

## CHAPTER 154: ZONING

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### **TITLE, PURPOSE, CONSTRUCTION AND SCOPE**

#### **§ 154.001 ENACTING CLAUSE.**

(A) An ordinance adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act, Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended, (and under authority of M.C.L.A. §§ 125.3801 et seq.) to provide for the establishment, regulation and administration of zoning districts in the unincorporated portions of the township of such areas and locations as are deemed best suited to carry out the objectives of the township within which districts the proper use of land and waste of natural resources is encouraged and regulated, and the improper use of land and waste of natural resources prohibited; and within which districts the use of buildings, structures and land for agriculture, recreation, residence, industry, trade or other specified uses are encouraged, regulated or prohibited; and within which districts provisions are made to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine minimum size of yards, courts and open spaces; to regulate and limit the density of population; to regulate and determine minimum sanitary, safety and protective measures; and to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures throughout each district; and to provide for administering of the chapter; and to provide for conflicts in other ordinances or regulations; and to provide penalties for violations; and to provide for appeals; and to provide for repeal of ordinances in conflict herewith; and to provide for any other matters authorized by the above mentioned Township Rural Zoning Act; and

(B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter, provided that construction shall be completed within 365 days from such effective date and be subject thereafter to the provisions of § 154.347.

(Ord. 1, passed 11-13-2000, § 1.1)

#### **§ 154.002 CONFLICT WITH OTHER LAWS.**

(A) (1) Conflicting laws of a more restrictive nature are not affected or repealed by this chapter.

(2) The provisions of this chapter shall be considered as minimum.

(3) Conflicted laws of less restrictive nature, or those conflicting in ways other than degree or restrictiveness are hereby repealed.

(B) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement that such easement,

covenant or other private agreement, it shall be governed by the provisions of this chapter.

(Ord. 1, passed 11-13-2000, § 1.2)

### **§ 154.003 VALIDITY AND SEVERABILITY CLAUSE.**

(A) If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not included in said ruling.

(B) If any court of competent jurisdiction shall declare invalid the application or any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

(Ord. 1, passed 11-13-2000, § 1.3)

### **§ 154.004 PERIOD OF EFFECTIVENESS.**

This chapter shall remain in full force and effect henceforth unless repealed.

(Ord. 1, passed 11-13-2000, § 1.4)

### **§ 154.005 REPEAL OF ORDINANCE.**

The Zoning Ordinance of Concord Township adopted by the Board of Concord Township on March 1, 1957 and all amendments thereto are hereby repealed concurrent with the effective date of this chapter.

(Ord. 1, passed 11-13-2000, § 1.5)

### **§ 154.006 EFFECTIVE DATE.**

This chapter was adopted by the Township Board at a public meeting held on November 13, 2000 and notice ordered published in the *Jackson County Legal News*, a newspaper having general circulation in the township.

(Ord. 1, passed 11-13-2000, § 1.6)

## **DEFINITIONS**

### **§ 154.020 DEFINITIONS.**

For the purpose of this chapter, certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural includes the singular. The word "shall" is always mandatory. The word "person" always includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied". For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDINGS.** A supplementary building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory use.

**ACCESSORY USE.** A use which is incidental and subordinate to the principal use of the land or buildings.

**ALTER.** Any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, joists, girders and similar components, or any substantial change in the roof or exterior walls.

**AUTOMOBILE REPAIR.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rustproofing.

**AUTOMOBILE SERVICE STATION.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. **SERVICE STATIONS** shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body fender work or automobile repairs are conducted.

**AUTOMOBILE WASH.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**BASEMENT.** The portion of a building having more than one-half of the height below grade.

**BED AND BREAKFAST.** A single-family residential structure that provides sleeping rooms and serves breakfast to its transient tenants.

**BEDROOM.** A dwelling room used for, or intended to be used in whole or in part, for sleeping purposes by human beings.

**BOARD OF APPEALS.** As used in this chapter, the term **BOARD OF APPEALS** means the Township of Concord, Michigan, Zoning Board of Appeals.

**BUILDING.** An enclosed structure having a roof supported by columns or walls.

**BUILDING FRONTAGE.** The portion of a building that principally faces a public right-of-way.

**BUILDING HEIGHT.** The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip or gambrel roofs.

**BUILDING, MAIN OR PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is situated.

**CAMPGROUND.** A parcel of land in which sites are offered for the use of temporary living quarters for recreational units. For the purpose of this chapter, the following additional terms are defined.

(1) **RECREATIONAL UNIT.** A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A **TENT** means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

(2) **TEMPORARY LIVING QUARTERS.** As related to camping, means a recreational unit or a building within a modern camp, which is occupied or used for more than four hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three consecutive months.

**CLUB.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not operating for profit.

**CLUSTER HOUSING.** A development design technique, approved by the township which concentrates single-family lots in specific areas on a site to allow the remaining land to be used for recreation, common open space and/or preservation of natural resources and features.

#### **CONDOMINIUM DEVELOPMENT.**

(1) Any development undertaken under the provisions of the Michigan Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended, or any other act of the legislature of the state providing for development of property under joint or concurrent ownership.

(2) The following other definitions shall also apply.

(a) **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

(b) **CONDOMINIUM LOT.** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

(c) **CONDOMINIUM SUBDIVISION PLAN.** The drawings and information prepared in accordance with § 66 of the Condominium Act, being M.C.L.A. §§ 559.101 et seq.

(d) **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

(e) **CONSOLIDATING MASTER DEED.** The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

(f) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.

(g) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act, being M.C.L.A. §§ 559.101 et seq.

**CONVALESCENT HOME or NURSING HOME.** A state-licensed facility for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders

**DAY CARE FACILITIES.** The following definitions shall apply in the construction and application of this chapter.

(1) **DAY CARE CENTER.** A facility, other than a private residence, receiving more than one or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child.

(2) **FAMILY DAY CARE HOME.** A private home in which one, but not more than six, minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

(3) **GROUP DAY CARE HOME.** A private residence in which seven but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

**DISTRICT.** A portion of the township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

**DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT.** A business establishment so developed that its principal retail service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service (e.g., restaurants, cleaners, banks, theaters) patrons while in said vehicle.

**DWELLING.** Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single-, multiple- or two-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to **DWELLINGS**.

**DWELLING, MULTIPLE-.** A building used for and designed as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including mobile homes.

**DWELLING, SINGLE-FAMILY.** A detached building designed for or occupied exclusively by one family and having a minimum living area of 720 square feet.

**DWELLING, SINGLE-FAMILY DETACHED.** A detached building designed for or occupied exclusively by one family, which shall comply with the following standards:

- (1) A minimum living area of 720 square feet or one or two bedroom dwelling with 144 square feet of additional living area for each additional bedroom, and minimum floor to ceiling height of seven and one-half feet;
- (2) Minimum exterior widths of 20 feet alongside elevations, exclusive of porches not a part of the main living area, and a minimum roof pitch not less than four-twelves;
- (3) The dwelling shall be attached to a permanent foundation constructed on the site, which shall be coextensive with the perimeter of the structure in compliance with the State Building Code, manufacturer specifications and/or all other state and federal regulations;
- (4) No exposed wheels, towing mechanisms, under carriage or chassis shall be permitted;
- (5) The dwelling shall be connected to a public sewer and water supply or to private sewer and water supply facilities approved by the County Health Department before issuance of a certificate of occupancy;
- (6) The dwelling shall contain storage areas in the basement, attic and closets or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. The storage areas within the dwelling unit shall, in the aggregate, be equal to at least 15% of the minimum living area square footage requirements;
- (7) The dwelling shall in all respects comply with the State Building Code, manufacturer specifications and/or all applicable federal and state laws, regulations, standards and codes, including, but not limited to, electrical, plumbing, energy, fire and safety;
- (8) In addition to the foregoing requirements, manufactured/mobile homes shall in all respects comply with the standards for manufactured/mobile home construction and safety as contained in the United States Department of Housing and Urban Development (HUD) regulations then in effect as adopted pursuant to the provisions of Public Law 93-383, being the U.S. Housing Act of 1937, 42 U.S.C. §§ 1437 et seq., as amended;
- (9) In further addition to the foregoing requirements, two or more single-wide manufactured/mobile homes cannot be joined together to meet the minimum width requirements listed in division (2) of this definition above; and
- (10) The foregoing standards shall not apply to a manufactured/mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by state or federal laws and regulations.

**DWELLING, TWO-FAMILY.** A detached building designed for or occupied exclusively by two families living independently of each other. Also known as a **DUPLEX DWELLING**.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.

**EXCAVATING.** The removal of sand, stone, gravel or fill dirt to below-the-average grade of the surrounding land and/or the finished grade, whichever shall be highest, excepting common household gardening.

**FAMILY.**

- (1) An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated persons, who are domiciled together as single, domestic, housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**HOME OCCUPATION.** An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

**INTENSIVE LIVESTOCK OPERATION.** An agricultural operation in which animals are bred and/or raised within a confined area, at concentrated densities. Such operations are further characterized as having an animal feeding building or feedlot which is a facility, other than a pasture, where animals are fed and/or confined.

**KENNEL, COMMERCIAL.** Any building, structure, enclosure or premises where four or more dogs or cats, six months of age or older, are kept for commercial purposes, including boarding, breeding or sale, or the rendering of services for profit. For the purposes hereof, animals kept and maintained by a hobby kennel, shall not be deemed and considered a **COMMERCIAL KENNEL**.

**KENNEL, HOBBY.** Any building, structure, enclosure or other premises where three or less dogs or cats, six months of age or older, are kept, harbored or maintained.

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

**LOT.** A parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this chapter.

**LOT AREA.** The total area within the lot lines of a lot.

**LOT, CORNER.** A lot abutting two intersecting streets.

**LOT DEPTH.** The average distance from the centerline of the road upon which the lot or parcel fronts to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the centerline of the road which the lot or parcel fronts.

**LOT, DOUBLE FRONTAGE.** A lot, other than a corner lot, having frontage on two roads which are more or less parallel.

**LOT LINE, FRONT.** In the case of an interior lot, the **FRONT LOT LINE** shall mean the line separating the lot from the road. In the case of a double frontage lot, the **FRONT LOT LINE** shall be that line separating said lot from that road which is designated as the front. In the case of a corner lot, there shall be a front yard for each road front.

**LOT LINE, REAR.** The lot line which is opposite from the designated front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the **REAR LOT LINE** for the purpose of determining depth of rear yard.

**LOT LINE, SIDE.** Any lot line not a front lot line or a rear lot line. In the case of a corner lot, there shall only be on **SIDE LOT LINE**.

**LOT LINES.** Any line dividing one lot from another or from right-of-way, and thus constitutes the property lines bounding a lot.

**LOT OF RECORD.** A lot, the dimensions of which are shown on a subdivision plat recorded in the office of the Register of Deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the state, and said description so recorded or on file with the county.

**LOT, WATERFRONT.** A lot having frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designed as the water frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

**LOT, WIDTH.** The required horizontal distance between the side lot lines measured at the two points where the required front yard setback line intersects the side lot lines.

**MANUFACTURED/MOBILE HOME.** A detached portable residential dwelling unit with a floor area of at least 720 square feet, prefabricated and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling with suitable foundation per the setup and installation specifications recommended by the manufacturer or promulgated by the Federal Department of Housing and Urban Development and shall be connected to the existing utilities. A travel trailer, motor home or camper trailer are not be considered a **MANUFACTURED/MOBILE HOME**.

**MANUFACTURED/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 continuous non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with a building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

**MOTEL.** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or tourist court with more than one unit or a motor lodge shall be deemed a **MOTEL**.

**NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions of the chapter in the zoning district in which it is located.

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

**OCCUPIED.** Includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

**OFF-STREET PARKING LOT.** A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress plus on-site parking space for at least two vehicles.

**OPEN AIR BUSINESS.** The retail sales of goods which are principally displayed outside, such as automobiles, building material, and nursery and garden products.

**PERSON.** Include any individual, corporation or partnership, or other form or organization which is recognized or provided for by state or federal law.

**PLANNED UNIT DEVELOPMENT (PUD).** A form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which the township will have considerable involvement in determining the nature of the development.

**PORCH, ENCLOSED.** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which is attached.

**PORCH, OPEN.** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing and under federal, state or municipal regulations, to the public: electricity, gas, steam, communications, telegraphy, transportation or water.

**RIGHT-OF-WAY.** A legal right of passage over real property typically associated with roads and railroads.

**SELF-STORAGE FACILITY.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

**SETBACK.** The minimum required horizontal distance between the building or structure and the front, side and rear lot lines.

**SIGN.** A name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. The definition includes interior signs which are directed at persons outside the premises of the sign owner and exterior signs, but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided.

(1) **BILLBOARD.** An outdoor sign advertising services or products, activities, persons, or events that are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the **BILLBOARD** is located. The definition of **BILLBOARD** shall include the following types of billboards.

- (a) **DOUBLED-FACED.** A billboard with two parallel back-to-back faces, each facing in the opposite direction.
- (b) **STACKED.** A billboard with two faces, located one on top of the other, each facing in the same direction.
- (c) **TANDEM.** A billboard with two faces, located side-by-side, each facing in the same direction.
- (d) **V-TYPE.** A billboard with two non-parallel back-to-back faces, each facing in the opposite direction.

(2) **FREESTANDING SIGN.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure



whether portable or stationary.

(3) **SIGN SURFACE.** The part of the sign upon, against or through which the message is displayed or illustrated.

(4) **TEMPORARY SIGN.** A sign which is temporary in nature, easily movable and not permanently attached to the ground or a building.

(5) **TOTAL SURFACE AREA OF THE SIGN.**

(a) The sum total of all exterior surfaces of the sign, computed in square feet.

(b) In the case of a broken sign (a sign with open spaces between the letters, figures, numbers or symbols) the **TOTAL SURFACE AREA** shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two outermost letters, figures, numbers or symbols.

(6) **WALL SIGN.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said **WALL SIGN** shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a **WALL SIGN**.

**STABLE, COMMERCIAL.** A stable with a capacity of five or more horses, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation.

**STABLE, HOBBY.** A stable with a capacity of four or fewer horses, mules or donkeys, which is used by the owners of the property.

**STORY.** The portion of a building, including between the surface of any floor and the floor above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

**STREET.** The public or private thoroughfare which allows traffic circulation and provides principal means of access to abutting property.

**STRUCTURE.** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on or below the ground.

**USE.** The lawful purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**USE, ILLEGAL NONCONFORMING.** An existing use of land and structure, created after the effective date of this chapter, and which does not conform to the uses specified as permitted in a district.

**USE, LEGAL NONCONFORMING.** An existing use of land and structures, as of the effective date of this chapter.

**YARD, FRONT.** An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

**YARD, REAR.** An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

**YARD, SIDE.** An open, unoccupied space on the same lot with the principal building, between the side line of the closet building and the adjacent side line of the front line of the rear yard, and if not front yard is required, the front boundary of the side yard shall be the front line of the lot.

**ZONING ADMINISTRATOR.** The administrative official designated by the Township Board to administer and enforce the zoning regulations.

(Ord. 1, passed 11-13-2000, § 2.1; Ord. 22, passed 7-13-2015)

## § 154.021 ILLUSTRATIONS OF TERMS.

Explanations of key zoning terms are provided on the following pages. In all cases, the specific definition as provided in § 154.020 shall apply.

(Ord. 1, passed 11-13-2000, § 2.2)

## ESTABLISHMENT OF ZONING DISTRICTS

### § 154.035 ZONING DISTRICTS.

For the purpose of this chapter, the township is hereby divided into the following districts:

AG	Agricultural
R-1	Single-Family Residential
R-M	Multiple-Family Residential
RMH	Mobile Home Park

CG	General Commercial
LI	Limited Industrial

(Ord. 1, passed 11-13-2000, § 3.1)

**§ 154.036 ZONING DISTRICT MAP.**

(A) *Identified.* The zoning districts as provided in §154.035 are bounded and defined as shown on the map entitled “Zoning District Map of Concord Township”. The zoning district map, along with all notations, references and other explanatory information, shall accompany and be made a part of this chapter.

(B) *Authority.* Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map shall be available for public inspection, and shall be located in and maintained by the office of the Township Clerk. The Clerk’s copy, which bears the signatures of the Township Supervisor and Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the township.

(C) *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any districts indicated on the zoning district map, the following rules apply.

(1) A boundary indicated as approximately following the centerline of a highway, alley or easement shall be construed as following such centerline.

(2) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

(Ord. 1, passed 11-13-2000, § 3.2)

**§ 154.037 AGRICULTURAL DISTRICT (AG).**

(A) *Statement of purpose.*

(1) The purpose of this district is to preserve, for agricultural activity, to the greatest extent possible those areas in the township which have been designated as essential agricultural lands in the township’s land use plan, while allowing a limited amount of non-farm housing. To this end the number of non-farm dwellings allowed on a parcel of land, which is a parcel of record at the time this chapter is adopted, shall be based on a schedule of density contained in § 154.044. However, it should be noted that the primary intended use of this district is agricultural activities and that there may be odors, dust and noise associated with these activities which are not compatible with residences.

(2) It is recognized that the public health and welfare of the citizens of the township and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to ensure that land areas within the township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural practices and irretrievably deplete agricultural lands.

(3) The Essential Agricultural District has the following specific purposes and objectives:

- (a) Protect prime farmland from speculative increases in land values;
- (b) Prevent fragmentation of farmlands by division into small parcels;
- (c) Prevent loss of prime farmland;
- (d) Prevent conflicts between agricultural activities and residences;
- (e) Prevent encroachment of urban and suburban services into agricultural areas;
- (f) Minimize cost of providing services to rural areas;

(g) Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;

- (h) Reduce the amount of land consumed in rural areas for nonagricultural use;
- (i) Prevent intrusion of uses into farm areas which are incompatible with general farming activities; and
- (j) Permit services which are necessary to support farming activities.

(4) The Agricultural District is intended to be used in those parts of the township which are designated for permanent agricultural use in the township’s land use plan.

(B) *Permitted principal uses.* The following uses are permitted in an AG, Agricultural District. Any use not expressly permitted is prohibited.

