
**HANOVER TOWNSHIP
JACKSON COUNTY, MICHIGAN**

ZONING ORDINANCE



**ADOPTED: JUNE 13, 1973
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TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE I - ENACTING CLAUSE, TITLE, PURPOSES	1
Section 1.1 - Enacting Clause	1
Section 1.2 - Title	1
Section 1.3 - Purposes	1
 ARTICLE II - GENERAL PROVISIONS	 2
Section 2.1 - Scope	2
Section 2.2 - Definitions	2
2.2.1 - Accessory Structure, Building, or Use	2
2.2.2 - Alley	2
2.2.3 - Alter	2
2.2.4 - Apartment	2
2.2.5 - Automobile Service Station	3
2.2.6 - Automobile Wrecking	3
2.2.7 - Basement	3
2.2.8 - Boarding House or Rooming House	3
2.2.9 - Building	3
2.2.10 - Building Height	3
2.2.11 - Building Setback Line	3
2.2.12 - Central Sanitary Sewerage System	3
2.2.13 - Central Water System	4
2.2.14 - District	4
2.2.15 - Drive-in Establishment	4
2.2.16 - Dwelling Unit	4
2.2.17 - Dwelling - Single-Family	4
2.2.18 - Dwelling - Two-Family	5
2.2.19 - Dwelling - Multiple-Family	5
2.2.20 - Easement	5
2.2.21 - Essential Services	6
2.2.22 - Family	6
2.2.23 - Home Occupation	5
2.2.24 - Hotel	6
2.2.25 - Kennel	6
2.2.26 - Lot	6
2.2.27 - Lot Area	6
2.2.28 - Lot, Corner	7
2.2.29 - Lot Depth	7
2.2.30 - Lot Coverage	7
2.2.31 - Lot of Record	7
2.2.32 - Lot, Through (Double Frontage)	7

TABLE OF CONTENTS
PAGE 2

	<u>PAGE</u>
2.2.33 - Lot Width	7
2.2.34 - Mobile Home	7
2.2.35 - Mobile Home Park	7
2.2.36 - Mobile Home Subdivision	7
2.2.37 - Motel	8
2.2.38 - Off-Street Parking	8
2.2.39 - Parking Space, Area, Lot	8
2.2.40 - Quarry	8
2.2.41 - Riding Academy	8
2.2.42 - Roadside Stand	8
2.2.43 - Sign	8
2.2.44 - Sign Area	9
2.2.45 - Sign, On-Site	9
2.2.46 - Site Plan Review	9
2.2.47 - Story	9
2.2.48 - Street	9
2.2.49 - Structure	9
2.2.50 - Swine Confinement System	9
2.2.50.1 - Telecommunication(s) Facility	10
2.2.51 - Transition Strip	10
2.2.52 - Travel Trailer	10
2.2.53 - Yard, Front	10
2.2.54 - Yard, Rear	10
2.2.55 - Yard, Side	10
2.2.56 - Funneling	10
Section 2.3 - Undefined Terms	11
Section 2.4 - Application of Regulations	11
ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS	12
Section 3.1 - Establishment of Zoning Districts	12
Section 3.2 - Official Zoning Map	12
Section 3.3 - Interpretation of District Boundaries	12
ARTICLE IV - ZONING DISTRICT REGULATIONS	13
Section 4.1 - Open Districts	13
4.1.1 - Agricultural District (AG-1)	13
Section 4.2 - Residential Districts	14
4.2.1 - Suburban Residential District (RS-1)	15
4.2.2 - Multiple-Family Residential District (RM-1)	16

TABLE OF CONTENTS
PAGE 3

	<u>PAGE</u>
Section 4.3 - Commercial Districts	17
4.3.1 - Local Commercial District (C-1)	17
4.3.2 - General Commercial District (C-2)	18
Section 4.4 - Industrial District	20
4.4.1 - Light Industrial District (I-1)	20
4.4.2 - Limited Light Industrial District (I-2)	21
Section 4.5 - Area, Yard, Height, and Bulk Regulations	23
4.5.1 - Compliance with Regulations	24
4.5.2 - Yard Measurements	24
4.5.3 - Lot Width	24
4.5.4 - Height Exceptions	24
4.5.5 - Accessory Structures	24
4.5.6 - Distance Between Grouped Buildings	25
4.5.7 - Lot Building Relationship	25
 ARTICLE V - SUPPLEMENTAL REGULATIONS	 26
 Section 5.1 - Purpose	 26
Section 5.2 - Sign Regulations	26
5.2.1 - General Sign Regulations	26
5.2.2 - Permitted On-Site Signs in the Agricultural District	26
5.2.3 - Permitted On-Site Sign in Residential District	27
5.2.4 - Permitted On-Site Signs in Local Commercial District	27
5.2.5 - Permitted On-Site Signs in General Commercial and Industrial District	27
5.2.6 - Off-Site Signs	28
5.2.7 - Signs for Automobile Service Stations	28
5.2.8 - Elimination of Nonconforming Signs	29
Section 5.3 - Off-Street Parking Requirements	29
5.3.1 - Plans	29
5.3.2 - Location of Off-Site Parking Areas	29
5.3.3 - Parking in Residential Districts	29
5.3.4 - Off-Street Parking Area Design	29
5.3.5 - Collective Parking	30
5.3.6 - Determining Requirements	30
5.3.7 - Schedule of Off-Street Parking Spaces	31
5.3.8 - Exceptions	33
Section 5.4 - Off-Street Loading and Unloading Requirements	33
5.4.1 - Plans	33
5.4.2 - Off-Street Loading Area Design	33
5.4.3 - Off-Street Loading Area Space Requirements	33
Section 5.5 - Conditional Uses	33
5.5.1 - Authority to Grant Permits	34
5.5.2 - Application and Fee	34

