work, pursuant to Section 7.1, sub-section 4.
2. **Stop Work Orders.** Whenever any work is performed contrary to the provisions of this Ordinance, the Township Supervisor or his/her agent shall order the work to cease by notice in writing served on any persons engaged in doing or causing such work to be performed, and any such persons shall, upon receipt of the order, shall forthwith stop such work until authorized by the Township Supervisor or his/her agent to proceed.
3. **Civil Remedies.** Any use of land or premises in violation of any provision of this Ordinance is declared to be a nuisance per se. Whenever any work is being done contrary to the provisions of this Ordinance, the Township may commence judicial proceedings for injunction, mandamus, or other appropriate relief to prevent, enjoin, abate, correct, restore, or remove any violation of this Ordinance. The rights and remedies herein provided are civil in nature and in addition to any criminal remedies under this Ordinance or provided by state law.
4. **Investigation, Restoration.** The Township Wetlands Consultant or his/her agent, officer or employee shall have authority under this Ordinance to enter upon privately-owned land for the purpose of performing the Township's duties under this ordinance and may take or cause to be made such examinations, surveys or samplings as are deemed necessary. In the event of a violation of this ordinance, the Township Board shall have the power to order restoration of the damaged wetland by the owner of the property or the person or agent responsible for the violation. If the owner or person responsible does not complete the restoration measures within an ordered period of time, the Township Board may order the affected wetland restored to its prior condition and/or create or restore other wetlands for the purpose of

offsetting losses sustained as a result of the violation. The owner or person responsible for the original violation shall be responsible to the Township for the full cost of all such remedial activity.

Section 7.2, Fees

Applications for Wetland Use Permits, wetland verification and delineation under this Ordinance shall be accompanied by an application fee in an amount specified by resolution of the Township Board. In the absence of such a resolution, fees shall be paid in an amount to cover the expenses of professional review, inspection and enforcement, publication of notices, and other expenses related to implementation of this Ordinance on a specific parcel or in connection with a specific development proposal.

Section 7.3, Notice to the Michigan Department of Natural Resources and Environment (MDNRE)

1. The Township shall notify the Michigan Department of Natural Resources and Environment (MDNRE) of the adoption of this Ordinance. The Township shall cooperate with the Department of Natural Resources and Environment in the enforcement of Part 303 of the Natural Resources and Environmental Protection Act regarding wetlands under the jurisdiction of the MDNRE as defined under this Ordinance.
2. The Township shall notify the MDNRE of its decisions on all applications processed by the Township.

Section 7.4, Abrogation and Conflict of Authority

Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with and in addition to relevant state regulations and statutes. If any part of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the Ordinance shall remain in force.

Section 7.5, Effective Date

This Ordinance shall become effective 7 days after publication and recording by the Township Clerk.

Recommendation by the Planning Commission: July 20, 2010
Adoption by the Township Board: September 7, 2010
Effective Date: 7 days after publication

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November 11, 2010

Dangerous Buildings Ordinance

An ordinance to promote the health, safety and welfare of the people of Williamstown Township, Ingham County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or eventual demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF Williamstown, Ingham COUNTY, MICHIGAN, ORDAINS:

Section I: Title

This ordinance shall be known and cited as the Williamstown Township Dangerous Buildings Ordinance.

Section II: Definition of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.
2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code for a new building or structure, purpose or location.
3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code.
5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or

give way.

6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.

7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

B. "Enforcing agency" means this township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

C. "Township Building Code" means the building code administered and enforced in the township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, *et seq.*).

Section III: Prohibition of Dangerous Buildings

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section IV: Notice of Dangerous Building; Hearing

A. Notice Requirement. Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. Parties Entitled to Notice. The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the township.

C. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be otherwise made safe, properly maintained, or demolished.

D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Section V: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure otherwise made safe, properly maintained, or demolished.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be otherwise made safe, properly maintained, or demolished, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section V.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. The Hearing Officer shall also file the report of the findings and a copy of the order with the Dangerous Building Board of Appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance.

Section VI: Enforcement Hearing Before the Dangerous Building Board of Appeals

The Dangerous Building Board of Appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The Board of Appeals shall either approve, disapprove or modify the order. If the Board of Appeals approves or modifies the order, the Township Board shall take all necessary

action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

Section VII: Implementation and Enforcement of Remedies

A. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Board of Appeals, the Township Board may, in its discretion, contract for making safe, or maintaining the exterior of the building or structure or grounds adjoining the building or structure, or the demolition.

B. Reimbursement of Costs. The costs of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, or of the demolition, incurred by the Township to bring the property into conformance with this ordinance, shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the township assessor of the amount of the costs of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, or of the demolition, by first class mail at the address shown on the Township records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full cost of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, or of the demolition. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section VII.E. of

this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section VIII: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under Section VI of this ordinance within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section IX: Dangerous Building Board of Appeals

A. Establishment and Duties. The Township Board hereby establishes a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section VI of this ordinance. The establishment and operation of the Board of Appeals shall be controlled by the following provisions of this section.

B. Membership. The Board of Appeals shall be appointed by the Township Board, shall consist of the following members and shall not be employees of the enforcing agency:

1. A building contractor;
2. A registered architect or engineer;
3. Two members of the general public;
4. An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Public Act 54 of 1986, (MCL 338.2301, *et seq.*).

C. Terms. Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

D. Officers. The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board of Appeals considers necessary.

E. Quorum and Final Action Votes. A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

F. Compensation and Expenses. The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

G. Open Meetings Act Applicable. A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.261, *et seq.*). Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

H. Freedom of Information Act Applicable. A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Public Act 442 of 1976, as amended, (MCL 15.231, *et seq.*).

Section X: Appeal of Township Board/Board of Appeals Decision

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under Section VI of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section XI: Severability

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

Section XII: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section XIII: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

Adopted 11/13/19; Published 11/24/19; Effective 12/24/19.