- (1) Accessory uses and buildings customarily incidental to the above permitted principal uses;

- (2) Adult foster care family homes;
- (3) Apiaries;
- (4) Conservation areas for flora or fauna;
- (5) Family day care homes;
- (6) Farm and farm operations involved in the production of farm products meaning plants and animals;
- (7) Forest preserves;
- (8) Game refuges;
- (9) Home occupations as defined in §154.255;
- (10) Kennels, hobby;
- (11) Nursery stock, farming and commercial greenhouses;
- (12) Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education and not operated for profit on sites of not less than ten acres;
- (13) Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreational facilities and conservation;
- (14) Roadside stands for the marketing of agricultural products produced on the premises;
- (15) Single-family detached dwellings (as defined in § 154.020), both farms and non-farm related;
- (16) Stables, hobby (private); and
- (17) Transmission and distribution lines and pipelines, related structures and telephone repeater structure, but not including buildings of public utility companies when located in an existing right-of-way or utility easement.

(C) *Special land uses.* The following special land uses shall be permitted subject to the standards hereinafter imposed:

- (1) Adult foster care group homes;
- (2) Airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations subject to the following.
  - (a) The runway shall be of a length appropriate to safely accommodate aircraft which will use the facility, but not less than 1,200 feet in length.
  - (b) A 20:1 approach surface clearance shall exist over obstructions.
  - (c) An area clear of any obstructions, and under control of the applicant through ownership or easement for a distance of 125 feet either side of the runway, and 200 feet beyond the runway ends, shall be maintained.
  - (d) Noise levels perceptible on adjacent properties shall not exceed:
    1. Twenty dB in excess of the ambient level, for any period of time;
    2. Fifteen dB in excess of the ambient level, for a cumulative period of more than one minute in any hour;
    3. Ten dB in excess of the ambient level, for a cumulative period of more than five minutes in any hour; and
    4. Five dB in excess of the ambient level, for a period of more than 15 minutes in any hour.
  - (e) The runway shall be aligned on the parcel so as to avoid aircraft take-off or landing in a manner directly aligned with any dwelling church located within 1,500 feet of the runway.
  - (f) The airport or airstrip shall not be located within 2,000 feet of a school, or within a distance from a farm which would affect livestock production.
  - (g) The applicant shall request a review of proposed airport or airstrip plans from the Federal Aviation Administration (FAA) and the Bureau of Aviation, Michigan Department of Transportation (MDOT). Comments received from the FAA and MDOT shall be submitted to the township with the request for special land use permit. All requirements of the FAA and MDOT, other federal and state agencies, and all federal and state laws, regulations, rules and standards shall apply. In addition, the applicant shall meet, to the satisfaction of the Township Board, all recommendations of the FAA regarding public health, safety and welfare.

(3) Agricultural service establishments engaging in the performance of agricultural, animal husbandry or horticultural services on a fee or contractual basis, including corn shelling; grain storage; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; crop dusting; fruit picking; grain cleaning; harvesting and plowing; animal hospitals, animal cemeteries and veterinary services; agricultural processing operations; agricultural products storage facilities; bulk feed and fertilizer outlets; farm machinery sales; grain elevators; livestock auction facilities; and livestock slaughter facilities;

- (4) Ambulance stations;
- (5) Bed and breakfast establishments subject to the following conditions.
  - (a) Each premises must be occupied and operated by its owner.
  - (b) Not more than 25% of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
  - (c) No bed and breakfast sleeping room shall be located in a basement or above the second story of the dwelling.
  - (d) There shall be no separate cooking facilities used for bed and breakfast stay.
  - (e) The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
  - (f) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast, which list shall be available for inspection by township officials at any time.
  - (g) Adequate bath and toilet facilities shall be provided for all bed and breakfast guests.
  - (h) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
  - (i) Sufficient off-street parking shall be provided in addition to that required by §154.085(B)(2)(a)1. for residential purposes, at the rate of one space per double-occupied room.
- (6) Bulk feed and fertilizer outlets;
- (7) Campgrounds, travel trailer parks and tent sites subject to the following requirements.
  - (a) Minimum lot size shall be 20 acres. The lot shall provide direct vehicular access to public street or road. The term **LOT** shall mean a campground or travel trailer park.
  - (b) Public stations, houses in all-weather structures, containing adequate water outlet, toilet and waste contained and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one such station per 50 sites.
  - (c) No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than 80 sites.
  - (d) Each lot shall provide vehicle parking areas for site occupants and guest parking. Such parking area shall be treated in a manner so as to minimize dust and shall be located within 400 feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
  - (e) Each site shall contain a minimum of 1,500 square feet. Each site shall be set back from any right-of-way or property line at least 75 feet.
  - (f) A minimum distance of 15 feet shall be provided between all travel trailers and tents.
  - (g) A minimum of 10% of the total lot shall be left in open space developed for recreation purposes. Such area shall not include roads, sidewalks, land underwater or having excessive grade and shall be so developed as to have adequate drainage and usability by users of the lot.
- (8) Cemeteries, provided that the principal access shall be directly to a county road. Minimum site size shall be ten acres;
- (9) Churches, subject to the following requirements:
  - (a) Minimum lot width of 200 feet;
  - (b) Minimum site size of five acres; and
  - (c) All front, side and rear yard space shall be a minimum of 50 feet each from adjoining lot lines.
- (10) Colleges and universities;
- (11) Charitable, philanthropic institutions;
- (12) Golf courses, which may or may not be operated for profit, subject to the following conditions.
  - (a) The site shall be planned so as to provide all ingress and egress onto a county road.
  - (b) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line of abutting residentially zoned lands.
- (13) Golf driving ranges subject to following conditions:
  - (a) Minimum lot size of ten acres;
  - (b) The site shall be so planned as to provide all ingress and egress directly onto a county road; and

(c) Such use shall be located at least 200 feet from any property line of abutting residentially zoned lands.

(14) Government buildings;

(15) Gravel pit and sand extraction, quarries. The removal of soil, sand, gravel, stone and other earth materials shall be subject to the following conditions.

(a) There shall be not more than one entrance way from a public road to said lot for each 500 feet of front lot line.

(b) Such removal, processing, transportation and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.

(c) On said lot, no digging or excavating shall take place closer than 100 feet to any lot line, or greater distance as may be required by prevailing conditions.

(d) On said lot all roads, driveways, parking lots and loading and unloading areas within 100 feet to any lot line shall be paved, oiled, watered or chemically treated so as to limit adjoining lots and public roads nuisance caused by wind-borne dust.

(e) Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling or transportation operation and borne or able to be borne by wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

(f) Such removal, processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse or body outside the lines of the lot on which such use shall be located.

(g) Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this division (C)(15)(g), shall take place after the date of the cessation of operation.

(h) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, but that in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line.

(i) There shall be erected a fence not less than six feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than 50 feet to the top edge of any slope.

(j) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural.

(k) The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, steps which shall be taken to conserve topsoil, proposed and final landscaping; and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.

(l) The operator shall file with the township a performance bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of the restoration shall be fixed by the Township Board. The bond shall be released upon written certification of the Township Zoning Administrator that the restoration is complete and in compliance with the restoration plan.

(m) The permit or each renewal thereof shall be for a period of not more than five years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this chapter for the issuance of a conditional use permit.

(16) Group day care homes;

(17) Hospitals, nursing homes, sanitariums;

(18) Intensive livestock feeding operations:

(a) All structures confined to lots designed to house or contain livestock or animal waste shall be set back at least 250 feet from the property line abutting any road and 500 feet from other abutting property lines;

(b) All structures and confined lots designed to house or contain livestock or animal waste shall be set back 750 feet from any existing family residence, except that of the intensive animal feeding operator; 1,500 feet from any existing church, business, school, recreational area (public or private) or any public building; and 2,000 feet from any recorded residential plat;

(c) The need for the preparation of an environmental impact statement (EIS) and/or a hydrological study shall be determined by the regulating state or federal agency. The Township Zoning Administrator shall be notified in writing should these requirements be waived by the regulating agencies and the reasons for the waiver. A copy of any EIS or hydrological study prepared shall be provided to the Township Zoning Administrator;

(d) The design and construction of all equipment, facilities and structures to be used for disposal of animal waste, including animal waste lagoons, shall be approved by, and meet the then current requirements and standards defined by the County Soil Conservation Service, and the regulating state or federal agency. Evidence that these requirements have been met and the required approvals from these agencies obtained, shall be provided to the Township Zoning Administrator prior to the start of the operation of the waste disposal equipment, facilities and structures;

(e) The design, installation and operation of all facilities and equipment required to monitor groundwater, soil and air contamination, including monitoring and test wells, shall meet the then current requirement specified by the regulating state or federal agency;

(f) Proven methods shall be used to minimize odor, smoke, fumes, dust, insects or rodents generated as a result of the facility operation; and

(g) A copy of all reports and results of groundwater, soils and/or air quality tests required by the regulating state or federal agency's monitoring program shall be provided to the Township Zoning Administrator. This requirement shall also apply to intensive animal feeding operations existing at the time of the enactment of this chapter.

(19) Kennels, commercial subject to the following requirements:

(a) Minimum lot size shall be ten acres; and

(b) All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.

(20) Livestock auction yards;

(21) Police and fire stations;

(22) Seasonal housing for agricultural workers (on farms of 60 acres or larger);

(23) Snowmobile trails, motorcycle trails;

(24) Stables, commercial;

(25) Swimming pools, public or community;

(26) Temporary buildings for use incidental to construction work for a period not to exceed one year;

(27) The raising of fur-bearing animals subject to the following conditions.

(a) The commercial raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals shall be located on a continuous parcel of land 20 acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of 100 feet.

(b) The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats or other similar animals shall be located on a parcel of property not less than ten acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.

(28) Transient or temporary amusements and carnivals;

(29) Transmission and distribution lines, pipelines of public utility companies when new rights-of-way or easements are required, and structures of public utility companies provided that there shall be no storage of materials, equipment, vehicles or supplies on the premises, except as required for maintenance of a permitted or special use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed and landscaped in such a manner as to conform to the character of the surrounding area and zoning district in which located; and

(30) Tree and sod farms.

(31) Lawn care, landscaping, lawn mowing, gardening, floriculture, groundskeeping and similar occupations subject to the terms and conditions defined in the Special Use Permit.

(D) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements unless otherwise specified are as provided in § 154.044.

(Ord. 1, passed 11-13-2000, § 3.3; Ord. 22, passed 7-13-2015; Res. passed 12-13-2021)

#### **§ 154.038 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).**

(A) *Statement of purpose.* The Single-Family Residential District is established as a district in which the principal use is for single-family dwellings. For the Single-Family Residential District, in promoting the general purpose of this chapter, the specific intent is:

- (1) To encourage the construction of, and the continued use of the land for single-family dwellings;
- (2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;
- (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter;
- (4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets;
- (5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewage, substantially in excess of such requirements and costs if the district were developed only for single-family dwellings; and
- (6) To encourage single-family development in those areas which have suitable soils.

(B) *Permitted principal uses.* The following provisions apply in all Single-Family Residential Districts. Any use not expressly permitted is prohibited.

- (1) Accessory uses and buildings customarily incidental to the above permitted principal uses;
- (2) Adult foster care family homes;
- (3) Family day care homes;
- (4) Public, parochial or other private elementary, intermediate and/or high schools, offering courses in general education, not operated for profit, with a minimum site size of ten acres;
- (5) Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities and conservation;
- (6) Single-family detached dwellings (as defined in § 154.020); and
- (7) Transmission and distribution lines and pipelines and related structures, but not including buildings of public utility companies when located in an existing right-of-way or utility easement.

(C) *Special land uses.* The following special land uses shall be permitted subject to the standards hereinafter imposed:

- (1) Adult foster care group home;
- (2) Ambulance station;
- (3) Bed and breakfast establishments subject to the requirements set forth in §154.195;
- (4) Cemeteries, provided that the principal access shall be directly to a county road as defined in the county comprehensive development plan. Minimum site size shall be ten acres;
- (5) Churches;
- (6) Convalescent and/or nursing homes, when the following conditions are met.
  - (a) The site shall be so developed as to create a land to building ratio on the parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,500 square feet of land area.
  - (b) No building shall be closer than 40 feet from any property line.
- (7) Golf courses, which may or may not be operated for profit, subject to the following conditions.
  - (a) The site shall be so planned as to provide all ingress and egress directly onto a county road.
  - (b) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than 200 feet from any property line of abutting residentially zoned lands.
- (8) Group day care homes;
- (9) Home occupation as defined in §154.255;
- (10) Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one acre in area and may provide for the following:
  - (a) Cottage-type dwellings and/or apartment-type dwelling units;
  - (b) Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops;
  - (c) All dwellings shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities); and
  - (d) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 50% of the

total site exclusive of any dedicated public right-of-way.

(11) Library or museum (noncommercial);

(12) Multiple-family dwelling units housing not more than four dwelling units per structure subject to the following conditions:

(a) Approval by the County Health Department for the installation of an on-site water well and sewage disposal system;

(b) Minimum lot size shall be one acre for each structure; and

(c) Required minimum floor area for each dwelling unit shall be:

<i>Dwelling Unit Size</i>	<i>Area in Square Feet</i>
Efficiency unit	400
One-bedroom unit	600
Two-bedroom unit	750
Three-bedroom unit	950

(13) Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of at least 5,000 square feet and shall be screened from adjoining lot in any residential district;

(14) Police and/or fire stations;

(15) Planned residential developments in accordance with § 154.150;

(16) Public office buildings;

(17) Public parks and playgrounds;

(18) Swimming pool (community or public);

(19) Temporary building for use incidental to construction work for a period not to exceed one year; and

(20) Transmission and distribution lines, pipelines of public utility companies when new rights-of way or easements are required; and structures of public utility companies, provided that there shall be no storage of materials, equipment vehicles or supplies on the premises, except as required for maintenance of a permitted or conditional use; provided further that no personnel shall be quartered on the premises and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located.

(D) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements unless otherwise specified area are as provided in § 154.044.

(Ord. 1, passed 11-13-2000, § 3.4; Ord. 22, passed 7-13-2015)

**§ 154.039 MOBILE HOME PARK DISTRICT (RMH).**

(A) *Statement of purpose.* The purposes of the Mobile Home Park District is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this section establishes low density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreation facilities, churches, schools and necessary public utility buildings.

(B) *Permitted principal uses.* The following provisions apply in all RMH, Residential Mobile Home Districts. Any use not expressly permitted is prohibited:

(1) Mobile home parks, subject to the requirements as established and regulated by the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended;

(2) Mobile home subdivisions provided that minimum lot sizes and yard spaces shall be:

Lot area	
Single	5,000 sq. ft.
Double wide	7,200 sq. ft.
Lot width	
Single	45 ft.
Double wide	60 ft.



Minimum front yard	20 ft.
Minimum side yard	10 ft.
Minimum rear yard	25 ft.

(3) Accessory uses and buildings customarily incidental to the above permitted principal uses.

(C) *Special land uses.* The following special land uses shall be permitted subject to the standards hereinafter imposed and § 154.045:

(1) Public utility buildings and uses, but not including service and storage yard, when operating requirements necessitate locating within the district to serve the immediate vicinity;

(2) Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district; and

(3) Temporary buildings for use incidental to construction work for a period not to exceed one year.

(D) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements unless otherwise specified are as provided in § 154.044.

(Ord. 1, passed 11-13-2000, § 3.5)

### **§ 154.040 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM).**

(A) *Statement of purpose.* The RM, Multiple-Family Residential District is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses and garden apartments. For the Multiple-Family Residential District, in promoting the general purpose of this chapter, the specific time is:

(1) To encourage multiple-family development in locations where:

- (a) Sewage disposal can be safely accommodated;
- (b) In areas with immediate access to county primary roads; and
- (c) In areas where multiple-family development can be compatible with adjacent development.

(2) To prohibit business, commercial or industrial uses of land; and to prohibit any other use of land which would substantially interfere with multiple-family development; and

(3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.

(B) *Permitted principal uses.* The following provisions apply in all RM, Multiple-Family Residential Districts. Any use not expressly permitted is prohibited.

(1) Two-family dwellings;

(2) Multiple-family dwelling units including townhouses (single-family attached dwellings), apartments and row or terrace dwellings; and

(3) Accessory uses and buildings customarily incidental to the above permitted principal uses.

(C) *Special land uses.* The following special land uses shall be permitted subject to the standards hereinafter imposed and § 154.045:

(1) Hospitals, provided the following conditions are met.

(a) All such hospitals shall be developed only on sites consisting of at least ten acres in area.

(b) The proposed site shall have at least one property line abutting a county road. All ingress and egress to the off-street parking area, for guests, employees, staff as well as other users of the facilities, shall be directly onto said county road.

(c) In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least 100 feet for buildings containing two stories, the building shall be set back from the initial 100-foot setback an additional one foot for each foot of additional height above two stories.

(d) The minimum distance from any street line shall not be less than 40 feet for buildings containing two stories or less, while buildings above two stories shall be set back an additional one foot for each five feet of height above two stories.

(e) The minimum distance from any nonresidential lot line shall not be less than 25 feet.

(f) Ambulance and delivery areas shall be obscured from all residential view with a wall at least six feet in height.

(g) Development plan shall show any future construction and projected maximum patient census.

(h) Noise producing activities, such as ambulance and delivery areas, shall be located not less than 500 feet from any residential area.

(2) Convalescent and/or nursing homes, when the following conditions are met.

(a) The site shall be so developed as to create a land to building ratio on the parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,500 square feet of land area.

(b) No building shall be closer than 40 feet from any property line.

(D) *Site design requirements.* All permitted uses shall conform to the following site design requirements.

(1) *Density.* Two-family and multiple-family dwellings and adult foster care group homes shall be subject to the following density requirements based on gross site acreage, not including public road rights-of-way:

<b>Unit Type</b>	<b>Site Area per Dwelling Unit</b>
First bedroom	6,000 sq. ft.
Each additional bedroom	3,000 sq. ft.

(2) *Setbacks and distance between buildings.* All developments shall be subject to the following yard requirements:

<b>Min. Setback From Internal Drive/Street</b>	<b>Min. Setback From Perimeter Prop. Line</b>	<b>Min. Distance Between Buildings</b>	<b>Min. Setback From Internal Parking</b>
25 ft.	50 ft.	35 ft.	10 ft.

(3) *Recreational space.* All multiple-family developments in RM Districts shall contain an area or areas provided for common recreation of 3,000 square feet per dwelling unit. Such common recreation areas shall be located and designed in a manner which is appropriate to meet the recreational needs of the prospective residents of the development. Such recreational facilities may include, but not limited to, swimming pools, tennis courts, playground, picnic areas, playfields and jogging trails.

(E) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements unless otherwise specified are provided in § 154.044.