TABLE OF CONTENTS
PAGE 4

	<u>PAGE</u>
5.5.3 - Data, Information, and Site Plan Application Requirements	34
5.5.4 - Public Hearings	34
5.5.5 - Required Standards and Findings for Making Determinations	35
5.5.6 - Determination and Imposition of Conditions	35
5.5.7 - Approval, Granting of Permit	36
5.5.8 - Voiding of Conditional Use Permit	36
5.5.9 - Additional Development Requirements for Certain Uses	36
a. Quarries	36
b. Drive-in Theaters	38
c. Mobile Home Park Regulations	38
d. Mobile Home Subdivision	41
e. Planned-Unit Development	42
f. Swine Confinement System	43
Section 5.6 - Site Plan Review and Approval	45
5.6.1 - Buildings, Structures, and Uses Requiring Site Plan	45
5.6.2 - Application and Fee for Site Plan Review	45
5.6.3 - Planning Commission Review of Site Plan	45
5.6.4 - Required Data for Site Plan	45
5.6.5 - Standards for Site Plan Review	49
5.6.6 - Hanover Township Planning Commission Approval of Site Plan	49
5.6.7 - Expiration of Site Plan Certificate	49
5.6.8 - Amendment, Revision of Site Plan	49
Section 5.7 - Non-conformities	49
5.7.1 - Nonconforming Uses of Land	49
5.7.2 - Nonconforming Structures	50
5.7.3 - Nonconforming Uses of Structures	50
5.7.4 - Change of Tenancy or Ownership	51
5.7.5 - Nonconforming Lots of Record	51
Section 5.8 - Performance Standards	51
5.8.1 - Requirements	51
5.8.2 - Plans	52
5.8.3 - Enforcement	52
Section 5.9 - Storage of Materials	52
Section 5.10 - Mobile Homes and Travel Trailers	53
Section 5.11 - Visibility at Intersections	53
Section 5.12 - Access to Public Streets	53
Section 5.13 - Flood plains	53
Section 5.14 - Home Occupation	53
Section 5.15 - Fences	54
Section 5.16 - Temporary Use	54

TABLE OF CONTENTS
PAGE 5

	<u>PAGE</u>
Section 5.17 - Essential Services	54
Section 5.18 - Curb Cuts and Driveways	54
Section 5.19 - Floor Area Requirements for Dwellings	54
Section 5.20 - Household Pets	55
Section 5.21 - Swimming Pools	55
Section 5.22 - Prohibition of Funneling	56
Section 5.23 - Telecommunication Facilities and Towers	56
5.23.1 - Definitions	56
5.23.2 - Application Process	56
5.23.3 - Minimum Standards	58
5.23.4 - Abandonment	60
5.23.5 - Federal, State and Local Rules	60
5.23.6 - Tower Space and Tower Rights	60
5.23.7 - Conditional or Permitted Use	60
5.23.8 - Bonds	60
5.23.9 - Transfer of Ownership	60
5.23.10- False Statement of Application	60
5.23.11- Names of References on Application	61
5.23.12- Stealth Design Requirements	61
5.23.13- Co-Location Requirements	61
5.23.14- Cases Not Covered by Amendments	62
5.23.15- Repeal of Existing Ordinance Provisions	62
5.23.16- Penalty fo Violation of Telecommunication Ordinance	62
5.23.17- Adoption and Effective Date	63
 ARTICLE VI - ADMINISTRATION OF THE ORDINANCE	 64
 Section 6.1 - Purpose	 64
Section 6.2 - Administration	64
Section 6.3 - Duties of Building Inspector	64
Section 6.4 - Zoning Compliance Permits	64
6.4.1 - Issuance of Zoning Compliance Permits	64
6.4.2 - Voiding of Zoning Compliance Permit	65
Section 6.5 - Certificate of Occupancy, Final Inspection	65
6.5.1 - Issuance of Certificate of Occupancy	65
6.5.2 - Voiding of Certificate of Occupancy	65
Section 6.6 - Fees, Charges, and Expenses	65

TABLE OF CONTENTS
PAGE 6

	<u>PAGE</u>
Section 6.7 - Violations and Penalties: Nuisance Per Se: Abatement	66
ARTICLE VII - BOARD OF APPEALS	67
Section 7.1 - Board of Appeals Established	67
Section 7.2 - Duties of the Board of Appeals	67
Section 7.3 - Variance	67
Section 7.4 - Interpretation of Zoning Ordinance	68
Section 7.5 - Appeals to the Board of Appeals	68
7.5.1 - Appeals, How Taken	68
7.5.2 - Who May Appeal	68
7.5.3 - Fee for Appeal	69
7.5.4 - Effect of Appeal; Restraining Order	69
7.5.5 - Notice of Hearing	69
7.5.6 - Representation of Hearing	69
7.5.7 - Decisions of the Board of Appeals and Appeals to the Circuit Court	69
ARTICLE VIII - AMENDMENT PROCEDURES	70
Section 8.1 - Initiating Amendments and Fee	70
Section 8.2 - Amendment Procedures	70
Section 8.3 - Conformance to Court Decree	70
ARTICLE IX - LEGAL STATUS	71
Section 9.1 - Conflict with Other Laws	71
Section 9.2 - Validity and Severability Clause	71
Section 9.3 - Period of Effectiveness	71
Section 9.4 - Repeal of Ordinance	71
Section 9.5 - Effective Date	71

ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSES

SECTION 1.1 - ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act No. 184 of the 1943 Public Acts of Michigan, as amended to establish comprehensive zoning regulations for Hanover Township, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 - TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Hanover Township." The Zoning Map referred to herein is entitled "Zoning Map, Hanover Township".

SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, and general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the Hanover Township Board.
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses as specified in Section 5.7.

ARTICLE II
GENERAL PROVISIONS

SECTION 2.1 - SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance 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 Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 - DEFINITIONS

For the purpose of this Ordinance 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, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" 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.

2.2.1 Accessory Structure, Building, or Use:

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

2.2.2 Alley:

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

2.2.3 Alter:

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

2.2.4 Apartment:

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

2.2.5 Automobile Service Station:

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

2.2.6 Automobile Wrecking:

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

2.2.7 Basement:

A story of a building having more than one-half ($\frac{1}{2}$) its height below grade.

2.2.8 Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

2.2.9 Building:

A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

2.2.10 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.

2.2.11 Building Setback Line:

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

2.2.12 Central Sanitary Sewerage System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

2.2.13 Central Water System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

2.2.14 District:

A portion of the Township of Hanover within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.15 Drive-In Establishment:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

2.2.16 Dwelling Unit:

One (1) or more rooms with independent cooking facilities designed as a unit for residence by only one (1) family.

2.2.17 Dwelling - Single-Family:

A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

- a. Compliance with minimum floor area requirements for dwellings specified in Section 5.19.
- b. Single-family dwellings, constructed after the date of adoption of this amendment with the exception of mobile homes, shall comply in all respects with the Hanover Township Building Code, during, and upon completion of construction.
- c. Mobile homes placed upon lots of record after the date of adoption of this amendment shall comply in all respects with Department of Housing and Urban Development Mobile Home Construction and Safety Standards.
- d. Mobile homes placed upon lots of record after the date of adoption of this amendment shall be no more than three (3) years old. The age of the structure shall be determined from the date of first titling to the date at which a building permit is issued for foundation construction for said mobile home.
- e. Single-family dwellings with the exception of mobile homes shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code.

- f. Mobile homes shall be installed on a permanent frost free foundation in accordance with Rule 602 of the rules and regulations of the Michigan Mobile Home Code Commission Rules and Regulations. A crawl space of at least eighteen (18) inches below the main frame of the structure shall be required.
- g. Mobile homes shall be secured to the premises by an anchoring system or device complying with Rule 605 of the Michigan Mobile Home Code Commission Rules and Regulations.
- h. Skirting shall be required on mobile homes in accordance with Rule 604 of the Michigan Mobile Home Code Commission Rules and Regulations.
- i. No portion of the chassis, wheels, axle assembly, or towing mechanism of a mobile home shall be exposed.
- j. Single-family dwellings shall have not less than two (2) exterior doors with the second one (1) being in either the rear or side of the dwelling; and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- k. Single-family dwellings shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure which shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- l. Additions or expansions to single-family dwellings shall be constructed with a quality of workmanship similar to the original structure, including attachment to a foundation as required herein.
- m. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the provisions of the Zoning ordinance of Hanover Township pertaining to such parks.
- n. The principal structure shall have a minimum exterior width of twenty (20) feet along side elevations exclusive of porches not a part of the main living area.

2.2.18 Dwelling - Two-Family:

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respect to the standards set forth in Section 2.2.17.

2.2.19 Dwelling - Multiple Family:

A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.2.17.

2.2.20 Easement:

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

2.2.21 Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems; collection, communication, supply or disposal systems; dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants; and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings or maintenance depots.

2.2.22 Family:

One (1) or more persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, or adoption and including the domestic employees thereof. A family is distinguished from a group occupying a rooming-house, boarding-house, lodging-house, club, fraternity-house, hotel, motel, or tourist home.

2.2.23 Home Occupation:

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

2.2.24 Hotel:

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and "which is open to transient or permanent guests, or both.

2.2.25 Kennel:

Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

2.2.26 Lot:

A parcel of land separated from other parcels of land by description on a recorded plat, by metes-and-bounds description or units as described in the master deed of a site condominium project, and having sufficient size to comply with the requirements of this Ordinance for minimum area, yards, coverage and other open space.

2.2.27 Lot Area:

The area within the lot lines, but excluding that portion in a road or street right-of-way.

2.2.28 Lot, Corner:

A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.

2.2.29 Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.2.30 Lot Coverage:

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

2.2.31 Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.32 Lot, Through (Double Frontage):

An interior lot having frontage on two (2) parallel or approximately parallel streets.

2.2.33 Lot Width:

The width of the lot measured at the required front yard setback line.

2.2.34 Mobile Home:

A detached portable residential dwelling unit with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis 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 and shall be connected to existing utilities. A travel trailer is not be considered a mobile home.

2.2.35 Mobile Home Park:

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots.

2.2.36 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.37 Motel:

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

2.2.38 Off-Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.2.39 Parking Space, Area, Lot:

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

2.2.40 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

2.2.41 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.42 Roadside Stand:

A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated. A roadside stand shall not be considered to be a commercial activity for the purposes of this Ordinance.

2.2.43 Sign:

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b. Flags and insignias of any government, except when displayed in

connection with commercial promotion;

- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

2.2.44 Sign Area:

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.45 Sign, On-Site:

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.46 Site Plan Review:

A review by the Planning Commission and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.47 Story:

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

2.2.48 Street:

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

2.2.49 Structure:

Anything constructed, erected or placed with a fixed location on the surface of the ground.

2.2.50 Swine Confinement System:

An operation where more than 2,500 pigs at any one time are kept in an enclosed or open area for the purposes of breeding, farrowing or feeding by a common owner or manager where the operation is conducted totally or partially

within the Township.