(Ord. 1, passed 11-13-2000, § 3.6)

### **§ 154.041 COMMERCIAL DISTRICT (C).**

(A) *Statement of purpose.* The C, Commercial District, is intended to permit retail business and service uses which are needed to serve the nearby residential area. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare or heavy truck traffic. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal strip, business development along heavily traveled roads.

(B) *Permitted principal uses.* The following provisions apply in all C, Commercial Districts. All business or servicing shall be conducted with a completely enclosed building. When such business or establishment abuts a residential district, a minimum 50-foot side yard setback shall be required. Outdoor storage yards are prohibited. Any use not expressly permitted is prohibited:

(1) Accessory buildings and uses customarily incidental to the above permitted principal uses;

(2) Ambulance stations;

(3) Banks, credit unions, savings and loan associations, except drive-in types;

(4) Business or private schools operated for a profit;

(5) Churches;

(6) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited;

(7) Charitable, philanthropic institutions;

(8) Hospitals;

(9) Household appliance stores;

(10) Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving other than customer service outlet are prohibited;

(11) Medical or dental office, including clinics and medical laboratories;

(12) Nursing, convalescent homes;

(13) Office buildings resulting from any of the following occupations: executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; sales and governmental service;

(14) Party stores;

(15) Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair; tailor shops, locksmith and similar establishments;

(16) Pet stores;

(17) Photographic studios;

(18) Police and fire stations;

(19) Public utility buildings and uses, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity;

(20) Retail establishments for the sale of alcoholic beverages, antiques, baked goods, bicycles, books, candy, clothing, confection, drugs, flowers, gifts, groceries, hardware, hobby equipment, jewelry, meat, music, notions, paints, periodicals, sundry small household articles, tobacco, variety and dry goods and similar establishments;

(21) Schools;

(22) Shoe repair shops;

(23) Tailor, seamstress shop;

(24) Transmission and distribution lines, pipelines, structures of public utility companies; and

(25) Upholstery shops.

(C) *Special land uses.* The following special land uses shall be permitted subject to the standards hereinafter imposed and § 154.045:

(1) Adult day care facility;

(2) Animal hospital, kennel (commercial);

(3) Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing; provided further than off-street storage space for at least ten cars waiting to be washed per car was line is provided for manual or self-serve establishments and at least 25 storage spaces for automatic establishments;

(4) Automobile service stations subject to the following requirements:

(a) An automobile service station shall be located on a lot having a frontage along the principal street of not less than 100 feet, and having a minimum area of not less than 15,000 square feet;

(b) An automobile service building house, an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any side or rear lot line adjoining a residentially zoned district;

(c) All driveways providing ingress to or egress from an automobile service station shall be not more than 30 feet wide at the property line. No driveway or curb opening shall be located nearer than 20 feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station;

(d) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way;

(e) Where an automobile service station adjoins property located in any residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four feet but not greater than six feet in height;

(f) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property; and

(g) Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten days.

(5) Child care center;

(6) Eating and drinking, and banking establishments of a drive-in or carry-out character, subject to the following:

(a) The establishment shall be located on a lot having a frontage along the principal street of not less than 100 feet, and having a minimum area of not less than 15,000 square feet;

(b) 1. All driveways providing ingress or egress shall not be more than 30 feet wide at the property line;

2. No driveway or curb opening shall be located nearer than 20 feet to any intersecting street right-of-way, or adjacent to residential property; and

3. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same establishments.

(c) Where an establishment adjoins property located in a residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four feet but not greater than six feet in height;

(d) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property; and

(e) There may be not more than one freestanding sign per street frontage, each face not exceeding 100 square feet in area, which shall display only the name of the user or occupant of the premises.

(7) Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums and health clubs, indoor ice skating and roller skating rinks, subject to the following:

(a) Minimum lot size shall be two acres;

(b) Minimum lot width of 150 feet; and

(c) All front, side and rear yard space shall be a minimum of 30 feet each from adjoining lot lines.

(8) Funeral homes;

(9) Libraries and museums;

(10) Open air business uses including as follows: rental sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment; as follows: retail sale of fruits and vegetables; tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park or similar recreation uses; bicycle, trailer, motor vehicle used car lots, mobile home, boat or farm equipment sale or rental services; and outdoor display and sale of lumber, building materials, garages, swimming pools and similar uses:

(a) The minimum area of the site shall be 10,000 square feet;

(b) The minimum street frontage shall be 100 feet;

(c) Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line;

(d) Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooked or shielded so as to be deflected away from adjacent property; and

(e) All open air business shall comply with all applicable township and county health regulations.

(11) Private service clubs, fraternal organizations and lodge hall subject to the following:

(a) The minimum lot area shall be five acres;

(b) The site shall have at least one property line abutting a county road; and

(c) All vehicular ingress and egress to the site shall be directly from said county primary road.

(12) Recreation facilities, commercial;

(13) Self service storage facilities:

(a) No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises;

(b) All storage on the property shall be kept within an enclosed building;

(c) Outdoor lights shall be shielded to direct light and glare only onto the storage buildings and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property; and

(d) Driveway and parking:

1. A minimum of four parking spaces shall be required to be located at the manager's office/quarters for the use of

prospective clients; and

2. A driveway aisle for self-storage shall be a minimum width of 24 feet. A driveway aisle where access to storage units is only one side of the aisle may be 20 feet in width.

(14) Swimming pools, commercial; and

(15) Theaters, dance halls, assembly halls or other similar places of assembly, hotels and motels, subject to the following:

(a) Minimum site size of five acres;

(b) Minimum lot width of 200 feet; and

(c) All front, side and rear yard space shall be a minimum of 50 feet each from adjoining lot lines.

(D) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements unless otherwise specified are as provided in § 154.044.

(Ord. 1, passed 11-13-2000, § 3.7)

#### **§ 154.042 INDUSTRIAL DISTRICT (I).**

(A) *Statement of purpose.*

(1) The intent of this section is to permit industrial uses to locate in desirable areas of the township, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services.

(2) Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the township.

(B) *Permitted principal uses.* The following provisions apply in the I, Industrial District. Any uses not expressly permitted are prohibited:

(1) Accessory uses and buildings customarily incidental to the above permitted principal uses;

(2) Ambulance stations;

(3) Fire and police stations;

(4) Industrial establishments:

(a) The assembly, fabrication, manufacture, packaging or treatment of such products as agricultural products; biological products; food products (excluding butchering, animal slaughtering); candy; cosmetics and toiletries; drugs; electrical components, instruments, supplies and appliances; musical instruments; novelties; optical goods; toys; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay; and sporting goods;

(b) The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yards;

(c) Tool and die shops; metal working machine shops, involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing or forming of box, carton and cardboard products;

(d) Laboratories, research or testing; and

(e) Central dry cleaning plants and laundries.

(5) Monument sales and yards;

(6) Public utility uses: electric transformer station and sub-station; electric transmission towers; municipal buildings and uses; gas regulator; and municipal utility pumping stations;

(7) Radio, television broadcasting stations and transmitting and receiving towers;

(8) Retail and service establishments:

(a) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited;

(b) Truck tractor and trailer sales, rental and repair;

(c) Dog kennels; and

(d) Automobile service stations.

(9) Transmission and distribution lines, pipelines, structures of public utility companies;

(10) Vehicle service and repair (exempt bumping and painting);

(11) Warehousing and material distribution centers; and

(12) Wholesale and warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district; truck terminals.

(C) *Special land uses.* The following special land uses shall be permitted subject to the standards hereinafter imposed and § 154.045:

(1) Industrial establishments:

(a) The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories; cigars and cigarettes; and treatment and/or manufacture of chemicals;

(b) Breweries, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planning mills, painting and sheet metal shops, undercoating and rustproofing shops and welding shops; and

(c) Automobile bump and/or paint shops, tire vulcanizing and recapping shops.

(2) Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber:

(a) Such uses shall be located at least 200 feet from any residential district;

(b) A fence, tarpaulin or obscuring wall of no less than five feet shall be required around the stored material if it is deemed essential to prevent loose materials from blowing into adjacent properties; and

(c) No required yard spaces shall be used for the storage of equipment or material.

(3) Junk yards, subject to any federal, state, county or township regulations;

(4) Bulk storage of refined petroleum products, liquids and gases located above or below ground; and

(5) Collection center for household waste material to be recycled.

(D) *Industrial performance standards.* In accordance with § 154.043.

(E) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements unless otherwise specified as are provided in § 154.044.

(Ord. 1, passed 11-13-2000, § 3.8)

### **§ 154.043 INDUSTRIAL PERFORMANCE STANDARDS.**

(A) After the effective date of this chapter, any use established or changed to, and any buildings, structure or tract of land developed, constructed or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth the district involved.

(B) If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the district involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

(C) Any use established in the I, Industrial District, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

(1) *Hot forging, steam or board hammers.* Not permitted.

(2) *Noise.*

(a) Shall be muffled so as not to become objectionable due to intermittence, beat, frequency or shrillness; and

(b) Noise as measured at the street or property line may not exceed 80 decibels with a center frequency of 125 cycles per second.

(3) *Gases, smoke, dust, dirt and fly ash.*

(a) The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare.

(b) Such emission shall be in strict conformance with applicable state and county health laws as pertaining to air pollution and smoke abatement.

(4) *Glare and heat.* Other than for normal maintenance and/or construction of principal and accessory buildings and structures, arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid

walls or frosted glass not less than 15 feet high as measured from the ground level adjacent to the structure concerned.

(5) *Fire and safety hazards.*

(a) The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all state rules and regulations, and as established by the Fire Prevention Act, Public Act 207 of 1941, being M.C.L.A. §§ 29.1 et seq., as amended.

(b) Further, all above ground storage tanks for flammable, corrosive, or otherwise hazardous liquid materials will be located not less than 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining walls which shall contain the total capacity of all tanks so enclosed.

(6) *Vibration.* Machines or operations which cause vibration shall be permitted, but not operation shall cause a displacement exceeding 0.003 of one inch as measured at the property line with a frequency of ten cycles per second.

(Ord. 1, passed 11-13-2000, § 3.9)

**§ 154.044 SCHEDULE OF REGULATIONS.**

(A) *Main or principal buildings.*

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setback			Lot Area Coverage
	Area	Lot Width	Stories	Height	Front Yard	Side Yard	Rear Yard	Max. Percent for all Buildings
Accessory bldgs. AG, R1, R2, MU and GC			2.0	20 ft.	60 ft.	10 ft.	10 ft.	
Accessory bldgs. less than 200 sq. ft.						5 ft.	5 ft.	
Agricultural, AG	1.0 acre	150 ft.	2.5	35 ft.	60 ft.	10 ft.	50 ft.	20%
General Commercial, GC	1.0 acre	150 ft.	2.5	30 ft.	50 ft.	20 ft.	20 ft.	25%
Limited Industrial, LI	1.0 acre	150 ft.	2.5	30 ft.	50 ft.	20 ft.	20 ft.	30%
Mobile Home Park, RMH	See § 154.039(B) (2)	See § 154.039(B) (2)	2.5	35 ft.	See § 154.039(B) (2)	See § 154.039(B) (2)	See § 154.039(B) (2)	25%
Multiple-Family, RM	See § 154.040(D)	See § 154.040(D)	2.5	35 ft.	See § 154.040(D)	See § 154.040(D)	See § 154.040(D)	25%
Single-Family, R-1	0.5 acre	100 ft.	2.5	35 ft.	35 ft.	15 ft.	25 ft.	20%

(B) *Accessory buildings.*

(1) *Attached accessory buildings.* All attached accessory buildings shall be subject to the same dimensional requirements affecting the principal structure.

(2) *Detached accessory buildings.*

(a) Detached accessory buildings in the AG District shall have a maximum height of 80 feet if utilized for agricultural purposes. All other accessory buildings shall have a maximum height of 25 feet.

(b) No detached accessory building shall be located closer than ten feet to any other building, structure, or lot line.

(c) All detached accessory buildings in a residential district shall be subject to the same dimensional requirements affecting the principal structure, except:

1. No accessory building shall be constructed in the required front yard (i.e., between the front lot line and front yard setback); and

2. Accessory buildings of 200 square feet or less may be placed not less than five feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed ten feet in height.

(d) All accessory structures in nonresidential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.

(Ord. 1, passed 11-13-2000, § 3.10; Ord. 22, passed 7-13-2015)

## § 154.045 SPECIAL LAND USES.

(A) *Intent.* The formulation and enactment of this chapter is based upon the division of the township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location and operation for the protection of the township. Such uses, on account of their peculiar location need or the nature of the service offered, cannot be reasonably allowed as a permitted use, but are permitted as special land uses in accordance with this section.

(B) *Authority to grant permits.* The Planning Commission as hereinafter provided, shall have the authority to recommend to the Township Board to grant special land use permits, subject to such conditions of design operation, and safeguards as the Township Board may determine for all special land uses specified in the various districts provisions of this chapter.

(C) *Application and fee.* Application for any special land use permit permissible under the provisions of this chapter shall be made to the Planning Commission through the Township Clerk by completion of an official special land use permit application form, submitting a site plan in accordance with §§ 154.100 through 154.108, submitting required data, exhibits and information and depositing the required fee as established by resolution by the Township Board. No part of such fee shall be returnable to the applicant.

(D) *Data, exhibits and information required in application.* An application for a special land use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof and their uses; and a statement of supporting data, site plan, exhibits, information and evidence regarding the required findings set forth in this chapter.

(E) *Public hearings.* After a preliminary review of the site plan and application for a special land use permit, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given by one publication in a newspaper of general circulation in the township within 15 days, but not less than five days next preceding the date of said hearing. Notice of public hearing shall be sent at least ten days prior to the hearing to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to occupants of all single- and two-family dwellings within 300 feet. The property in question shall also be conspicuously posted at least ten days prior to the hearing.

(F) *Required standards and findings for making determination.* The Planning Commission shall review the site plan and the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence to determine if such a use on the proposed site, lot or parcel meets the following requirements:

- (1) Will be harmonious with and in accordance with the general objectives, intent and purposes of this chapter;
- (2) Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity;
- (3) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (4) Will not be hazardous or disturbing to existing or future neighboring uses;
- (5) Will not create excessive additional requirements at public cost for public facilities and services; and
- (6) All standard specific and applicable to special land uses identified in other sections of this chapter shall apply.

(G) *Determination and imposition of conditions.* If the facts presented in the application, and the review and hearing procedures established herein do not reasonably establish that the findings and standards set forth in the chapter will apply to the proposed use, the Planning Commission shall not recommend to the Township Board that said Township Board grant a special land use permit. In recommending that a special land use permit be granted, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of the township and the surrounding property owners and occupants to achieve the objectives of this chapter. These conditions may include conditions necessary to ensure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner.

(H) *Approval, grant or permit.*

(1) Upon holding a public hearing and the finding that the requirements of divisions (A) through (F) above have been satisfactorily met by the applicant, the Planning Commission shall, within 30 days, recommend approval, approval with conditions or disapproval to the Township Board. When the Board gives final approval, a special land use permit shall be issued to the applicant.



(2) The Township Board shall, within 60 days, approve, approve with condition or disapprove or such permit, and if approved, it shall forward copies of this permit to the applicant, Clerk, Zoning Inspector and Planning Commission.

(3) Approval and issuance of a special land use permit by the Township Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this chapter. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such.

(4) The decision to approve or disapprove a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision; any changes to the originally submitted application and site plan necessary to ensure compliance with the chapter; and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to chapter requirements receives the mutual agreement of the landowner and the Township Board upon recommendation of the Planning Commission and is documented as such. The developer/owner shall agree in writing to the conditions set forth as recommended to and approved by the Township Board by the Planning Commission. Then, the Zoning Administrator shall not issue a zoning compliance permit until he or she has received a copy of the special land use permit approved by the Township Board and has determined that the stipulated conditions have been met.

(I) *Voiding of special land use permit.*

(1) Any special land use permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use is commenced within a period of not more than 210 days and completed within a period of not more than 575 days of the date of issuance. The period for initiating and completion of said special land use shall be determined at the time that the special land use permit is granted. No use provided for under the special land use granted shall be initiated until all the terms and conditions of the special land use permit are met.

(2) A violation of a requirement, condition or safeguard shall be considered a violation of this chapter and grounds for the Township Board to terminate and cancel such special land use permit.

(J) *Performance guarantee.* In authorizing a special land use permit, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to ensure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Township Board shall limit the amount to reasonable improvements required to meet the standards of this chapter and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, screening and drainage. The term "improvements" does not include the entire project which is the subject of special land use permit approval not to improvements for which a performance guarantee has been deposited pursuant to Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended. The Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surround the approval of the special land use permit.

(Ord. 1, passed 11-13-2000, § 3.11)

## OUTDOOR SIGN REGULATIONS

### § 154.060 INTENT.

(A) The intent of this subchapter is to regulate the location, size, construction and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While these regulations recognize that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

(B) To achieve its intended purpose, this subchapter has the following objectives:

- (1) To prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- (2) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products or services;
- (3) To keep signs within a reasonable scale with respect to the buildings they identify;
- (4) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (5) To promote a quality manner of display which enhances the character of the township; and
- (6) To prevent the proliferation of temporary signs which might promote visual blight.

(Ord. 1, passed 11-13-2000, § 4.1)

### § 154.061 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING FRONTAGE.** The portion of a building which faces a public street right-of-way.

**BUSINESS SITE.** The property owned by a business proprietor upon which the business is situated or land owned by the management entity of a commercial center or arcade, including any accessory buildings.

**CHANGE OF COPY.** The replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or commercial centers.

**MESSAGE UNIT OR ITEM OF INFORMATION.** Each of the following equals one **MESSAGE UNIT**: each word; an abbreviation; a syllable; a number containing up to seven digits; a symbol; a logo; a geometric shape; a person's or firm's initials containing up to seven letters. Punctuation marks are not counted in computing a number of **MESSAGE UNITS**. When a sign has identical messages facing opposite directions, only the **MESSAGE UNITS** on one side of each such pair shall be counted in computing the permitted number of **MESSAGE UNITS**. Noncommercial, public signs or message boards whose messages are regularly changed are herein defined as containing only one **MESSAGE UNIT**.

**OUTDOOR ADVERTISING.** The public display of graphical information, other than official traffic and information signs, that call public attention to commercial products, businesses or services (both public and private).

**SIGN.** A name, identification, description, display, light, balloon, banner or illustration which is affixed to, or painted or otherwise located or set upon or in a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business and which, is visible from any public streets, sidewalk, alley, park or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window. The definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product or service (see diagram).

(1) **FREESTANDING SIGN.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed on or below the ground surface and not attached to any building or any other structure whether portable or stationary.

(2) **MARQUEE (BRACKET) SIGN.** A sign attached to a marquee, canopy, or projection extending from and supported by a building. An awning is a **MARQUEE SIGN** if it has a sign affixed to it.

(3) **PORTABLE TEMPORARY SIGN.** A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, not mounted on wheels, easily movable, and not permanently attached to the ground.

(4) **REAL ESTATE SIGN.** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

(5) **ROOF SIGN.** Any sign wholly erected to, constructed or maintained on the roof structure of any building.

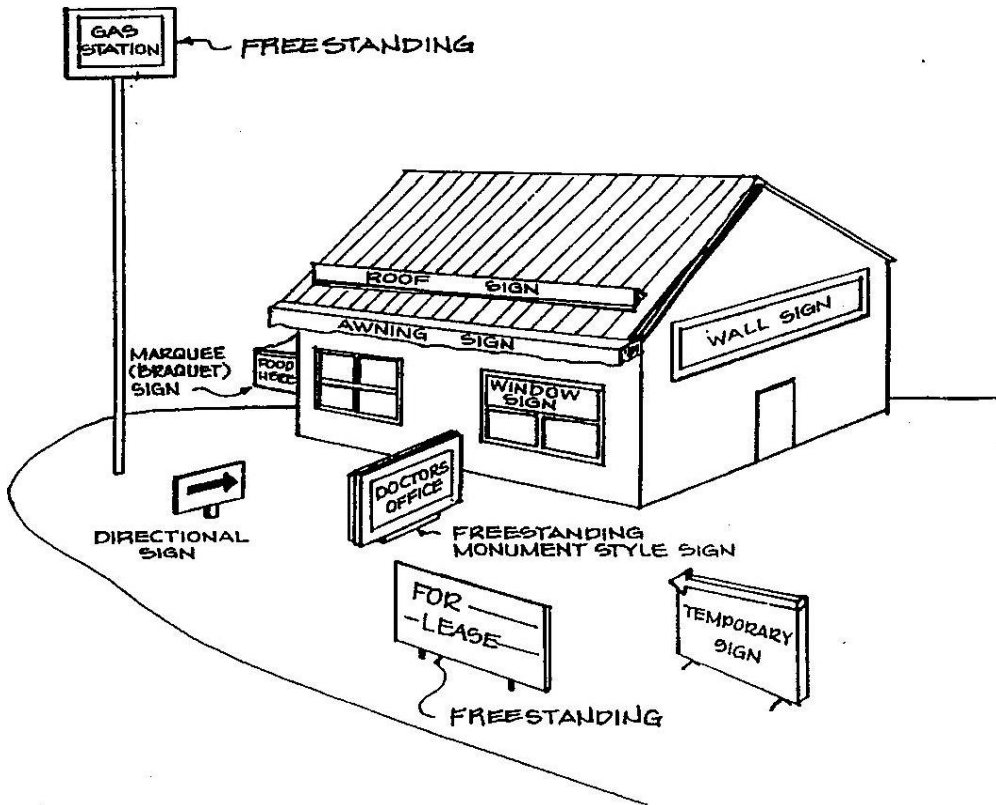
(6) **WALL SIGN.** Any sign that shall be affixed parallel to the wall or painted on the wall of any building; provided, however, said **WALL SIGN** shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a **WALL SIGN**.

**SIGN SURFACE.** The part of the sign upon, against or through which the message is displayed or illustrated.

**TOTAL SURFACE AREA OF THE SIGN.**

(1) The sum total of all exterior surfaces of the sign, computed in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, numbers or symbols), the **TOTAL SURFACE AREA** shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters.

(2) If an internally-lighted awning is translucent or transparent, the entire awning area shall be included in the calculations of the **TOTAL SIGN SURFACE AREA** (see diagram).



(Ord. 1, passed 11-13-2000, § 4.2)

**§ 154.062 ADMINISTRATION.**

(A) *Administration.*

(1) This subchapter shall be administered by the Zoning Administrator.

(2) When a sign permit has been issued by the Zoning Administrator, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator.

(B) *Permits required.*

(1) (a) It shall be unlawful to display, erect, relocate or alter any sign other than a temporary window sign, a real estate sign, a garage sale sign or a political sign, without obtaining a sign permit.

(b) A change of copy does not require a permit.

(2) (a) A written record of such approval shall be entered upon the original permit application and maintained on file with the township.

(b) Application approval from the Zoning Administrator does not relieve the petitioner from the responsibility of also making application with the State Department of Transportation if the business site abuts M-60.

(3) (a) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent, or a sign contractor.

(b) Such applications shall be made in writing on forms furnished by the Zoning Administrator and shall be signed by the applicant and follow the procedures described in §§ 154.345 through 154.349.

(4) The application for a sign permit shall be accompanied by the following plans and other information:

(a) The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;

(b) The location by street address of the proposed sign structure;

(c) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application;

(d) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used;

(e) An electrical permit application for all electrical signs and required information for such application; and

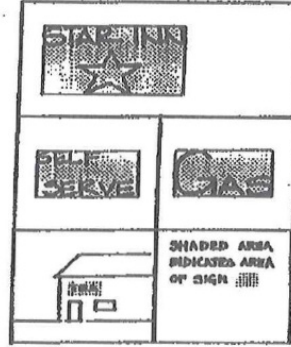
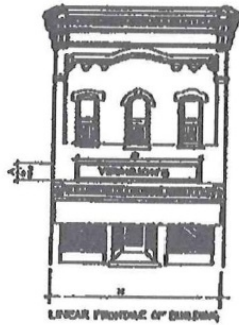
- (f) A statement of valuation.

## CALCULATING THE TOTAL AREA OF THE SIGN

**FOR A SIGN ON A DEFINED BACKGROUND**, such as a board or painted area with a defined edge, the size of the sign shall be measured as the area of the defined background if it is a rectangle, oval or circle. For all other shapes of defined background area, the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the defined background.

**FOR A SIGN WITHOUT A DEFINED BACKGROUND**, such as individual letters or symbols mounted directly on the building wall, the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the defined background.

**FOR A SIGN WHICH IS BROKEN INTO TWO OR MORE AREAS BY AN ARCHITECTURAL FEATURE**, such as awnings or an entry canopy, the size of the sign shall be measured as the cumulative total of the smallest rectangle, oval or circle which encloses each of the areas of the sign.



(Ord. 1, passed 11-13-2000, § 4.3)

### § 154.063 GENERAL CONDITIONS.

#### (A) Location.

- (1) All signs must advertise a business or service on the sites upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.
- (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (3) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape or prevent ventilation.
- (4) No sign or associated landscaping shall be erected, placed or allowed to grow on corner lots so as to impede the vision between a height of two and one-half and ten feet above the centerline elevation of the intersecting streets within an area bounded by the right-of-way lines and a line joining said right-of-way lines 50 feet from their point of intersection (see diagram).
- (5) Setbacks shall be measured from the street right-of-way to the nearest surface or point of the sign to the right-of-way.

#### (B) Illumination.

- (1) No sign shall be illuminated by other than electrical means and all wiring shall satisfy Township Electrical Code.
- (2) The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or into abutting public streets.
- (3) Flashing, rotating or moving lights shall be prohibited, except time and temperature signs.
- (4) No portion of the sign shall have a luminance greater than one foot candle measured at four feet perpendicular to any surface.
- (3) It is strongly recommended that all signs with internal illumination provide a dark background with lighter colored message units.

#### (C) Safety.

(1) All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the township. In the event of conflict between this subchapter and other laws, the most restrictive shall govern.

(2) All signs shall be designed, located, erected and maintained in a manner which shall:

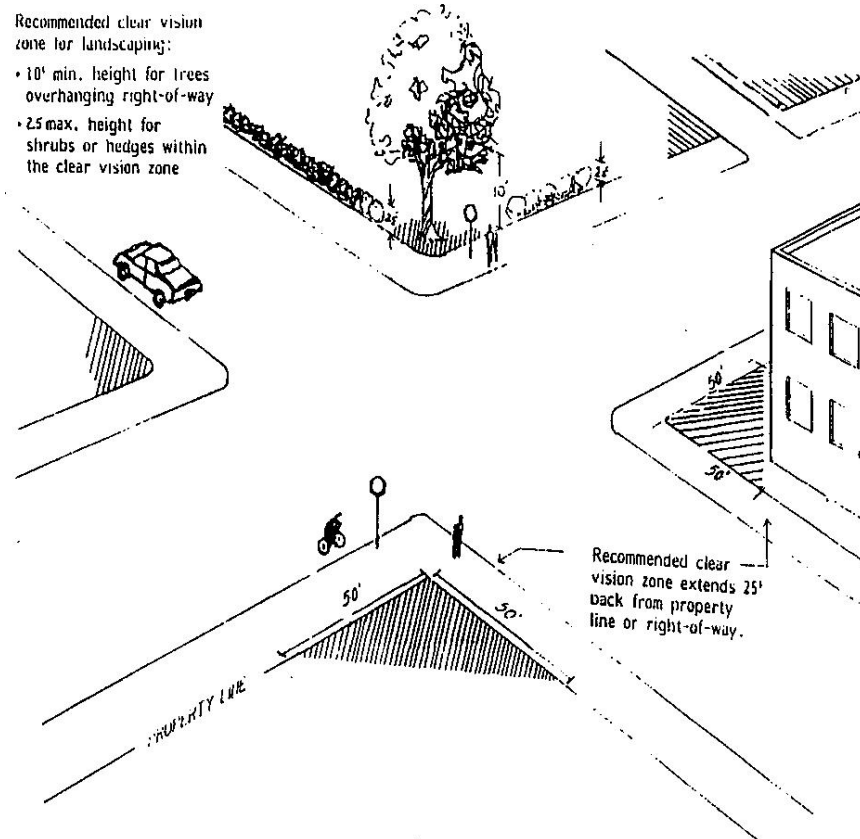
- (a) Avoid hazard due to collapse, fire, collision, decay or abandonment;
- (b) Not obstruct firefighting or police surveillance; and

(c) Avoid traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read street signs.

(D) *Communications efficiency.* All signs shall promote the efficient transfer of information by giving priority to the messages and information most needed and sought.

(E) *Landscape quality and preservation.* In the application of this chapter, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- (1) Do not interfere with scenic views;
- (2) Are not detrimental to land or property values;
- (3) Contribute to the special character and historical significance of particular areas or districts in the township;
- (4) Do not create a nuisance to persons using the public right-of-way; and
- (5) Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height, or movement.



(F) *Signs prohibited in all districts.* Signs that are not specifically listed are prohibited. Examples of such signs include, but are not limited to, the following:

(1) Roof signs;

(2) Signs containing flashing, intermittent or moving lights or with moving or revolving parts. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed;

(3) Signs affixed to trees, rocks, shrubs or similar natural features, provided, signs denoting a site of historic significance may be allowed;

(4) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices;

(5) Temporary signs mounted upon trucks, vans, or other wheeled devices that do not identify the owner's occupation or livelihood. Signs permanently painted or otherwise permanently displayed, including magnetic signs, upon a vehicle,

licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted;

- (6) Signs in the public right-of-way or on public property, unless specifically approved by the Township Board;
- (7) Any sign or sign structure which:
  - (a) Is structurally unsafe;
  - (b) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
  - (c) Is not kept in good repair; or
  - (d) Is capable of causing electrical shocks to persons likely to come in contact with it.
- (8) Signs which make use of words such as "stop", "look", "danger" or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic;
- (9) Any sign or other advertising structure containing any obscene, indecent or immoral matter; and
- (10) Any sign unlawfully installed, erected or maintained.

(G) *Signs permitted in all districts.*

- (1) (a) Nameplates and house numbers not exceeding two square feet in size; memorial signs or tablets may be up to six square feet in size.
  - (b) Historical markers and cemetery stones to be excluded from square foot requirement.
- (2) Political signs advocating or opposing candidates for public office or issue to be determined by election may be erected 45 days prior to an election. Such signs shall be erected on private property only and no less than 100 feet from any entrance to a building in which a polling places is located. All such signs shall be removed five days following Election Day;
- (3) Directional signs which indicate the direction of traffic flow. Directional signs shall not exceed two square feet in size, shall contain no advertising and may be illuminated; and
- (4) Flags bearing the official design of a nation, state or municipality; educational institution or service organizations may be displayed providing they not exceed the size and height provisions of this section. All American flags flown after dusk must be illuminated.

(Ord. 1, passed 11-13-2000, § 4.4)

**§ 154.064 PERMITTED FREESTANDING SIGNS.**

(A) *Generally.* The following freestanding signs shall be permitted in the following districts in accordance with the regulations herein. Freestanding signs located on property fronting on M-60 are further subject to the State Department of Transportation regulations.

(B) *Special requirements for freestanding signs.*

(1) All freestanding signs shall not exceed a total of ten message units. If a commercial board is affixed to a freestanding sign, an additional eight message units maybe added if the message board is changed at least once every 30 days. An additional 32 square feet of sign area may be added for a commercial message board.

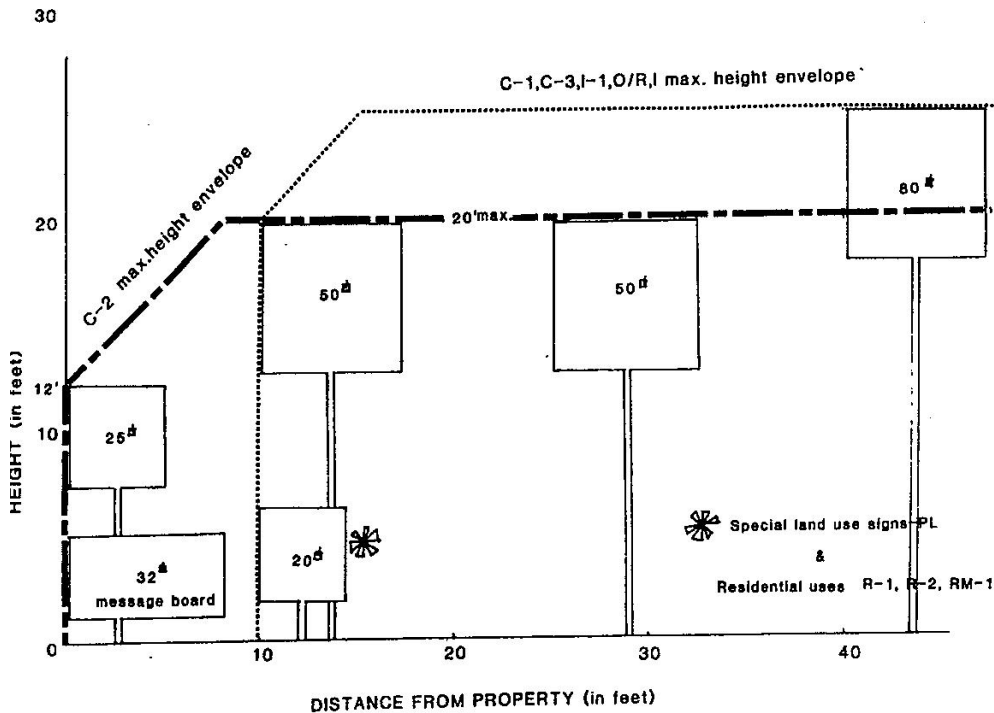
(2) All freestanding signs shall be structurally designed and constructed in conformance with the Township Building Code.

(C) *Permitted freestanding signs within the Commercial (C) and the Industrial (I-1).*

- (1) Only one freestanding sign shall be erected on any business premises.
- (2) A freestanding sign may be located no closer than ten feet from the property line.
- (3) A freestanding sign shall not exceed 20 feet in height when located ten feet inside the property line. Additional height of one foot for each one foot of setback from the property line is permitted. However, in no case shall the height of a freestanding sign exceed 25 feet or the height of the building as defined in these zoning regulations whichever is greater.
- (4) A freestanding sign shall not exceed 50 square feet per side in area, not to exceed a total area of 100 square feet. Additional area of one square foot for each one-foot of setback from the ten foot setback line is permitted. However, in no case shall the area of a freestanding sign exceed 80 square feet per side, or a total area of 160 square feet.

## PERMITTED FREE-STANDING SIGNS

### BY ZONING DISTRICTS



(D) *Permitted freestanding signs for the following special land uses.* Churches, public buildings; cemeteries; parks; private and public schools; child care centers; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and other institutions of higher learning; hospitals; convalescent and/or nursing homes; and township limit signs.

- (1) Only one freestanding sign shall be erected on any business premises.
- (2) A freestanding sign may be located no closer than ten feet from the property line,
- (3) A freestanding sign shall not exceed six feet in height when located at the ten-foot setback.
- (4) A freestanding sign shall not exceed 20 square feet per side in area, not to exceed a total of 40 square feet.

(E) *Permitted freestanding signs for single-family residential subdivision developments, manufactured home parks, planned residential unit developments, multiple-family developments and housing for the elderly.*

- (1) Only one freestanding sign shall be erected on any developed area or project.
- (2) A freestanding sign may be located no closer than ten feet from the property line.
- (3) A freestanding sign shall not exceed six feet in height when located at the ten-foot setback.
- (4) A freestanding sign shall not exceed 20 square feet per side in area, not to exceed a total area of 40 square feet.

(Ord. 1, passed 11-13-2000, § 4.5)

### § 154.065 PERMITTED WALL SIGNS.

The following wall signs shall be permitted in the following districts in accordance with the regulations herein.

#### (A) *Special requirements for all wall signs.*

- (1) All wall signs shall not exceed a total of ten message units.
- (2) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
- (3) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
- (4) Buildings which have frontage on more than one public right-of-way shall be allowed one sign on each right-of-way with a maximum of 30 square feet sign.

#### (B) *Permitted wall signs within the General Commercial (GC) and the Light General Industrial (I-1).*

(1) Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.

(2) (a) No single wall sign may exceed 30 square feet in area; and

(b) One square foot of sign area for each lineal foot of public street right-of-way for the first 30 lineal feet, and one half square feet per lineal foot for every foot of frontage over 30 feet.

(3) A common signage theme shall be required for each business site or industrial park.

(C) *Permitted wall signs for the following special land uses.* Churches; public buildings; cemeteries; parks; private and public schools; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and other institutions of higher learning; hospitals; and convalescent and/or nursing homes.

(1) Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.

(2) (a) No single wall sign may exceed 30 square feet in area; and

(b) One square foot of sign area for each lineal foot of public street right-of-way for the first 30 lineal feet, and one-half square feet per lineal foot for every foot of frontage over 30 feet.