2.2.50.1 Telecommunication(s) Facility:

Telecommunication(s) facility shall be defined as set forth in Section 5.23.1(a)

2.2.51 Transition Strip:

An unused screened area which reduces the visual or noise impact of one (1) use upon another.

2.2.52 Travel Trailer:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile.

2.2.53 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.

2.2.54 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.

2.2.55 Yard, Side:

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot.

SECTION 2.2.56 FUNNELING

Funneling is the use of a waterfront property, parcel or lot as common open space for waterfront access for a larger development located away from the waterfront. More particularly, funneling includes, but is not limited to, the use of waterfront property, parcel or lot for access by the owners, lessees or licensees (or by members of the family or occasional guests of any such persons) of any of the following types of property:

1. Non-waterfront property under a separate legal description on the County tax roll or property acquired under a separate deed on file with the County Register of Deeds.
2. Non-riparian property.
3. Property separated from shoreline properties by a public road.

Funneling shall be deemed not to include any public use of a public park or public access site provided or maintained by any unit of State, County or local government.

SECTION 2.3 - UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

SECTION-2.4 - APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

The Township of Hanover is hereby divided into the following zoning districts:

AG-1	Agricultural District
RS-1	Suburban Residential District
RM-1	Multiple-Family Residential District
C-1	Local Commercial District
C-2	General Commercial District
I-1	Light Industrial District
I-2	Limited Light Industrial District

SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this ordinance are bounded and defined on a map entitled "Official Zoning Map, Hanover Township, Jackson County, Michigan, dated February 14, 1989"; which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

3.2.1 Identification of Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Clerk. The Official Zoning Map shall be located in the office of the Clerk and be available for examination.

SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad right-of-way lines, section lines, one-quarter (1/4) section lines, one-eighth (1/8) section lines, or a corporate limit line) all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

ARTICLE IV

ZONING DISTRICTS REGULATIONS

The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in this section.

SECTION 4.1 - OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future.

4.1.1 Agricultural District (AG-1):

The intent of this district is to protect, maintain, and preserve agricultural and open space areas in the Township which are or may be exceptionally productive and have particular value for agricultural or open space activities. Development of urban character is discouraged from this district and thus prevented from encroaching upon these agricultural and open space resources and disrupting these areas.

a. Permitted Uses:

1. Single-family dwelling.
2. General and specialized farming and agricultural activities except commercial feedlots, but including the raising or growing and storage or preservation of crops, livestock, poultry, rabbits, fur bearing animals, and other farm animals, provided any structure used for such animals shall be located not less than one hundred (100) feet from the lot line of any other property. However, the activity of having farm animals as noted above must be conducted on parcels of land greater than 5 acres.
3. The raising or growing and storage or preservation of sod, plants, trees, shrubs, and nursery stock.
4. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
5. Conservation and/or recreation areas such as forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low-intensity use.
6. On-site signs only in accordance to the regulations specified in Article V, Section 5.2.2.
7. Essential services and structures of non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in Article V, Section

5.17.

8. Accessory uses or structures.
9. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses, Subject to the Provisions of Section 5.5.:

1. Two-family dwellings.
2. Quarries, mineral extraction and mineral extraction facilities.
3. Golf courses, but not including golf driving ranges.
4. Group or organized camps, and camping grounds.
5. Private airports.
6. Public and private nurseries, primary or secondary nonprofit schools, and colleges and universities.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. A telecommunication facility which meets the requirements of Section 5.23 which does not exceed the height of 200 feet and which is not attached to an existing structure.
11. Kennels.
12. Animal hospitals.
13. Home occupations only in accordance with the regulations specified in Article V, Section 5.14.
14. Sanitary landfills.
15. Swine confinement system.

c. Area, Yard, Height and Bulk Regulations:

See Section 4.5.

SECTION 4.2 - RESIDENTIAL DISTRICTS

The Suburban Residential District and Multiple-Family Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy

environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

4.2.1 Suburban Residential District (RS-1):

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

a. Permitted Uses:

1. One single-family detached dwelling per lot.
2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
3. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
4. Accessory uses or structures.
5. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses, Subject to the Provisions of Section 5.5:

1. Planned unit residential developments.
2. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nursery schools, primary and secondary non-profit schools.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Government- or community-owned buildings.
7. Golf courses, but not including golf driving ranges.
8. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
9. A telecommunication facility which meets the requirements of

Section 5.23 which does not exceed the height of 200 feet and which is not attached to an existing structure.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

4.2.2 Multiple-Family Residential District (RM-1):

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities which support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.
6. Rooming houses and boarding houses.
7. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses, Subject to the Provisions of Section 5.5:

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries schools, primary and secondary non-profit schools, and colleges and universities.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Mobile home parks and subdivisions.
7. Government- or community-owned buildings.

8. Single-family dwellings.
 9. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
 10. A Telecommunication facility which meets the requirements of Section 5.23 which does not exceed the height of 200 feet and which is not attached to an existing structure.
- c. Area, Yard, Height, and Bulk Regulations:
- See Section 4.5.

SECTION 4.3 - COMMERCIAL DISTRICTS

The Local Commercial District and the General Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determines the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of each commercial district is further stated below.

4.3.1 Local Commercial District (C-1):

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

- a. Permitted Uses:
1. Personal services, including barber shops and beauty salons; medical and dental clinics, dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
 2. Business services including banks, loan offices, real estate offices, and insurance offices.
 3. Offices of an executive, administrative, or professional nature.
 4. Retail sale of convenience goods, including foods, drugs, notions, books, and similar items.
 5. On-site signs, only in accordance with the regulations as specified

in Article V, Section 5.2.1.