(D) *Permitted wall signs for multiple-family developments and housing for the elderly.*

(1) There shall be no more than one wall sign permitted for each project. Projects which have frontage on two public rights-of-way may have one wall sign on each frontage provided that the total square foot requirements set forth in § 154.064 are met.

(2) The surface area of a wall sign, or combination of wall signs shall not exceed a total of 30 square feet.

(Ord. 1, passed 11-13-2000, § 4.6)

#### **§ 154.066 PERMITTED MARQUEE SIGNS.**

Marquee signs may be substituted in whole or part for permitted wall signs. The total number and surface area of marquee signs, combination of marquee signs or combination of marquee and wall signs shall comply with the requirements set forth in § 154.065(A) and (B).

(Ord. 1, passed 11-13-2000, § 4.7)

#### **§ 154.067 INTERIOR WINDOW SIGNS.**

(A) Interior window signs shall be permitted in the General Commercial (GC) Zoning District.

(B) Interior window signs permitted on each floor level shall not exceed 50% of the window area on each floor level.

(Ord. 1, passed 11-13-2000, § 4.8)

#### **§ 154.068 PERMITTED TEMPORARY SIGNS.**

The following temporary signs shall be permitted in accordance with the regulations herein.

(A) *Permitted real estate.*

(1) One non-illuminated sign used for advertising land or buildings for rent, lease or sale shall be permitted in any district provided such signs are located on the property intended to be rented, leased or sold. Such signs shall not exceed an area of six square feet and a height of four feet in all Single- Family Residential Districts and an area of 20 square feet and a height of 12 feet in all other districts.

(2) One non-illuminated freestanding sign listing persons or firms connected with construction work being performed or a residential or commercial subdivision under development. Such signs shall not exceed 20 square feet in area and a height of 12 feet.

(B) *Permitted portable temporary signs.*

(1) A portable temporary sign shall be permitted in the GC Zoning District.

(2) Only one portable temporary sign shall be permitted per premises.

(3) A portable temporary sign shall not exceed four feet in height.

(4) A portable temporary sign shall not exceed 32 square feet per side in area.

(5) A portable temporary sign may be permitted for up to a seven-day period, not to exceed four times per year.

(6) The placement of a portable temporary sign shall be approved by the Township Administrator or designated representative in order to ensure safe and efficient pedestrian and vehicular traffic movement.

(C) *Permitted garage sale signs.*

(1) Garage sale signs shall not exceed four square feet in size.



(2) Garage sale signs shall not be placed in any manner on public property. They may only be placed in private property with the consent of the property owner, and cannot be placed on any property located more than 500 feet from the place of sale.

(3) No garage sale signs may be put up more than five days prior to the date of the sale and must be taken down within one day following the sale.

(4) A garage sale sign may be permitted for up to a five-day period, not to exceed three times per year. All starting and ending dates of the sale shall be posted on the sign.

(Ord. 1, passed 11-13-2000, § 4.9)

#### **§ 154.069 NONCONFORMING SIGNS.**

(A) Signs lawfully erected prior to the effective date of this chapter, which do not meet the standards of this section, may be maintained except as provided hereafter.

(B) No nonconforming sign shall:

(1) Be changed to another nonconforming sign;

(2) Be modified so as to change the shape, size or design of the sign, including a change of copy;

(3) Be re-established after the activity, business or usage to which it relates has been discontinued for more than 90 days; or

(4) Be repaired or re-erected after sustain damage valued at more than 50% of the costs of an identical new sign.

(C) If the owner of a sign or the property on which a sign is located changes the location of a building, property line or sign or changes the user of a building so that any sign on the property is made nonconforming, such sign must be moved or made to conform to this section.

(Ord. 1, passed 11-13-2000, § 4.10)

#### **§ 154.070 ENFORCEMENT.**

(A) *Public nuisance per se.* Any sign which is erected, altered or converted, and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(B) *Notice.* If the Zoning Administrator shall find that any sign is maintained in violation of the provisions of this, he or she shall give written notice to the person owning or having the beneficial use of the sign or the property where the sign is located. If such person fails to alter or remove the sign so as to comply with §§ 154.060 through 154.071 within 30 days after such notice, the Zoning Administrator may cause such sign to be removed at the expense of the owner or persons having the beneficial use of the property or sign. The Zoning Administrator may cause any sign which is immediate peril to persons or persons' property to be removed forthwith. These procedures are supplemental to other legal remedies as available for the enforcement of this subchapter.

(C) *Fines, imprisonment.* The owner of any building, structure or premises or part thereof, where any condition in violation of this section shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

(D) *Each day a separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or continued.

(E) *Rights and remedies are cumulative.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(F) *Conformance.* All signage in the township shall conform to this chapter within five years of adoption or be granted variances as provided by this chapter.

(Ord. 1, passed 11-13-2000, § 4.11) Penalty, see §154.999

#### **§ 154.071 APPEALS.**

Appeals shall be heard before the Township Board in accordance with provisions set forth in the zoning regulations.

(Ord. 1, passed 11-13-2000, § 4.12)

### **OFF-STREET PARKING REQUIREMENTS**

#### **§ 154.085 OFF-STREET PARKING REQUIREMENTS.**

(A) *Generally.*

(1) In all districts, there shall be provided at the time any building, structure or use is established, enlarged or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking

spaces shall be maintained, and shall not be encroached upon by structures or other uses so long as the principal building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter. Access routes shall be limited and defined.

(2) Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

(3) The Planning Commission may, at its sole discretion alter the requirements set forth herein, provided that the owner applies to the Planning Commission showing good cause why these requirements should be altered.

(B) *Off-street parking.* Where required:

(1) Off-street parking for motor vehicles shall be provided as herein prescribed for the use of occupants, employees and patrons of a principal use hereafter erected, altered or expanded after the effective date of this chapter. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.

(2) No off-street parking, which exists at the time this chapter becomes effective or which is provided for the purpose of complying with provisions of this chapter, shall thereafter be reduced below the requirements established by this chapter.

(a) *Parking and vehicle storage restrictions.*

1. *Residential districts.*

a. Overnight parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed one ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

b. Private or commercially owned semi-trucks or motor vehicles or a combination of both are not allowed to park at any time, including overnight parking in a residential district. Parking of these vehicles will be allowed only in commercial or industrial districts. Short time parking such as for deliveries and moving vans is allowed.

2. *Commercial and industrial districts.*

a. The requirements for off-street parking is not intended to provide for the storage of vehicles or prolonged parking in any such parking area.

b. Parking or storage of trucks over one ton and semi-trailers, except those owned and operated by the principal use of the lot, shall be prohibited for a period of more than 72 hours in a month.

c. The only exception to this requirement shall be vehicle storage space used in connection with or relation to a motor vehicle repair use shall be exempt from these provisions.

d. In commercial districts, the temporary use of storage trailer shall be allowed pending construction of a permanent storage structure; providing, however, that temporary storage may take place only after a building permit has been taken out for the permanent storage structure, and the temporary use of a storage trailer shall terminate upon completion of the storage structure or the expiration of the building permit, whichever first occurs.

3. *All districts.*

a. Storage of products, materials or equipment in semi-trailers shall be prohibited in any zoning district, except in the AG-1 and I Districts.

b. Sales of products, merchandise or other materials from semi-trailers shall be prohibited in any zoning district.

4. *Recreational vehicles.* Rear yards only.

(b) *Location of parking.* Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof except that the distance shall not exceed 100 feet for any dwelling unit. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.

(c) *Required screening.* Off-street parking which will abut residentially zoned or used property shall be screened by a six-foot fence or other material so as to hide and buffer the residential use from the parking lot.

(d) *Determining requirements.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply.

1. *Floor area.* In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

2. *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

3. *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

4. *Fractions.* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(e) *Off-street parking requirements.*

1. *Generally.* Any use which requires a site plan under the provisions of §154.101 shall comply with the provisions of this section. The amount of required off-street parking spaces for new uses or building, and additions to existing buildings shall be determined in accordance with the schedule set forth in division (B)(2)(f). Where multiple uses occur, parking shall be calculated on the basis of each use.

2. *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.

(f) *Schedule of off-street parking requirements.*

<b>Use</b>	<b>Required Number of Parking Spaces per Each Unit of Measurement as Follows</b>
<b>Use</b>	<b>Required Number of Parking Spaces per Each Unit of Measurement as Follows</b>
<b>Automotive Uses</b>	
Auto sales	1 per each 200 sq. ft. of showroom floor, plus 3 per each service stall
Automobile repair, facilities including collision and bump shops	3 per each service stall, 1 per each service vehicle
Automobile service station with convenience store	1 per pump unit, plus 3 per service stall, plus 1 per each 100 sq. ft. of floor area devoted to retail sales and customer service
Automobile service stations without convenience store	1 per pump unit, plus 3 per each service stall
Automobile washes (automatic)	1 per 200 sq. ft. of floor area of customer waiting and service area, plus 1 for each vacuum station
Automobile washes (self-serve)	1 parking space for each 800 sq. ft., plus 1 space for each employee per shift
<b>General Commercial Uses</b>	
Convenience stores	1 per 200 sq. ft. of floor area
Fast food restaurants	1 per each 75 sq. ft. of floor area
Furniture, appliances, hardware and household equipment sales	1 per each 300 sq. ft. of floor area
Garden stores, building material sales, and open air businesses	1 per each 400 sq. ft. of building floor area devoted to sales and display, plus 1 per each 1,500 sq. ft. of warehouse floor area, plus 1 per each 1,000 sq. ft. of lot area used for open air display and sales
Motels and hotels, lodging houses and boarding houses	1.5 per each guest bedroom, plus amount required for accessory uses such as a restaurant or cocktail lounge
Movie theaters	1 per each 3 seats based on the maximum seating capacity
Planned shopping center	1 per 100 sq. ft. of floor area for the first 15,000 sq. ft., plus 1 per 150 sq. ft. of floor area in excess of 15,000 sq. ft.
Retail stores, except as otherwise specified herein	1 per 100 sq. ft. of floor area
Sit down restaurants	1 per each two seats, based on maximum seating capacity
Supermarkets, drugstores and other self-serve retail establishments	1 per 150 sq. ft. of floor area
Taverns and cocktail lounges (other than fast food restaurants)	1 per each 2 persons allowed within maximum occupancy load as established by Fire And/or Building Codes
<b>Industrial Uses</b>	
Contractors' office	1 per 200 sq. ft. of office floor area, plus 1 per 1,500 sq. ft. of warehouse floor area, plus 1 per each vehicle or item of equipment stored outside of the building

Industrial, manufacturing or research establishments	1 per 200 sq. ft. of office floor area, plus 1 per each 500 sq. ft. of floor area
Warehouses and wholesale	1 per each 200 sq. ft. of floor area, plus 1 per each 1,500 sq. ft. of floor area
<b>Institutional Uses</b>	
Child care, group day care homes, and nursery schools	1 per each administrative and staff member, plus 1 per each 4 students of licensed capacity
Churches	1 per each 3 seats based on maximum seating capacity in the main place of assembly therein, plus 5 per each classroom
Convalescent homes, homes for the aged, nursing homes, children's homes	1 per each administrative, professional and staff member, plus 1 per each 5 beds
Elementary school	1 per each administrative and staff member, plus 2 per each classroom
High schools, trade schools, colleges and universities	1 per each administrative and staff member, plus 8 per each classroom
Hospitals	1 per each administrative, professional and staff member, plus 1 per each 3 beds
Junior high school	1 per each administrative and staff member, plus 2 per each classroom
Libraries and museums	1 per each 200 sq. ft. of floor area, plus 1 per each employee
Private clubs and lodges	1 per each 3 individual members allowed within the maximum occupancy load as established by Fire And/or Building Codes
Stadiums, sports arenas and auditoriums	1 per each 4 seats based on maximum seating capacity
<b>Office and Service Uses</b>	
Banks	1 per each 200 sq. ft. of floor area
Barber and beauty shops	3 per each chair
Business and professional offices	1 per each 200 sq. ft. of floor area
Funeral homes	1 per each 3 persons allowed with maximum occupancy load as established by Fire And/or Building Codes
Medical and dental office	1 per each 150 sq. ft. of floor area
<b>Recreational Uses</b>	
Assembly halls other than schools	1 space for each 6 persons permitted in such edifice as determined in the capacity limitations thereof, by the Fire Marshal
Bowling alleys	4 per bowling lane, plus amount required for accessory uses such as a restaurant or cocktail lounge
Equestrian training facilities	1 per each 2 stalls plus 1 per each employee
Golf course	5 per each hole, plus amount required for accessory uses such as restaurant or cocktail lounge
Private tennis, swim or golf clubs, or other similar uses	1 per each 3 persons allowed with maximum occupancy load as established by Fire And/or Building Codes
<b>Residential Uses</b>	
Mobile home park	2 per each mobile home site, plus 1 per each 5 dwelling units
Multiple-family dwelling	2 per each dwelling, plus 1 per 5 dwelling units
One- or two-family dwelling unit	2 per each dwelling unit
Senior citizen housing	1.5 per each dwelling unit

(g) *Off-street parking design and construction.*

1. All parking lots, maneuvering lanes, driveways, or loading areas required for uses other than single or two-family residences shall be hard surfaced with asphalt or concrete and shall be completed prior to a certificate of occupancy being issued. The Planning Commission shall have the discretion of waiving certain hard surface paving requirements provided the following conditions are met:

a. The proposed driveways, loading, turn around or storage areas will receive only limited use and are not used for employee parking, customer parking or primary access;

b. Gravel surfacing and potential problems arising from dust or scattered gravel shall not impact neighboring properties; and

c. Hard surfacing will significantly increase storm water runoff and create a potential for flooding and/or soil erosion.

2. Ingress and egress to the parking lot shall be provided by limited and clearly defined drives. All internal access drives and/or maneuvering lanes which provide the principal means of access for emergency vehicles to the site and/or buildings shall be a minimum of 22 feet in width.

3. Wheel stops or curbing shall be provided to prevent any vehicle from encroaching upon pedestrian walkways or damaging required landscaping.

4. Access to parking spaces shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of ability, ample clearance and safety of vehicles and pedestrians.

5. Plans for layout of automobile off street parking facilities shall be in accordance with the following minimum regulations.

<b>Maneuvering Lane Width</b>			<b>Parking Space Dimension Regular Car</b>	
<b>Parking Patter (in degrees)</b>	<b>One-Way</b>	<b>Two-Way</b>	<b>Width</b>	<b>Length</b>
0 parallel	12 ft.	20 ft.	9 ft.	24 ft.
30—53	12 ft.	20 ft.	9 ft.	18 ft.
54—74	15 ft.	22 ft.	9 ft.	18 ft.
75—90	20 ft.	22 ft.	9 ft.	18 ft.

6. In addition to parking required for passenger vehicles set forth in division (B)(2)(g)5. above, off-street parking for buses, trucks and recreational vehicles at restaurants, service stations and similar establishments shall be of sufficient size to adequately service such vehicles and not interfere with other vehicles that use the same facilities. Such space shall not be less than ten feet in width and 55 feet in length. Upon review of the site plan, the Planning Commission shall determine if separate truck and recreational vehicle parking is required for the proposed use.

7. In addition to parking required for passenger vehicles set forth in division (B)(2)(g)5. above, off-street parking facilities shall be designed in accordance with applicable state and/or federal standards.

8. There shall be provided sufficient pedestrian walkways to assure pedestrian safety from parking spaces to use structures.

9. All off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line. In the case of abutting commercial properties, a single five-foot space is acceptable.

10. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust free surface resistant to erosion.

11. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoin residential or institutional premises or public roadways.

12. Any off-street parking area providing space from five or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

13. All off-street parking areas that make it necessary for vehicles to back out directly into a public road is prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

(h) *Collective parking.* Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

(C) *Off-street parking loading and unloading.* In connection with every building, structure or use hereafter erected, except single- and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

(1) *Off-street loading requirements.*

(a) On the same premises as may be used which involves the receipt or distribution of vehicles, material or merchandise, adequate space shall be provided and maintained for standing, loading and unloading of delivery vehicles in order to avoid interference with or congestion of adjacent streets, neighboring sites or off-parking facilities. The required number of loading spaces shall be determined by the Planning Commission at the time of site plan review.

(b) Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten feet by 55 feet, with 15-foot height clearance sufficient to accommodate vehicles using the loading space.

(c) Loading and unloading space provided by truck wells located below surface grade shall be of sufficient width to accommodate truck maneuvering but shall be no less than ten by 55 feet. Exposed sides shall be protected by iron railings or guard rails. Drainage shall be provided to prevent the collection of storm water at the bottom of the truck well.

(2) *Off-street loading space area.* Off-street loading space areas shall not be counted toward supplying off-street parking.

(3) *Off-street loading and unloading facilities.* All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

(D) *Off-street loading area space requirements.*

(1) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.

(2) All retail sales facilities having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading/unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof, one additional loading/unloading space.

(3) All industrial and wholesale commercial land uses shall provide one loading space for each 10,000 square feet of floor space, with a minimum of not less than two loading spaces.

(E) *Off-street drive-through and waiting space.*

(1) In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined space staking lane which meets the following requirements.

(a) Each stacking lane shall be one way and a minimum of 12 feet in width.

(b) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.

(c) Each drive-through facility shall have an escape lane to allow other vehicles to pass those waiting to be served.

(d) The number of stacking spaces per service land shall be provided for the uses listed below. Each stacking space shall be computed on the basis of 20 feet in length. When a use is not specifically mentioned, the requirements for off-street stacking for the similar use shall apply.

<i>Use</i>	<i>Stacking Space for Service Lane</i>
<i>Use</i>	<i>Stacking Space for Service Lane</i>
Auto washes (automatic)	
Entry	12
Exit	2
Auto washes (self-service)	
Entry	3
Exit	1
Banks, photo service, dry cleaning	4
Fast-food restaurants	6

(2) Uses such as day care, schools, hospitals, nursing homes and churches shall provide a safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly marked so as to ensure the safety of pedestrians and motorists.

(F) *Site access control.*

(1) *Compliance.* All sites shall comply with the minimum street frontage and access requirements and §154.044.

(2) *General provisions.* All principal permitted and conditional uses that are subject to site plan review shall meet requirements contained in this section. Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for nonresidential purposes, and its parking or service area, shall be physically separated from public roads by a curb, or other suitable barrier against channeled motor vehicle access, except as authorized herein.

(3) *Driveway performance standards.* Driveways shall conform to standards adopted by the County Road Commission, and the following additional standards.

- (a) Driveway design and placement must be compatible with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period.
- (b) There must be sufficient on-site stacking to accommodate vehicles waiting to park or exit without using any portion of the public right-of-way, obstructing existing vehicle sight distance or otherwise interfering with street traffic.
- (c) Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
- (d) Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation of entry and exit lanes within driveways.
- (e) Driveway design and location shall ensure that loading and unloading activities shall not hinder ingress or egress.
- (f) Driveway design and location shall meet the sight distance requirements of the Jackson County Road Commission.

(4) *Driveway spacing.* Driveway spacing will be determined according to the standards adopted by the County Road Commission.

(5) *Traffic impact analysis.* The township may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. The traffic impact analysis shall be prepared by a registered professional engineer.

(Ord. 1, passed 11-13-2000, § 5.1)

## **SITE PLAN REVIEW**

### **§ 154.100 SITE PLAN REVIEW REQUIRED IN SPECIFIC DISTRICTS.**

The intent of this subchapter is to require site plan review and to provide for consultation and cooperation between the developer and the township so as to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of these provisions, compliance with the zoning regulations and the land use plan of the township will be assured, and the township will develop in an orderly fashion consistent with public health, safety and welfare. A site plan will be required for all proposed uses in the RM, MPH, GC and I-1 Districts.

(Ord. 1, passed 11-13-2000, § 6.1)

### **§ 154.101 WHEN SITE PLAN REVIEW IS REQUIRED.**

(A) Preliminary site plans shall be required for all special land uses. A preliminary site plan shall meet all of the criteria standards set forth in § 154.102.

(B) Final site plan review and approval is required for certain existing uses and for all proposed uses within the township, except for one-family detached dwellings and agricultural uses. Site plan review and approval shall also be required for all site condominium projects. Final site plans shall meet all of the criteria and standards set forth in § 154.103.

- (1) Constitutes an increase to the existing structure or use of 1,000 or more square feet or 10%, whichever is less; or
- (2) Would require a variance from the provisions of this chapter, regardless of its size.

(Ord. 1, passed 11-13-2000, § 6.2)

### **§ 154.102 PRELIMINARY SITE PLAN.**

(A) *Generally.* A preliminary site plan is a generalized site plan required to be submitted for review of conditional land use by the Township Planning Commission. The purpose of such preliminary review is to confirm compliance with township standards, policies and relationship to the land use plan, as well as to suggest changes necessary, if any, for the final site plan approval.

(B) *Filing.* Any applicant shall file a preliminary site plan in conjunction with a special land use application, as set forth in § 154.045.

(C) *Information required for review.* Every preliminary site plan submitted to the Planning Commission shall include the following information:

- (1) The description, location, size and shape of the property involved;
- (2) The shape, size and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features including topography and soils;
- (3) The location of all existing and proposed water and sewage treatment systems serving the property; and
- (4) Any other information deemed necessary to properly illustrate the development concept to the Planning Commission.

(D) *Planning Commission action.*

(1) The Planning Commission shall review the preliminary site plan to determine if a special land use may be approved.

(2) Approval of the special land use and preliminary site plan by the Planning Commission shall vest no rights in the application regarding approval of the final site plan inasmuch as the specific details of a site plan prepared in accordance with § 154.104 serves as the basis for determining that all township standards have been met.

(Ord. 1, passed 11-13-2000, § 6.3)

### **§ 154.103 FINAL SITE PLAN.**

(A) *Submission.* All final site plans shall be submitted to the Zoning Administrator at least 21 days prior to the next scheduled meeting of the Planning Commission and must contain the following to be accepted:

(1) A completed application signed by the owner; if the owner is a corporation, the application must be signed by a corporate officer; if the owner is a partnership, the application must be signed by a general partner; if the owner is an individual or individuals, each individual owner must sign the application;

(2) Sufficient copies, as determined by the Zoning Administrator, of the site plan meeting all informational requirements set forth in § 154.105. Incomplete plans will not be accepted;

(3) All items as required by § 154.105 shows on the site plan;

(4) Required fees;

(5) Upon receipt of a complete application and site plan, the Zoning Administrator shall place review of the site plan on the next Planning Commission agenda; and

(6) The township may refer the site plan to the Township Planner and Engineer for review.

(B) *Planning Commission review.* The Planning Commission will consider the application and take one of the following actions:

(1) *Approval.* Upon finding that the application and site plan meet the criteria of site plan review in § 154.105, the Planning Commission shall recommend approval;

(2) *Approval with minor revisions.* Upon finding that the application and site plan meet the criteria of site plan review in § 154.105, except for minor revisions which can be made and confirmed without further technical review, the Planning Commission may recommend approval, conditioned upon said revisions being made and reviewed by appropriate township staff and/or consultants;

(3) *Tabling.* Upon finding that the application and site plan do not, but could, meet the criteria of site plan review in § 154.105 upon the making of revisions, confirmation of which requires further technical review, the Planning Commission may table its recommendation until the revised plan is resubmitted to the Planning Commission; or

(4) *Denial.* Upon finding that the application and site plan do not meet one or more of the criteria of site plan review in § 154.105 and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall recommend denial.

(Ord. 1, passed 11-13-2000, § 6.4)

### **§ 154.104 CRITERIA OF FINAL SITE PLAN REVIEW.**

The site plan shall be reviewed and approved upon a finding that the following conditions are met.

(A) The proposed use will not be injurious to the surrounding neighborhood.

(B) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.

(C) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.

(D) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the township.

(E) It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the Township Engineers.

(F) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.

(G) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes,



groundwater and woodlands.

(H) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.

(I) The proposed development will not cause soil erosion or sedimentation.

(J) Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.

(K) Wastewater treatment systems, including on-site septic systems will be located and designed to minimize any potential degradation of surface water or groundwater quality.

(L) Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.

(M) The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size shape and general location.

(N) Landscaping, including grass, trees, shrubs and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.

(O) The proposed use is in compliance with all township ordinances and any other applicable laws.

(Ord. 1, passed 11-13-2000, § 6.5)

#### **§ 154.105 INFORMATION REQUIRED ON FINAL SITE PLAN.**

(A) *Generally.* Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24 inches by 36 inches with plan view drawn to a scale of one inch equals 50 feet for property less than three acres or one inch equals 100 feet for property three or more acres. A site plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review.

(B) *General information.*

- (1) Proprietors, applications and owner's names, addresses and telephone numbers;
- (2) Date (month, day, year), including revisions;
- (3) Title block;
- (4) Scale;
- (5) Northpoint;
- (6) Location may drawn at a scale of one inch equals 2,000 feet with northpoint indicated;
- (7) Architect, engineer, surveyor, landscape architect or planner's seal;
- (8) Existing lot lines, building lines, structures, parking areas and the like on the parcel, and within 100 feet of the site;
- (9) Proposed lot line, property lines and all structures, parking areas and the like within the site, and within 100 feet of the site;
- (10) Centerline of existing and proposed right-of-way line of any street;
- (11) Zoning classification of petitioner's parcel and all abutting parcels;
- (12) Gross acreage figure; and
- (13) Proximity to major thoroughfares and section corners.

(C) *Physical features.*

- (1) Acceleration, deceleration and passing lanes and approaches;
- (2) Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public uses;
- (3) Location of existing and proposed service facilities above and below ground, including:
  - (a) Well sites;
  - (b) Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished;
  - (c) Chemical and fuel storage tanks and containers;

- (d) Storage, loading and disposal areas for chemicals, hazardous substances, salt and fuels;
  - (e) Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable;
  - (f) Sanitary sewers and pumping stations, where applicable;
  - (g) Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for size; and
  - (h) Location and dimension of all easements.
- (4) Location and dimensions of all existing and proposed structures with dimensioned floor plans, setback and yard dimensions, and typical elevation views;
  - (5) Dimensioned parking spaces and calculation, drives and method of surfacing;
  - (6) Exterior lighting locations and illumination patterns;
  - (7) Location and description of all existing and proposed landscaping, berms, fencing and walls;
  - (8) Trash receptacle and transformer pad location and method of screening;
  - (9) Dedicated road or service drive locations;
  - (10) Entrance details including sign locations and size;
  - (11) Designation of fire lanes; and
  - (12) Any other pertinent physical features.

(D) *Natural features.*

- (1) Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Jackson County, Michigan", 1981;
- (2) Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading;
- (3) Location of existing drainage courses and associated bodies of water, on and off site, and their elevations;
- (4) Location of existing wetlands; and
- (5) Location of natural resource features, including woodlands and areas with slopes greater than 10% (one foot of vertical elevation for every ten feet of horizontal distance).

(E) *Additional requirements for residential developments.*

- (1) Density calculations by type of unit by bedroom counts;
- (2) Designation of units by type and number of units in each building;
- (3) Carport locations and details where proposed;
- (4) Specific amount and location of recreation spaces; and
- (5) Type of recreation facilities to be provided in recreation space.

(F) *Additional requirements for commercial and industrial developments.*

- (1) Loading/unloading areas;
- (2) Total of usable floor area; and
- (3) Number of employees in peak usage.

(Ord. 1, passed 11-13-2000, § 6.6)

**§ 154.106 NOTICE OF ACTION OR RECOMMENDATION.**

The Planning Commission shall note on a final site plan any action or recommendation regarding that plan and provide at least one copy of that plan together with any required written findings, conditions or reasons to the Clerk. A copy of the Planning Commission minutes shall be sufficient to satisfy this requirement.

(Ord. 1, passed 11-13-2000, § 6.7)

**§ 154.107 BUILDING PERMITS AND CONFORMITY TO FINAL SITE PLAN.**

After filing of the approved application and final site plan, satisfaction of any conditions of said approval and compliance with this and other township ordinances, a building permit may be issued. All development and construction shall be in complete conformity with the site plan as approved, together with any conditions imposed.

(Ord. 1, passed 11-13-2000, § 6.8)

#### **§ 154.108 EXPIRATION OF APPROVAL.**

Final site plan approval is valid for a period of one year from the date of Planning Commission action within which time all necessary building or construction permits shall be secured and construction substantially commenced. The Planning Commission may grant an extension on site plan approval for up to one year. All requests for extensions shall be made in writing and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the site plan is approved.

(Ord. 1, passed 11-13-2000, § 6.9)

### **SITE CONDOMINIUM PROJECT REGULATIONS**

#### **§ 154.120 SITE CONDOMINIUM PROJECT REGULATIONS.**

Pursuant to the authority conferred by the Condominium Act, preliminary and final site plans shall be regulated by the provisions of this chapter and approved by the Planning Commission.

(A) *General requirements.*

- (1) Each condominium lot shall be located within a zoning district that permits the proposed use.
- (2) Each condominium lot shall front on and have direct access to a public street or a private street approved by the Township Board. Approval for a private street may be conferred by the Township Board between preliminary and final site approval by the Planning Commission.
- (3) For the purpose of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances and/or regulations applicable to lots in subdivisions.

(B) *Site plan approval requirements.* Preliminary approval of the site plan and final approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.

(1) *Preliminary approval.*

- (a) A site plan pursuant to the standards and procedures set forth in §154.105 shall be submitted to the Planning Commission for preliminary review.
- (b) If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the Planning Commission.
- (c) If the site plan fails to conform, the Planning Commission shall either deny the application, or grant preliminary approval with conditions, provided such conditions are met before final approval.

(2) *Final approval.*

- (a) Following preliminary approval, the applicant shall submit the condominium documents to the township for the review by the Township Attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the township including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of storm water, sanitary and water facilities and utilities.
- (b) Following receipt of preliminary approval, the applicant shall also submit a final site plan and engineering plans in sufficient detail for the township, to determine compliance with applicable laws, ordinances and design standards for construction of the project. The township may submit engineering plans to the Township Engineer and Planner for review.
- (c) Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the Township Attorney, Engineer and Planner, the site plan shall be submitted to the Planning Commission for final review.
- (d) If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the Planning Commission.
- (e) If the site plan, condominium documents and/or engineering plans fail to conform, final approval shall be denied by the Planning Commission.
- (f) In the interest of ensuring compliance with this chapter and protecting the health, safety and welfare of the residents of the township, the Planning Commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in § 154.045 for the completion of improvements associated with the proposed use.

(C) *Information required prior to occupancy.* Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Township Clerk:

- (1) A copy of the recorded condominium documents (including exhibits);

- (2) A copy of any recorded restrictive covenants;
- (3) A copy of the site plan on laminated photo static copy or Mylar sheet; and
- (4) Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey".

(D) *Revision of site condominium plan.* If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

(E) *Amendment of condominium documents.*

(1) Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township Attorney and Planning Commission before any building permit may be issued, where such permit is required.

(2) The Planning Commission may require its review of an amended site plan, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

(Ord. 1, passed 11-13-2000, § 7.1)

## **WIRELESS COMMUNICATIONS FACILITIES**

### **§ 154.135 WIRELESS COMMUNICATIONS FACILITIES.**

(A) All applications for wireless communications facilities shall be reviewed and determined by the Planning Commission in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

(B) The following information shall be submitted prior to the township approval to construct a wireless communication facility:

(1) Site plan in accordance with §§154.100 through 154.108;

(2) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed wireless communication facility. Such plan shall be designed to ensure long-term, continuous maintenance to a reasonable prudent standard;

(3) The application shall include a description of security to be posted at the time of receiving a building permit for the wireless communication facility to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Board shall specify the form of security as approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and the owner of the property to remove the facility in a timely manner as required under this section, with further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for the United States cities in the North Central Region of the United States; and

(4) 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 premises.

(C) The following special performance standards shall apply to wireless communications facilities.

(1) Wireless communication facilities must be set back from all property lines a distance equal to its height except accessory structures and buildings. See division (C)(2) below.

(2) Accessory structures are limited to uses associated with the operation of the facility and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in § 154.044.

(3) Accessory structures shall not exceed 600 square feet of gross building area.

(4) All towers shall be equipped with anti-climbing device to prevent unauthorized access.

(5) The plans of the facility shall be certified by a registered structural engineer.

(6) The applicant shall provide verification that the antenna mount and structure have been approved by a professional engineer and that the installation is in compliance with all applicable codes.

(7) All facilities must meet the standards of the Federal Communications Commission and the Federal Aviation Administration.

(8) Towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half mile of a helipad.

(9) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower

or antenna be located within 30 feet of a property line.

- (10) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (11) Antennas and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
- (12) Towers with antennas shall be designed to withstand a uniform wind load.
- (13) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
- (14) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- (15) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- (16) The base of the tower shall occupy no more than 500 square feet.
- (17) Height of the tower shall not exceed 200 feet from grade within a commercial zoning district, and 300 feet from grade within an industrial or agricultural district.
- (18) Towers shall not be artificially lighted except as required by Federal Aviation Administration.
- (19) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (20) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (21) There shall be no employees on the site on a permanent basis to service or maintain the facility. Occasional or temporary repair and service activities are excluded from this restriction.
- (22) Where the property adjoins any residentially-zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten feet to any structure.
- (23) The policy of the township is to minimize the number of wireless communications facilities in the township. Therefore, the township shall require colocation of wireless communication towers. Pursuant to this policy, the following standards apply to towers:
  - (a) All new and modified towers shall be designed and constructed so as to accommodate colocation; and
  - (b) A conditional use permit for the construction and use of a new tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

(Ord. 1, passed 11-13-2000, § 8.1)

## **PLANNED RESIDENTIAL DEVELOPMENTS**

### **§ 154.150 PLANNED RESIDENTIAL DEVELOPMENTS.**

All planned residential developments (PRD) shall be regulated as set forth in this section, the approved plan, any special conditions imposed by the Township Board and other applicable provisions of this chapter.

(A) *Standards.* For the purposes of computing and controlling population density, the following standards shall apply.

(1) The entire gross area of the planned residential development, including street right-of-way, parks, schools, and other public or private open space, shall be included in the computation of area. Subaqueous or submerged bottom land of lakes or streams shall be excluded in computing the area of a parcel except that when land abutting said lakes or streams is substantially developed in park or open space for the use of residents of the PRD, the surface area of said lakes or streams may be used to compute density.

(2) Maximum density permitted shall be 24 bedrooms per acre in PRDs, subject to the following.

- (a) Not less than 33.33% of the total number of bedrooms shall be in single-family dwellings.
- (b) Single-family detached dwellings shall be assumed to have three bedrooms for each dwelling, no more and no less.
- (c) For purposes of computing density, a den, library or other extra room shall not count as a bedroom unless a closet opens directly to said room.

(B) *Requirement.* In order to provide an orderly transition of density, where the project being proposed for use as a PRD immediately abuts an R-1 District, the Township Board may require that the area immediately abutting and within 300 feet of said R-1 District shall be developed in single-family lots, or shall be developed as open or recreational space.

(C) *Single-family dwellings.* Single-family dwellings shall be subject to the requirements of §154.044 applicable to the R-

1 Districts, except as otherwise modified in the approved plan.

(D) *Multiple dwellings.* Multiple dwellings shall be subject to the requirements of §154.044, except as otherwise modified in the approved plan.

(E) *Submittal of proposed PRD plan.* An application shall be made to the Township Clerk for review and recommendation by the Planning Commission of the following:

- (1) A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale: not smaller than one inch equals 200 feet);
- (2) A topographic map of the entire area at a two foot contour interval. This map shall indicate all major stands of trees, bodies of water and unbuildable areas (scale: not smaller than one inch equals 200 feet);
- (3) A recent aerial photograph of the area shall be provided (scale: not smaller than one inch equals 200 feet);
- (4) A preliminary plan for the entire area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved for schools, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used for the public or by residents of the planned residential development (scale: not smaller than one inch equals 200 feet);
- (5) An indication of the contemplated storm and sanitary sewer plan, and a preliminary topographic map indicating how the land area is proposed to be shaped; and
- (6) A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated, resultant population and providing supporting documentation such as: soil survey; studies supporting land use requests; and the intended scheduling of the development.