6. Essential services and structures of a non-industrial character.
7. Accessory uses or structures.
8. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses, Subject to the Provisions of Section 5.5:

1. Planned-commercial unit developments.
2. Churches and other buildings for religious worship.
3. Government- or community-owned buildings, but not including schools.
4. Eating and drinking establishments, but not including drive-in types.
5. To permit marinas in local commercial (C-1) districts as a conditional use.
6. A telecommunication facility which meets the requirements of Section 5.23 which does not exceed the height of 200 feet and which is not attached to an existing structure.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

4.3.2 General Commercial District (C-2):

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in a neighborhood commercial area.

a. Permitted Uses:

1. Any use permitted in the Local Commercial District.
2. Business schools, including dance schools, music schools, and art schools.
3. Indoor retail sales establishments.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys', and roller and ice skating rinks.

5. Eating and drinking establishments, but not including drive-in types.
6. Clubs and lodges.
7. Funeral homes.
8. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
9. Printing establishments.
10. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.5.
11. Accessory uses or structures.
12. Essential services and structures of a non-industrial character.
13. Telecommunication facilities no more than ten (10) feet in height mounted to any existing structure.

b. Conditional Uses, Subject to the Provisions of Section 5.5:

1. Automobile service stations.
2. Hotels or motels.
3. Small animal clinics.
4. Drive-in business services.
5. Churches and other buildings for religious worship.
6. Government- or community-owned buildings, but not including schools.
7. Drive-in theaters.
8. Sales, rental, and service of motor vehicles, trailers, and boats.
9. Indoor and outdoor commercial amusements.
10. Single-family dwellings.
11. Auto body shop.
12. Storage and assembly of commodities to be sold on the premises providing no more than four employees are involved in the storage or assembly. For this conditional use, the township shall have a wide latitude in which to impose restrictions or conditions to

maintain the character of the neighboring areas.

13. A telecommunication facility which meets the requirements of Section 5.23 which does not exceed the height of 200 feet and which is not attached to an existing structure.

14. Car Wash.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.4 - INDUSTRIAL DISTRICT

It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Township of Hanover. In order that this value may be maintained and this use encouraged, this Ordinance has established a zoning district designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of this industrial district is further stated below.

4.4.1 Light Industrial District (I-1):

This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

a. Permitted Uses:

1. Wholesale merchandising or storage warehouses.
2. Vehicle repair garages, but not including auto junk yards.
3. Trucking terminals.
4. Farm machinery and equipment sales and repair.
5. Contractor's yard.
6. Industrial office buildings.
7. General service and repair establishments including dyeing,

cleaning, or laundry works and upholstery or appliance repair.

8. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
9. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
10. Research and testing laboratories.
11. Essential services and structures.
12. On-site and off-site signs only in accordance with the regulations as specified in Article V, Section 5.2.5 and 5.2.6.
13. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of telecommunication facility.

b. Conditional Uses Subject to the Provisions of Section 5.5:

1. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
2. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

4.4.2 Limited Light Industrial District (I-2):

This district is designed to provide for limited types of industrial uses and commercial activity that are compatible with one another and with adjoining non-industrial districts. To be compatible with commercial uses, the industrial uses in this district will generate a limited amount of heavy truck traffic. Also, the outside storage of any materials is prohibited.

These uses operated in a safe, non-objectionable and efficient manner and are compatible in appearance with adjoining non-industrial zoning districts. These

uses generate no more noise, glare, odor, dust, vibration, pollution or hazards than are allowed in Section 5.81. All uses require a detailed site plan according to Section 5.64(c).

a. Permitted Uses:

1. Offices of an executive, administrative or professional nature.
2. Skilled trade services including plumbing, electric, heating, printing and painting establishments.
3. General service and repair establishments including dyeing, cleaning or laundry works and upholstery or appliance repair.
4. Essential services and structures.
5. On-site and off-site signs only in accordance with the regulations as specified in Article V, Section 5.25 and 5.2.6.
6. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.

b. Conditional Uses:

1. Assembly and manufacture, from pre-fabricated parts, of household appliances, electronic products, light machinery and hardware products, and similar products; or the processing or assembling of parts for production of light finished equipment.
2. Wholesale merchandising or storage warehouses.
3. Automobile service stations.
4. Sales, rental and service of motor vehicles, trailers, boats and farm equipment.
5. Auto body shop.
6. Telecommunication facilities. There shall be no maximum height limitation to any existing telecommunication facility and their attendant structures, providing such structure has a fall-down area no less than the height of the telecommunication facility.

c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.5 DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS

Zoning District	Zoning Symbol	LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS ***			MAXIMUM BUILDING HEIGHT REQUIREMENTS		MINIMUM TRANSITION STRIP REQUIREMENTS	
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory		
Agricultural District	AG-1	1 Acre	150'	10%	35'****	30'	30'	2-1/2 story or 35'	80'		Single-family detached dwelling unit.
		5 Acres	300'			60'*					All other uses.
Suburban Residential District	RS-1	10,000 sq.'	80'	30%	35'	10'	20'	2-1/2 story or 35'	25'		Single-family detached unit with central sewerage and water systems.
		15,000 sq.'	100'			25' tot					Single-family detached dwelling unit w/o central sewerage & water systems.
		1 Acre	120'			35'* 50'**					All other uses.
Multi-Family Residential District	RM-1	10,000 sq.'	80'	25%	25'	10'	25'	2-1/2 story or 35'	25'		Single- & two-family detached dwelling unit w/central sewerage & water system.
		15,000 sq.'	120'			25' tot					Single- & two-family detached dwelling unit w/o central sewerage & water system.
		15,000 sq.'	120'			35'*					15,000 sq.' for first 3 dwelling units plus 2,000 sq.' for each additional dwelling unit.
		½ Acre	120'								All other uses
Local Commercial District	C-1	10,000 sq.'	75'	25%	35'	20'	35'	35'	--	15' wide and fence, wall, or hedge 4' to 6' high if abutting a residential district, 20' wide, landscaped strip if fronting a public street.	With central sewerage & water system.
		15,000 sq.'	100'			35'*					Without central sewerage & water system.
General Commercial District	C-2	10,000 sq.'	75'	25%	35'	20'	20'	35'	--	15' wide and fence, wall, or hedge 8' to 6' high if abutting a residential district, 20' wide, landscaped strip if fronting a public street.	With central sewerage & water systems.
		15,000 sq.'	100'			35'*					Without central sewerage & water systems.
Light Industrial District	I-1	20,000 sq.'	80'	25%	35'	20' 35'*	35'	35'	--	25' wide and fence 4' but 8' high if abutting a residential or commercial district. 20' wide landscaped strip if fronting a public street.	
Limited Light Industrial District	I-2	15,000 sq.'	100'	25%	35'	20' 35'*	20'	35'	--	15' wide and fence, wall, or hedge 4' to 8' high if abutting a residential district, 20' wide landscaped strip if fronting a public street.	

*Corner Lot
 **Abutting a body of water
 ***Also see Section 4.5.5
 ****See Section 2.2.11

4.5.1 Compliance with Regulations:

- a. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- c. No part of a yard or other open space required for or in connection with any structure, for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.
- d. Any lot abutting a body of water shall have a minimum width at the water's edge of 100 feet. The width shall be measured by a direct line drawn between the points where the side lot lines extend to the water's edge.

4.5.2 Yard Measurements:

- a. Lots which abut on more than one (1) street shall provide the required front yards along every street.
- b. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.5.3 Lot Width:

The width of a lot shall be considered to be the horizontal distance between the side lot lines measured at the two (2) points where the building setback line intersects the side lot lines; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirements shall not apply. (See 5.12 also).

4.5.4 Height Executions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions.

4.5.5 Accessory Structures:

- a. No described accessory building or structure shall be located closer than ten (10) feet to any other building or structure unless the accessory building or structure shall have rated fire walls as provided by the Michigan Construction Code. Detached structures with rated fire walls may be located within three (3) feet of any other building or structure.

- b. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure may be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed twelve (12) feet in height.
- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- d. Packing or storage crates, parts or all of a semi-trailer, and similar converted structures shall not be used as accessory structures in any zoning district, except agricultural. Railroad cars shall not be used as accessory structures in any zoning district.

4.5.6 Distance Between Grouped Buildings:

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- a. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- b. Where buildings are side to side, one (1) times the height of the taller building but not less than thirty (30) feet.
- c. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.5.7 Lot Limitations:

In any district in which single family dwellings are permitted, except the Multiple-Family (RM-1) district, no more than one single family dwelling shall be permitted on a lot of record.

ARTICLE V

SUPPLEMENTAL REGULATIONS

SECTION 5.1 - PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 - SIGN REGULATIONS

5.2.1 General Sign Regulations:

- a. No sign shall be erected at any location, whereby reason of the position, size, shape, color, movement, or illumination, the sign may interfere with or obstruct the view of traffic, nor shall any sign be displayed which may be confused with any authorized traffic sign, signal, or device.
- b. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- c. In the Agricultural District, all residential districts and the Local Commercial District, signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall be so arranged so as to reflect light away from adjoining premises and streets.
- d. In the General Commercial and Light Industrial Districts, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- e. All signs shall be placed no closer to the street right-of-way line than one-half (½) the minimum authorized front yard depth.

5.2.2 Permitted On-Site Signs in the Agricultural District:

The following on-site signs are permitted on any lot in the Agricultural District:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation not to exceed three (3) square feet in area.
- c. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- d. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

5.2.3 Permitted On-Site Signs in Residential Districts:

The following on-site signs are permitted on any lot in residential districts:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
- c. One (1) on-site sign advertising a recorded subdivision or development no to exceed eighteen (18) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- d. One (1) on-site sign, not having commercial connotations, identifying a multiple-family building or development or mobile home park, not to exceed eighteen (18) square feet in area.
- e. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

5.2.4 Permitted On-Site Signs in Local Commercial District:

The following on-site signs are permitted on any lot in the Local Commercial District:

- a. One (1) on-site identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter (1/4) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.
- b. One (1) on-site free-standing identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed twenty-four (24) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.
- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not within a shopping center. Such sign shall not exceed eighteen (18) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.

5.2.5 Permitted On-Site Signs in General Commercial, and Industrial District:

The following on-site signs are permitted on any lot in the General Commercial and Industrial District:

- a. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one-half (1/2) square foot for each foot in length

or height of the wall, whichever is greater.

- b. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required building setback.
- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.

5.2.6 Off-Site Signs:

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Industrial District under the following conditions:

- a. Off-site signs are required to conform to yard and height requirements of principal structures of buildings in the district in which they are situated.
- b. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back-to-back) or a V-type structure shall be considered a single sign.
- c. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
- d. No off-site sign shall be erected on the roof of any building, nor shall one (1) sign be located above another sign.
- e. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

5.2.7 Signs for Automobile Service Stations:

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

5.2.8 Elimination of Nonconforming Signs:

Nonconforming signs shall be subject to the provisions of Section 5.7.

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

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 Ordinance.

5.3.1 Plans:

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

5.3.2 Location of Off-Site Parking Areas:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

5.3.3 Parking in Residential Districts:

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) 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 district.