(F) *Review of proposed PRD plan.*

- (1) Upon receipt of an application as a preliminary submittal, the Zoning Administrator shall refer such request to the Planning Commission for its report and recommendation. Prior to making such report and recommendation, the Planning Commission shall hold a public hearing on the application.
- (2) Following said public hearing and receipt of the Planning Commission's report and recommendation, the Township Board may approve said application and accompanying plan only upon finding that:
  - (a) All applicable provisions of this section and this chapter have been met. Insofar as any provision of this section shall be in conflict with the provisions of any other section of this chapter, the provisions of this section shall apply to the land embraced within a planned residential development area;
  - (b) Adequate areas have been provided for all utilities, schools, walkways, playgrounds, recreation areas, parking areas and other open spaces and areas to be used by the public or by residents of the community;
  - (c) Open space may include parks and recreation areas, wooded lots, schools, golf courses, water areas, and any use of a similar nature approved by the Township Board; provided, however, that at least one acre for each 200 bedrooms shall be preserved as park, recreation or open space rather than as a golf course, water area, right-of-way, school or similar limited use area;
  - (d) There is or will be at the time of development an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and storm water drainage system is adequate;
  - (e) The plan provides for an efficient, aesthetic and desirable use of the open areas and the plan is in keeping with the physical character of the township and the area surrounding the development;
  - (f) The applicant has made provision, satisfactory to the Township Board, to assure that those areas shown on the plan for use by the public or occupants of the development will be or have been committed for that purpose. The Township Board may require that conveyances or other documents be placed in escrow to accomplish this;
  - (g) Provisions satisfactory to the Township Board have been made to provide for the future financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board; and
  - (h) The cost of installing all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.

(G) *Approval of planned residential development by the Township Board.*

- (1) If the Township Board shall determine to grant the application and approve the plan, a permit shall be issued setting forth the conditions upon which the approval is based.
- (2) Once an area has been included within a plan for planned residential development and such plan has been approved by the Township Board, no development may take place in such area nor may any use thereof be made except in accordance with said plan or in accordance with a Township Board approved amendment thereto, unless the plan is terminated as provided herein.
- (3) An approved plan may be terminated by the applicant or its successors or assigns, prior to any development within

the area involved, by filing with the township and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon said recording.

(4) No approved plan shall be terminated after development commences except with the approval of the Township Board and of all parties in interest in the land.

(5) Within a period of two years following approval by the Township Board, final plats and/or site plans for an area embraced within the Planned Residential Development must be submitted as hereinafter provided. If such plats and/or plans have not been submitted and approved within the two- year period, the right to develop under the approved plan may be terminated by the township.

(H) *Submittal.* Before any zoning compliance permit shall be issued for buildings and structures within the area of planned residential development, final plats and/or site plans for a project area shall be submitted to the Zoning Administrator for review and recommendation by the Planning Commission of the following:

(1) Said site plans and plats shall be fully dimensioned and shall show a fully scaled plan view of all buildings, (except detached single-family dwellings), all public rights-of-way and private streets, areas within each project area and the proposed ultimate density thereof, parking areas, utilities, churches, schools and areas to be set aside for the use of the public or by residents within the development (scale: one inch equals 50 feet);

(2) The proposed topography two-foot contour interval shall be superimposed on all plats and plans (scale: one inch equals 50 feet);

(3) Floor plans typical of all residential buildings except detached single-family, shall be submitted and the site plan shall indicate which floor plan is applicable to each such building; and

(4) Each final plat and/or site plan submitted within the planned residential development shall, either individually or in combination with previously approved project areas, meet the standards of the chapter as to density.

(I) *Review and approval of plats.* Review and approval of plats shall comply with Public Act 591 of 1996 (the Land Division Act), being M.C.L.A. §§ 560.101 et seq.

(J) *Board action.* Before approving of any final plat and plan, the Township Board shall determine:

(1) All portions of the project area shown upon the approved plan for the planned residential development for use by the public or the residents of lands within the planned residential development have been committed to such uses in accordance with the planned residential development contract;

(2) The final plats and/or site plans are in substantial conformity with the approved plan for the PRD;

(3) The provisions have been made in accordance with the PRD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PRD contract; and

(4) A dedication of public roads shall have been made so as to cause continuity of public access between the adjacent major thoroughfare and ingress and egress to all private development within the project area plan.

(K) *Construction.* During construction of the Planned Residential Development, building permits for residential structures shall be issued in such a manner as to assure that on a cumulative basis not less than 33.33% of the total number of bedrooms (for which permits are or have been issued) shall be in single-family dwellings. Occupancy permits shall not be issued for other than single-family dwellings until occupancy permits have been issued for not less than 50% of the single-family dwellings which are necessary to maintain the above 33.334% of bedrooms. The Planning Commission may waive these requirements to the extent that a minimum number of model units could be displayed by the developer.

(L) *Contract.* In order to assure the development of open space in conjunction with a PRD, the Township Board shall include in the contract recorded with the Register of Deeds, a schedule for the completion of dwelling units. The developer may suggest a schedule for review by the Township Board.

(M) *Completion.* If the development of approved final plats and/or site plans is not substantially completed in three years after approval, further final submittals under the planned residential development shall cease until the part in question is completed or cause can be shown for not completing same.

(N) *Changes or amendments.* Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved as in the first instance. In instances where modifications are necessary to the plan, the Zoning Administrator may request that the plan be again submitted for review if, in his or her judgement, a substantial change is being made in the plan.

(Ord. 1, passed 11-13-2000, § 9.1)

## **CONFLICTING LAND USE BUFFER**

### **§ 154.165 CONFLICTING LAND USE BUFFER.**

(A) Upon any improvement, including a structural or use expansion, of property within a zoning classification of C or I, or any nonresidential special use, an obscuring wall shall be constructed to create a visual screen along all adjoining boundaries of property zoned or used for single-family or multiple-family residential. This same requirement shall apply to

property zoned R-M along all adjoining boundaries of property zoned or used for single-family residential. All required parking lots shall be buffered from the public street right-of-way by a berm or obscuring wall at least 30 inches above the highest elevation in the parking lot and landscaped according to the standard set out below.

(B) A required screening wall shall be six feet in height as measured on the side of the propose wall having the higher grade, and shall be constructed on both sides with: face brick; poured-in-lace face brick; pre-cast brick face panels having simulated face brick; stone; or other alternative materials acceptable to the Planning Commission. In lieu of a required screening wall, the developers may request the construction of a landscape buffer in accordance with the standards of this section.

(1) *Landscape buffer.* The landscape buffer shall be constructed as follows.

(a) A strip of land a minimum of 15 feet in depth located between the residential use and the conflicting land use(s).

(b) One tree for each 30 feet lineal, or fraction thereof, located between the residential use and adjacent conflicting land use(s), located so as not to create a vehicular sight-distance obstruction.

(c) Between conflicting land uses, a hedge or other plant material barrier, wall, berm, or any combination of these landscape elements shall be planted to form a continuous screen at least six feet in height at all points. If a non-living barrier is used, living plant material will be required on both sides of the screen. The screen shall be located so as not to create a vehicular sight-distance obstruction and shall be a minimum of 20 feet from driveway intersections.

(d) Grass ground cover, gravel or wood chips shall be established and maintained on all portions of the required landscape strip not occupied by any other landscape material.

(e) The landscape buffer shall be planted in such a manner as to provide a minimum opacity (visual restriction) of 80% in summer and 60% in winter.

(f) A minimum landscape strip of ten feet shall be maintained between roads and interior parking areas or driving lanes.

(2) *Parking lot.* Each required parking lot shall have the following.

(a) Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following:

1. Divide and break up the expanse of pavement;
2. Parking areas;
3. Designate vehicular circulation; and
4. Separate parking lots from adjoin uses.

(b) The minimum landscaped space surrounding parking lots shall be 50 square feet per parking space. Right-of-way areas and retention ponds shall not be included within the required landscape area. For parking lots containing over 20 spaces, there shall be one tree for every ten parking spaces in all areas submitted for site plan review.

(c) 1. A minimum of three feet shall be established from the backside of the curb or planting edge to the center of the trunk of the proposed tree or shrub.

2. Narrow strips of landscaping incorporated within parking lots should contain sufficient landscaping and landscape buffering to soften large expanses of paved or gravel surfaces.

(Ord. 1, passed 11-13-2000, § 10.1)

## CHILD CARE REGULATIONS

### § 154.180 CHILD CARE REGULATIONS.

(A) State certification is required.

(B) Regulations shall be based on state certified occupancy for the facility.

(C) Five hundred square feet of lot area per certified child shall be provided.

(D) Required outside, fenced play area contained within rear yard at a rate of 200 square feet per certified child shall be provided on the property.

(E) Parking shall be provided on-site at the rate of one space for each licensed caregiver plus one space for each five certified children.

(Ord. 1, passed 11-13-2000, § 11.1)

## BED AND BREAKFAST REGULATIONS

### § 154.195 BED AND BREAKFAST REGULATIONS.



(A) It is required that the bed and breakfast establishments located in R-1, RM and C Districts shall be the residence of the owner or the residence of a resident manager, and in either case the person(s) shall reside at all times in the bed and breakfast establishment.

(B) Bed and breakfast establishments located in R-1 Zoning Districts shall be the residence of the owner of the bed and breakfast and there shall be no more than two rental rooms and no resident manager permitted.

(C) (1) It is required in all bed and breakfast establishments that all sleeping rooms as well as all hallways leading to and connecting the sleeping rooms shall contain smoke detectors.

(2) In addition, all bed and breakfast establishments shall have two entrances/exists to and from the outside.

(D) There shall be a minimum of one bathroom per four sleeping rooms, excluding the bathroom used by the owner/resident manager.

(E) A current and permanent record of all guests at a bed and breakfast establishment shall be maintained and said records shall at all times be available to any state and township official including, but not limited to, the Zoning Administrator, Health Officers, Building Inspectors and township police, upon verbal request of the official.

(F) No person shall remain as a tenant/guest, of any bed and breakfast establishment for any period of time in excess of 15 days.

(G) (1) Signs in residential districts shall be limited to one flat faced, wall mounted identification sign not exceeding six square feet in total size affixed to the front of the establishment.

(2) The signs so constructed may not contain any internal lighting and yard signs of any nature are expressly prohibited in residential districts.

(H) In residential districts, no lighting shall be permitted which flashes, rotates or directs light onto any adjacent property or public right-of-way.

(I) Off-street parking shall be required as follows:

(1) One parking space per rental room;

(2) Two parking spaces for the owner/manager; and

(3) All parking spaces shall be provided on site (unless a variance is granted by the Planning Commission) and shall in all cases be approved by the Planning Commission prior to occupancy as a bed and breakfast establishment.

(J) Prior to the Building Inspector for the township issuing an occupancy permit for a bed and breakfast, the Zoning Administrator for the township shall inspect the bed and breakfast establishment to ensure that all zoning requirements and conditions for approval have been met.

(K) In the event that the Health Officer for the township or the County or State Health Departments receive a complaint regarding a bed and breakfast establishment located within the township, the owner and/or resident manager shall cooperate with said officials and shall immediately open the establishment to inspection by the appropriate official(s).

(L) All applications for bed and breakfast establishments shall be made to the Township Clerk and shall include a site plan showing proposed parking, lighting, signs (including location and size) as well as a floor plan of the proposed bed and breakfast establishment showing the location and size of the rental rooms, bathrooms, common rooms, owner/resident manager's living quarters and outside door(s) (entrances/exists) locations.

(M) The fee for the application shall be in accordance with the township fee schedule for requests for zoning change and site plan reviews.

(Ord. 1, passed 11-13-2000, § 12.1)

## VISIBILITY AT INTERSECTIONS

### § 154.210 VISIBILITY AT INTERSECTIONS.

On any corner lot, no fence, wall, hedge, screen, sign, structure, vegetation or planting shall be allowed to impede vision between a height of three feet and eight feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are 25 feet distant from the point of intersection, measured along the street right-of-way line.

(Ord. 1, passed 11-13-2000, § 13.1)

## SWIMMING POOLS

### § 154.225 SWIMMING POOLS.

All swimming pools erected in the township shall comply with the following requirements.

(A) *Application.* The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates and other detailed

information affecting construction and safety measures deemed necessary by the Zoning Administrator.

(B) *Pool location.*

(1) Minimum side yard setback shall comply with the schedule of regulations in §154.044.

(2) Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard.

(3) Rear yard setback shall be not less than four feet between the outside wall of the pool and the rear property line or less than the established easement width at the rear property line or less than four feet between the pool wall and any building on the lot.

(C) *Fence.*

(1) For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four feet high.

(2) All openings in any such fence shall be equipped with a gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

(Ord. 1, passed 11-13-2000, § 14.1)

## STORAGE OF MATERIALS

### § 154.240 STORAGE OF MATERIALS.

The location or storage of abandoned, discarded, unusable or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows.

(A) On any lot in any residential or commercial district, the owner or tenant shall locate and store such materials within a completely enclosed building.

(B) On any lot in any industrial district, the owner or tenant shall locate and store materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

(Ord. 1, passed 11-13-2000, § 15.1)

## HOME OCCUPATION

### § 154.255 HOME OCCUPATION.

(A) A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

(B) The following additional conditions shall be observed.

(1) Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.

(2) No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.

(3) There shall be no exterior storage of materials or equipment.

(4) Adequate off street parking shall be provided in accordance with §154.085 and as specified by the Township Planning Commission.

(5) No more than one person, other than family occupying the dwelling, shall be employed.

(Ord. 1, passed 11-13-2000, § 16.1)

## FENCES, WALLS AND OTHER PROTECTIVE BARRIERS

### § 154.270 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

(A) *Permit.* It shall be unlawful for any person, firm or corporation to construct, or cause to be constructed, any fence or wall on any property within the township, except in accordance with these regulations. Any person, firm or corporation desiring to construct a fence or wall that is subject to these regulations shall first obtain a fence or wall permit from the Zoning Official.

(B) *Fee.* The fee for a fence or wall permit shall be according to the Building Department fee schedule, and may be amended, by resolution of the Township Board. The fee shall be paid to the Township Treasurer at the time of application for the permit.

(C) *Location.* All fences and walls shall be located entirely on the property of the owner of the fence or wall and shall not encroach into any right-of-way. A property must be surveyed if survey corner markers cannot be located. A fence or wall maybe constructed on the common property line subject to a written agreement between adjoin property owners. Fences or

walls on lots abutting a body of water shall be set back 50 feet from the high water line.

(D) *Height.* Fences or walls located on lots used primarily for a residence shall comply with the following regulations.

(1) Only ornamental-type fences or walls shall be located in a required front yard and shall not exceed four feet in height. Any ornamental or decorative fence or wall shall be constructed so that the ornamental or decorative features of the fence or wall face outward from the owner's property.

(2) Fences or walls located in any required side yard or required rear yard shall not exceed six feet in height.

(3) Fences or walls on any commercial lot shall not exceed eight feet in height. Fences or walls in a front yard shall not be permitted in a commercial district except where required by the Planning Commission.

(4) Fences or walls on any industrial lot shall not exceed 12 feet in height and when located in the front yard, shall require a minimum of 50% see-through opacity.

(5) In determining the maximum height of a fence or wall that separates two adjoining lots that is located within two feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two feet on either side of the common lot line.

(E) *Materials.* Fences and walls shall be constructed of materials commonly utilized for permanent fencing or walls unless otherwise approved by the Planning Commission.

(F) *Vision clearance.*

(1) Fences and walls shall be constructed in accordance with §154.210.

(2) A fence or wall that is located at the intersection of a driveway and sidewalk shall not impede vision between the driveway and sidewalk.

(G) *Safety.*

(1) No spikes, nails, barbed wire or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on any fence or wall below the height of seven feet, except in the case of fences or walls that enclose farmland in which case barbed wire may be permitted at any height of the fence or wall.

(2) Fences and walls shall not contain any electric charge or current, except fences or walls that enclose farmland, in which case electrically charged wire shall be permitted, provided that such wire shall be attached to the inside face of the fence or wall posts. All electrically charge fences or walls shall be of a type and make approved by Underwriters Laboratories (UL).

(H) *Maintenance.*

(1) Fences and walls shall be maintained so as to not endanger life or property. Any fence or wall which, through lack of repair, type of construction or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence or wall, the Zoning Official or other authorized person shall serve written notice to the owner, agent or person in control of the property on which such fence or wall is located.

(2) The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence or wall safe or shall require unsafe fence or wall or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications or removal to be made.

(I) *Exemptions.* Fences or walls enclosing farmland shall be exempt from the regulations and requirements of this section except divisions (G) and (H) above.

(J) *Standards.* The standards set forth in this section are minimum standards and shall not be construed to limit the authority of the Planning Commission or the Township Board to impose stricter standards where a fence or wall is constructed pursuant to a special land permit, planned residential development, site plan or pertinent standard.

(Ord. 1, passed 11-13-2000, § 17.1; Ord. 23, passed 8-10-2015; Ord. 24, passed 4-11-2016)

## **ESSENTIAL SERVICES**

### **§ 154.285 ESSENTIAL SERVICES.**

Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the state or any ordinance of the township, it being the intention hereof to exempt such essential services from the application of this chapter.

(Ord. 1, passed 11-13-2000, § 18.1)

## **PRIVATE ROADS**

### **§ 154.300 INTENT.**

(A) Unobstructed, safe and continuous access to lots is necessary to promote and protect the public health, safety and welfare and ensure that police, fire and emergency services can safely and quickly enter and exit private property at all

times. It is the intent of this subchapter to permit access to the interior of certain sections within the township by private roads which permit unobstructed, safe and continuous vehicle access. It is further the intent of this subchapter to ensure that private roads are maintained and repaired by the private property owners who own and use the road.

(B) The procedures, standards and specifications hereinafter set forth are determined to be the minimum necessary to meet the intention of this chapter.

(Ord. 1, passed 11-13-2000, § 19.1)

### **§ 154.301 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COUNTY ROAD COMMISSION.** The Road Commission of Jackson County, Michigan.

**EASEMENT.** The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this subchapter, **PRIVATE ROAD EASEMENTS** shall be designated for the purpose of vehicle ingress and egress.

**MDOT.** Michigan Department of Transportation.

**PLANNING COMMISSION.** The Planning Commission of Concord Township.

**PUBLIC STREET** or **RIGHT-OF-WAY.** A public or dedicated right-of-way, which affords the principal means of vehicular access to abutting property, and which is under public ownership or control.

**TOWNSHIP CLERK.** The Clerk of Concord Township.

**TOWNSHIP BOARD.** The Township Board of Concord Township.

**TOWNSHIP ENGINEER.** The Engineer of Concord Township.

(Ord. 1, passed 11-13-2000, § 19.2)

### **§ 154.302 GENERAL ACCESS AND PERMIT REQUIREMENTS.**

(A) For the purpose of this section, **PRIVATE ROADS** shall be further defined and classified as follows:

(1) **CLASS A PRIVATE ROADS** shall meet one or more of the following criteria:

(a) Serves five or more single-family residential lots. The potential shall be determined by the Planning Commission and the Township Board based upon the amount of acreage serviced and the potential buildable parcels;

(b) Connects with, or has a reasonable potential to be extended at a future time to connect with another public or private road;

(c) Has a reasonable probability of dedication as a public road at a future time; and/or

(d) Serves more than one nonresidential use, not including farm uses and farm buildings.

(2) **CLASS B PRIVATE ROADS** are those which will serve no more than four single-family residential lots, or parcels or units.

(B) Every lot in the township shall abut either a public road, private road which meets the requirements of this subchapter or a private road of record established and constructed prior to the effective date of this chapter.

(C) No person shall construct, alter or extend a private road without compliance with this subchapter and obtaining a permit as hereinafter provided.

(Ord. 1, passed 11-13-2000, § 19.3)

### **§ 154.303 APPLICATION FOR PERMIT REQUIREMENTS.**

Applications for permits shall be delivered to the Township Zoning Administrator and filed with the Clerk and shall consist of the following information.

(A) *Class A private road.*

(1) Each application for a Class A private road shall be accompanied by completed plans prepared and sealed by an engineer or land surveyor registered in the state, which contains information contained herein. Such plans shall contain a certificate/statement by a registered engineer that said plans meet the design requirements of § 154.304.

(2) The application and plans for a Class A road shall include the following information:

(a) The names and addresses of the lot or parcel owners to be served by the private road;

(b) A vicinity map of a minimum scale of one inch equals 2,000 feet, showing the location of the private road in the township, any access roads and cross streets, road names, a scale and a north arrow;

(c) Existing topography at two-foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet;

(d) Proposed improvements shown in plan and profile indicating the standards set forth in §154.304 are met. The plans shall also show existing and proposed grades, the location of existing and proposed drainage facilities, the location of existing and/or proposed public and private utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads;

(e) Soil borings with the proposed route of the road. Wetland areas within 100 feet of either side of the proposed route;

(f) The location of the parcels being served or intended to be served by the private road, including any existing residential dwellings or accessory buildings; and

(g) A complete statement of all the terms and conditions of the proposed road easement, including copies of all maintenance agreements or intended maintenance agreements regarding the maintenance and improvements of the right-of-way roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this subchapter, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and will not be maintained by the township. The maintenance agreement shall contain a clause holding harmless the township from any liability from any property damage or personal injuries within the required easement of the private road.

(B) *Class B private road.*

(1) Each application for a Class B private road shall be accompanied by complete plans prepared and sealed by an engineer registered in the state, which include the information contained herein. Such plans shall contain a certificate/statement by a registered engineer that said plans meet the design requirements of § 154.304.

(2) The application and plans for a Class B road shall include the following information:

(a) The names and addresses of the lot or parcel owners to be served by the private road;

(b) A vicinity map of a minimum scale of one inch equals 2,000 feet, showing the location of the private road in the township, any access roads and cross-streets, road names, a scale and a north arrow;

(c) Existing topography at two-foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet;

(d) Proposed improvements shown in plan and profile indicating the standards set forth in §154.304 are met. The plans shall also show existing and proposed grades, the location of existing and proposed drainage facilities, the location of existing and/or proposed public and private utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads;

(e) Soil borings with the proposed route of the road. Wetland areas within 100 feet of either side of the proposed route;

(f) The location of the parcels being served or intended to be served by the private road, including any existing residential dwellings or accessory buildings; and

(g) A complete statement of all the terms and conditions of the proposed road easement, including copies of all maintenance agreements or intended maintenance agreements regarding the maintenance and improvements of the right-of-way roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this subchapter, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and will not be maintained by the township. The maintenance agreement shall contain a clause holding harmless the township from any liability from any property damage or personal injuries within the required easement of the private road.

(Ord. 1, passed 11-13-2000, § 19.4)

**§ 154.304 DESIGN STANDARDS.**

(A) In addition to the standards and specifications set forth in §154.305, all private roads shall meet the following additional minimum requirements and specifications.

(1) The roadway surface and cul-de-sac area shall be centered in the right-of-way.

(2) The connection between the private road and the public road shall conform to the standards and specifications of the County Road Commission. Where a gravel base private road connects to a paved county road, the private road shall have a paved approach.

(3) Underground crossroad drainage shall be provided where the proposed road crosses a stream or other drainage

course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the MDEQ and/or County Drain Commissioner.

(4) The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. Drainage shall not be discharged upon the land of another property owner unless the water is following an established watercourse or drainage pattern. The discharged water onto adjoining properties shall also no exceed the normal agricultural rate. Connection to county drains shall be approved by the County Drain Commissioner prior to the issuance of permit.

(5) Private roads will be named, said names will be approved by the Township Planning Commission and County Road Commission and signs indicating the names of the road and the word "private" and shall be erected and maintained in accordance with the *Michigan Manual of Uniform Traffic Control Devices*

(6) The road easement shall provide for ingress, egress, drainage or installation and maintenance of public and private utilities.

(7) The private road shall be subject to all other township, county and state permits and regulations.

(B) The schedule of minimum requirements and specifications for private roads in §154.305 shall apply.

(Ord. 1, passed 11-13-2000, § 19.5)

**§ 154.305 MINIMUM REQUIREMENTS AND SPECIFICATIONS CHART.**

<b>Minimum Requirements and Specifications for Private Streets and Roads</b>		
	<b>Class A</b>	<b>Class B</b>
<b>Minimum Requirements and Specifications for Private Streets and Roads</b>		
	<b>Class A</b>	<b>Class B</b>
Base		
For gravel surface	Where permitted by variance of the township, 6 inches processed road gravel (MDOT 22A or 23A) in 2 equal courses, each compacted 28 ft. wide	Same as Class A, except 16 ft. wide
For paved surface	6 inches of processed road gravel (MDOT 22A) in 2 equal courses, each compacted 28 ft. wide	Not applicable, unless paving is requested by applicant
Curb and gutter (may be required by Township Engineer)	When required, curb and gutter shall meet requirements of the in consideration of current JCRC specifications for narrow lot width, straight back or roll curb and road grade	Same as Class A
Easement width	66 ft.	66 ft.
Grades of front/back slopes	Shall not exceed 1 on 4	Same as Class A
Pavement	3.5 bituminous mix no. 1100T aggregate, 20 ft. wide	Not applicable
Roadway grades		
Maximum	5.5%	Same as Class A
Minimum	0.5 %	Same as Class A
Sub-base	Depth will vary depending upon native soil types; spread to a minimum width sufficient to extend to the front slope of the roadside ditch	Same as Class A
Turnaround area		
Cul-de-sac	60-ft. radius easement, 50-ft. radius roadway surface	Same as Class A
T Type	May be substituted for cul-de-sac if applicant can show that it will function as well as the required turning circle	Same as Class A

(Ord. 1, passed 11-13-2000, § 19.5B)

### **§ 154.306 PERMIT APPROVAL PROCESS.**

(A) Upon receipt of an application, the Township Clerk shall bring the application before the Township Board at its next regular meeting. The Board shall, pursuant to PA 283 of 1909 of Act 168, § 12, refer the application to the Planning Commission and any other appropriate body for review and comment.

(B) The Township Engineer shall report in writing to the Board as to whether or not the proposed private road conforms to the standards and specifications of this section. Said report may include any suggested conditions to be attached to the permit which in the Township Engineer's judgement, are necessary to achieve the intent of this section.

(C) The Township Board shall consider the application, the Township Engineer's report and all other relevant information in determining whether to grant the permit application. If the information submitted by the applicant does not establish that the proposed private road will conform to the standards and specifications of this section, the Township Board shall not grant the permit. The Township Board shall impose such conditions on the approval of the permit as it deems necessary to achieve the intent and the objectives of this section, which may include, but need not be limited to, conditions suggested by the Township Engineer. The breach of any such condition proposed by the Township Board shall automatically invalidate the permit.

(D) As a condition to the granting of any permit under this section, the Township Board shall require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon completion of all improvements required by this chapter, any unused portion of the deposit shall be refunded to the applicant.

(E) Upon receipt of the required deposit and predetermined fees and approval of the application by the Township Board, the Township Zoning Administrator shall issue the permit pursuant to the terms established by the Township Board approving the application.

(F) Only the Township Board shall have the authority to approve or deny applications for permits. No other permit issued by any other township official or other governmental body or official shall substitute for a permit.

(Ord. 1, passed 11-13-2000, § 19.6)

### **§ 154.307 INSPECTION.**

(A) All required improvements may be inspected by the township at various stages of construction. The applicant's engineer shall oversee construction and certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this section and all approved plans. The Township Engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Board in writing.

(B) The costs of inspection, including compensation of the Township Engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

(Ord. 1, passed 11-13-2000, § 19.7)

### **§ 154.308 EXPIRATION OF APPROVAL PERMITS.**

A permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed upon the expiration of one year or the longer period of time, then the permit shall be void and of no force and effect and all deposits shall be forfeited to the township.

(Ord. 1, passed 11-13-2000, § 19.8)

### **§ 154.309 RECORDING OF EASEMENTS AND CERTIFICATE OF COMPLETION.**

(A) The easement, including all agreements as identified in §154.303(A)(2)(g) and (B)(2)(g), shall be recorded in the office of the Register of Deeds for the county prior to the issuance of the certificate of completion.

(B) Upon receipt of proof that the private road easement and all agreements have been recorded and the Township Engineer's report that all private construction complies with the standards of this subchapter, the township shall issue a certificate of completion.

(Ord. 1, passed 11-13-2000, § 19.9)

### **§ 154.310 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this subchapter until all work is completed. A certificate of occupancy may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township Engineer, and upon deposit with the Township Clerk of a sum of money, certified check or bank letter of credit in an amount sufficient to guarantee completion of the remaining private road improvements.

(Ord. 1, passed 11-13-2000, § 19.10)

## **§ 154.311 VARIANCES.**

(A) (1) When there are practical difficulties and unnecessary hardships in the way of carrying out the strict letter of this section, any applicant may apply for a variance in writing to the Township Board stating the specific reasons why the variance is being requested.

(2) The Township Board shall have the power to vary or modify the application of the provisions of this section so that the intent and purpose of the subchapter shall be observed and the public safety secured.

(B) The Township Board may consider an application to waive the paving requirements for a Class A road, if one or more of the following conditions are met.

(1) The proposed private road connects to an unpaved county road or another unpaved private road.

(2) The proposed private road will receive only limited use by nine lots or less at the time of application or in the future.

(3) (a) The Township Board may attach reasonable conditions in granting any variance from any provision of the chapter, and the breach of any conditions or the failure of any application to comply with the conditions shall void the variance.

(b) The provision of the section is intended, in part, to enable variances to be granted and conditions attached to the variances to facilitate the upgrading of prior nonconforming rights-of-way and private roads to the standards of this section, in a reasonably practical manner, including, but not limited to such rights-of-way and private roads as have been established, recorded, constructed or maintained prior to the date of adoption of this chapter, which cannot be brought into conformity with the subchapter without unnecessary hardship and practical difficulty due to soil conditions, topographical considerations or other factors.

(Ord. 1, passed 11-13-2000, § 19.11)

## **ADMINISTRATION**

### **§ 154.325 PURPOSE.**

It is the purpose of this subchapter to provide the procedure for the administration of this chapter, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this chapter and amendments thereto.

(Ord. 1, passed 11-13-2000, § 20.1)

### **§ 154.326 ADMINISTRATION.**

Except when herein otherwise stated, the provisions of this chapter shall be administered by the Zoning Inspector or by such deputies of his or her department as the Township Board may designate to enforce the provisions of this chapter.

(Ord. 1, passed 11-13-2000, § 20.2)

### **§ 154.327 DUTIES OF ZONING INSPECTOR.**

(A) The Zoning Inspector shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter. It shall be unlawful for the Zoning Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform to this chapter, nor shall the Zoning Inspector vary or change any terms of this chapter.

(B) If the Zoning Inspector shall find that any of the provisions of this chapter are being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(C) The Zoning Inspector shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of the chapter; and the type and nature of nonconforming uses, buildings and structures. The Zoning Inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

(Ord. 1, passed 11-13-2000, § 20.3)

### **§ 154.328 ZONING COMPLIANCE PERMITS.**

(A) *Issuance of zoning compliance permits.*

(1) No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Inspector for such building, structure or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.



(2) The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate drawn to scale showing the following information:

- (a) The actual dimensions and shape of the lot to be building upon;
- (b) The exact size and location of existing structures on the lot, if any; and
- (c) The location and dimensions of the proposed structure or alteration.

(3) One copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his or her files. Whenever the building, structures and uses as set forth in the application are in conformity with the provisions of this chapter, the Zoning Inspector shall issue the applicant a zoning compliance permit with ten days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in the chapter, the Zoning Inspector shall issue such permit promptly following such action.

(B) *Voiding of zoning compliance permit.* Any zoning compliance permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use is completed within 545 days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

(Ord. 1, passed 11-13-2000, § 20.4)

### **§ 154.329 CERTIFICATE OF OCCUPANCY, FINAL INSPECTION.**

(A) *Issuance of certificate of occupancy.*

(1) No building or structure, or part thereof, shall be occupied by, or for any use for which a zoning compliance permit is required by this chapter unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

(2) The application for a final inspection shall include certification by a registered professional engineer that the sewer and water have been constructed in accordance with the required plans and specifications. The developer shall also submit costs and a set of "as built" plans prior to the issuance of any certificates of occupancy.

(3) A certificate of occupancy shall be issued by the Zoning Inspector within five days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this chapter.

(B) *Voiding of certificate of occupancy.* Any certificate of occupancy granted under this chapter shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Inspector to be in violation of this chapter. The Zoning Inspector, upon finding such violation, shall immediately notify the Township Board of said violation and void the certificate of occupancy.

(Ord. 1, passed 11-13-2000, § 20.5)

### **§ 154.330 FEES, CHARGES AND EXPENSES.**

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the chapter. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended by the Township Board. No permit, certificate, conditional use or approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this chapter have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. 1, passed 11-13-2000, § 20.6)

## **BOARD OF APPEALS**

### **§ 154.345 BOARD OF APPEALS ESTABLISHED.**

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended, in such a way that the objectives of this chapter shall be observed, the public health and safety secured and substantial justice done.

(Ord. 1, passed 11-13-2000, § 21.1)

### **§ 154.346 DUTIES OF THE BOARD OF APPEALS.**

The Board of Appeals shall hear and decide only on such matters as the Board of Appeals is specifically authorized to pass on as provided in this chapter. The Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this chapter; but does have the power to authorize a variance as defined in this chapter, to act on those matters where this chapter may require an interpretation, and to issue a temporary use permit when authorized by this chapter.

(Ord. 1, passed 11-13-2000, § 21.2)

#### **§ 154.347 VARIANCE.**

(A) The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or contour of a specific tract of land at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required

(B) A variance from terms of this chapter shall not be granted by the Board of Appeals unless and until:

(1) A written application for a variance is submitted, demonstrating the following:

(a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;

(b) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(c) The special conditions and circumstances do not result from the actions of the applicant;

(d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district; and

(e) No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) The Board of Appeals shall determine that the requirements of the chapter have been met by the applicant for a variance;

(3) The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

(4) The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare;

(5) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter; and

(6) Each variance granted under the provisions of this chapter shall become null and void unless:

(a) The construction authorized by such variance or permit has been commenced within 180 days after granting of such variance and pursued diligently to completion; or

(b) The occupancy of land or buildings authorized by such variance has taken place within 180 days after the granting of such variance.

(C) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

(Ord. 1, passed 11-13-2000, § 21.3)

#### **§ 154.348 INTERPRETATION OF ZONING CHAPTER.**

The Board of Appeals shall hear and decide appeals where it is alleged by applicant there is an error in any order, requirement, permit decisions or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this chapter including interpretation of the zoning map.

(Ord. 1, passed 11-13-2000, § 21.4)

#### **§ 154.349 APPEALS TO THE BOARD OF APPEALS.**

(A) *Generally.* Appeal from the ruling of the Zoning Inspector or the Township Board concerning the enforcement of the provisions of this chapter may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed was taken.

(B) *Who may appeal.* Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency or bureau of the township, village, city, county or state.

(C) *Fee for appeal.* A fee prescribed by the Township Board shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Board of Appeals shall pay over, within 30 days after deciding any appeal, to General Fund of the

township.

(D) *Effect of appeal; restraining order.* An appeal stays all proceedings in furtherance of other action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall be filed with them, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

(E) *Notice of hearing.* When a request for an appeal has been filed in proper form with the Board of Appeals, the Board of Appeals Secretary or Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to be served personally or by registered receipt mail at least ten days prior to the date of such hearing, upon the party or parties making the request for approval.

(F) *Representation of hearing.* Upon the hearing, any party or parties may appear in person or by agent or by attorney.

(G) *Decisions of the Board of Appeals and appeals to the Circuit Court.*

(1) The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have the powers of the Zoning Inspector or Township Board from whom the appeal is taken.

(2) The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the finds and determination of Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court or question of law and fact.

(H) *Appeals, time limitation.*

(1) An appeal taken under division (A) above must be filed within 21 days after the decision or ruling upon which the appeal is based is made.

(2) Appeals from written decisions or ruling shall be made within 21 days after the decision is reduced to writing and mailed to the party entitled to receive such decision.

(Ord. 1, passed 11-13-2000, § 21.5)

## **AMENDMENT PROCEDURES**

### **§ 154.360 INITIATING AMENDMENTS AND FEE.**

The Township Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare required such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the Township Board no part of which shall be returnable to the petitioner.

(Ord. 1, passed 11-13-2000, § 22.1)

### **§ 154.361 AMENDMENT PROCEDURES.**

The procedure for making amendments to this chapter shall be in accordance with Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended for townships.

(Ord. 1, passed 11-13-2000, § 22.2)

### **§ 154.362 CONFORMANCE TO COURT DECREE.**

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

(Ord. 1, passed 11-13-2000, § 22.3)

### **§ 154.999 PENALTY.**

(A) Uses of land and dwellings, buildings, structures including tents and trail coaches, used, erected, altered, razed or converted in violation of any provision of this chapter are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this chapter shall upon conviction thereof be subject to a fine as set forth by the township from time to time and the costs of prosecution thereof, by imprisonment in the county jail for a period not to exceed 30 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. 1, passed 11-13-2000, § 20.7)

(B) Any person, firm or corporation violating any of the provisions of §§154.060 through 154.071 shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine as set forth by the township from time to time and the costs of prosecution or, in default of the payment hereof, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

(Ord. 1, passed 11-13-2000, § 4.11)