5.3.4 Off-Street Parking Area Design:

- a. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius reasonably allow an unobstructed flow of vehicles.
- c. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen 13 feet in width.
 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- d. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
 - e. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and a dust-free surface resistant to erosion.
 - f. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
 - g. Any off-street parking area providing space for five (5) 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 (4) feet in height. Plantings shall be maintained in good conditions and not encroach on adjoining property.
 - h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off street parking areas of one- or two-family dwellings.

5.3.5 Collective Parking:

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the required number of spaces designated is not less than the sum of individual requirements.

5.3.6 Determining Requirements:

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

a. 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 ventilators and heating systems and similar uses.

b. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in

which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. in cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

c. 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 ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

5.3.7 Schedule of Off-Street Parking Spaces:

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

Use

Automobile or Machinery Sales and Service Garages

Bank, Business, and Professional Offices

Barber Shops and Beauty Parlors

Bowling Alleys

Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools

Dwelling Unit

Funeral Homes and Mortuaries

Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops

Hospitals

Hotels, Motels, Lodging Houses, Boarding Homes

Automobile, Service Stations

Manufacturing, Fabricating, Processing and Bottling Plants
Research and Testing Laboratories

Medical and Dental Clinics

Restaurants, Beer Parlors, Taverns, and Night Clubs

Self-service Laundry or Dry Cleaning Stores

Elementary and Junior High Schools, Private or Public

Senior High School and Institutions of Higher Learning, Private or Public

Super Market, Self-service Food and Discount Stores

Wholesale Establishments and Warehouse

Parking Space Requirements

One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.

One (1) space for each two hundred (200) square feet of gross floor area.

One (1) space for each chair plus one (1) space for each employee.

Seven (7) spaces for each alley.

One (1) space for each four (4) seats.

Two (2) spaces for each family or dwelling unit.

Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.

One (1) space for each four hundred (400) square feet of floor area.

One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.

One (1) space for each living unit plus one (1) space for each two (2) employees.

One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.

One (1) space for each two (2) employees on maximum shift.

One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.

One (1) space for each three (3) patrons of maximum seating capacity plus one (1) space for each two (2) employees.

One (1) space for each two (2) washing and/or dry cleaning machines.

One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.

One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.

One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.

One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5.3.8 Exceptions:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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.

5.4.1 Plans:

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for zoning compliance permit.

5.4.2 Off-Street Loading Area Design:

- a. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
- b. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- c. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.4.3 Off-Street Loading Area Space Requirements:

- a. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- b. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- c. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Township of Hanover 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 for the protection of the Hanover Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

5.5.1 Authority to Grant Permits:

The Planning Commission, as hereinafter provided, shall have the authority to recommend to the Hanover Township Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

5.5.2 Application and Fee:

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Hanover Township Clerk by filling in an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Hanover Township Board except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

5.5.3 Data, Information, and Site Plan Application Requirements:

An application for a conditional use permit shall include 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, and a site plan as specified in, and in accordance with, Section 5.6 - Site Plan Review and Approval, of this Ordinance.

5.5.4 Public Hearings:

After a preliminary review of the site plan and an application for a conditional use permit, the Planning Commission shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which special land use permit approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice of the public hearing shall also be published in a newspaper of general distribution in the township. Public notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit of spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, business or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:

- a. Describe the nature of the conditional use request;
- b. Indicate the property which is the subject of the conditional use request;
- c. State when, where and at what time the public hearing on the conditional use

request will be considered; and

- d. Indicate when and where written comments will be received concerning the request for swine confinement systems, the Hanover Township Planning Commission shall mail a notice of the Public Hearing to all persons to whom real property is assessed within 2,500 feet of a proposed swine confinement system, and to all occupants within that same area. Mailing shall take place not more than 15 days or less than 5 days of the date of said hearing.

5.5.5 Required Standards and Findings for Making Determinations:

The Planning Commission shall review 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 showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- a. Will be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
- b. 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.
- c. 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.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public costs for public facilities and services.

5.5.6 Determination and Imposition of Conditions:

A review of an application and site plan requesting a conditional use permit shall be made by the Planning Commission in accordance with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they shall not be recommended to the Township Board for approval. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes.

If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed conditional use, the Planning Commission shall not recommend to the Township Board that said Township Board should grant a conditional use permit. The Planning Commission may recommend the imposition of conditions with the approval of a conditional use permit application and site plan which are necessary to insure compliance with the standards contained in this or other applicable ordinances and regulations. Such conditions, if imposed by the Township Board, shall be considered an integral part of the conditional use permit and approved site plan and shall be enforced by the Zoning Administrator.

These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure

compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

5.5.7 Approval, Granting of Permit:

Upon holding a public hearing and the finding that the requirements of subsection 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Zoning Board shall within thirty (30) days recommend approval, approval with conditions, or denial to the Township Board.

Approval and issuance of a conditional 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 Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

The decision to approve or deny a request for a conditional 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 insure compliance with the ordinance, any conditions imposed with approval. Once a conditional 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 Ordinance requirements received the mutual agreement of the landowner and the Township Board upon recommendation of the Planning Commission and is documented as such.

When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Clerk, Building Inspector, and Planning Commission. The Building Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board.

5.5.8 Voiding of Conditional Use Permit:

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred and seventy-five (575) days of the date of issuance.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to terminate and cancel such conditional use permit.

5.5.9 Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Township Board may impose additional conditions and safeguards when deemed necessary by that body.

a. Quarries:

The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entrance **way** from a public road to said lot for each five hundred (500) foot of front lot line.

2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered, or chemically treated to limit potential nuisance caused by wind-borne dust on adjoining lots or public roads.
5. 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 the 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.
6. Such removal processing or storage shall not be conducted as to cause the pollution of any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
7. 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 paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (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 one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All area within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Township Board and the Building 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 (5) 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. The

anticipated cost of carrying out the plans of restoration shall be included with said plans.

12. The operator shall file with the Hanover Township Board a performance bond, payable to the Township of Hanover 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 restoration shall be fixed by the Hanover Township Board. The bond shall be released upon written certification of the Building Inspector that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, a redetermination by the Township Board, and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

b. Drive-In Theaters:

In addition to and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All fenced-in area shall be setback at least one hundred (100) feet from any front street or property line.
3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

c. Mobile Home Park Regulations:

1. All mobile home parks shall comply with the Trailer Coach Part Act of 1959, being Act 243, Public Acts of Michigan, 1959, as amended.
2. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
3. The land area of a mobile home park shall not be less than ten (10) acres.
4. Mobile home sites shall be at least four thousand (4,000) square feet in area.
5. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachments to appropriate external systems.
6. Each mobile home site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than twenty-five (25) feet.

7. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in width and the aggregate width of both said yards not less than twenty (20) feet.
8. For the purposes of this subsection, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary, which, every point shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.
9. From all stands, the following minimum distance shall be maintained:
 - a. Ten (10) feet to the buffer strip.
 - b. Thirty (30) feet to the boundary of such park which is not a public street.
 - c. Fifty (50) feet to the right-of-way of any public street or highway.
 - d. Thirty (30) feet to any collector street or such park (parking bay or central parking drive not a collector street).
 - e. Fifteen (15) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents).
 - f. Fifty (50) feet to any service building in such park.
10. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
11. Each mobile home site shall be provided with a minimum stand consisting of solid concrete four (4) inch apron not less than sixty (60) feet long nor less than twelve (12) feet wide. This apron shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
12. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management.
13. An all-weather, hard-surfaced, outdoor patio area of not less than one hundred and twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
14. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than one hundred and twenty (120) cubic feet for each mobile home. Such storage structure or structures may be located on the mobile home site or in a common structure with individual lockers.
15. Storage of goods and articles underneath any mobile home or out-of-

doors at any mobile home site shall be prohibited.

16. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-embedded socket at each site.
17. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Jackson County Health Department.
 - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard.

Running water from a State-tested and approved supply, designed adequately from minimum flow shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
 - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
18. Disposal of garbage and trash.
 - a. Any method used shall be approved by the State and inspected periodically by the Jackson County Health Department.
 - b. Adequate incinerators; if provided, shall be conveniently located so as not to create a nuisance and be designed so that combustible materials will be reduced to an odorless gas and inorganic ash under any weather conditions.
 - c. Trash not burned should be stored in a conveniently located similarly designed enclosed structure or structures. The removal of non-combustible trash shall take place not less than once (1) a week.
19. All electric, telephone, and other lines from supply poles, or other sources to each mobile home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.
20. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.

21. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety, and welfare, a fence shall be required. No fence shall be more than six (6) feet in height, to separate park from an adjacent property.
22. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, parking area, and laundry rooms are not to be included as recreation space in computing the necessary area.
23. All driveways, motor vehicle parking spaces, and walkways within such parks shall be hard surfaced and adequately drained and lighted for safety and ease of movement.
24. Minimum widths of roadways within parks shall be as follows:

<u>Motor Vehicle Parking</u>	<u>Traffic Use</u>	<u>Minimum Pavement Width</u>
Parking prohibited	2-way road	22 feet
Parallel parking, 1 side only	1-way road	21 feet
Parallel parking, 1 side only	2-way road	32 feet
Parallel parking, 2 sides	1-way road	31 feet
Parallel parking, 2 sides	2-way road	42 feet

25. Walkways shall be installed and shall be not less than four (4) feet in width, excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.
26. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
27. One (1) automobile parking space shall be provided within one hundred fifty (150) feet of each mobile home site. The mobile home park shall provide one (1) additional automobile parking space for every two (2) mobile home stands.
28. No trailer designed for temporary or seasonal living shall be occupied in a mobile home park.

d. Mobile Home Subdivision:

Mobile home subdivisions shall comply with area, height, yard, and bulk regulations specified in the Multi-Family Residential District (RM-1), and the building and facility requirements set forth in Sections 5.5.9.c.5, 11, and 15, Mobile Home Park Regulations.

e. Planned-Unit Development:

The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements.

1. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
2. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township of Hanover.

3. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
4. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
5. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
7. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.

8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

f. Swine Confinement System:

1. APPLICATIONS:

A request for a conditional use permit to construct and/ or operate a swine confinement system shall include the following information in addition to that required in Section 5.5.3:

- a. A detailed site plan (see Section 5.6).
- b. If waste application is to occur off site, the names and addresses of property owners of the land on which the waste is to be applied.
- c. A detailed and itemized description of the types and numbers of pigs to be kept on premises including the total number of animals.
- d. A detailed plan for handling, storing, treating and disposing of animal waste and animal waste by-products, including a description of specific measures to be taken to implement the plan and a timetable for implementation.
- e. A detailed description of which portions of the animal's life cycle will occur on site.
- f. A detailed plan for controlling noise, dust, and odors including a detailed description of specific measures to be taken to implement the plan and a timetable for implementation.
- g. A detailed description of barriers to be constructed or other measures to be taken to control access to any animal waste handling or treatment facility.
- h. A description of similar facilities operated elsewhere by any of the following: the applicant, owners of the property and/or operators and managers of the proposed operation.
- i. A detailed description of measures to be taken to dispose of dead animals.
- j. A detailed description of any violation notices issued to the applicant or issued to farms, businesses or other endeavors in which the applicant has an interest, by any State, County, or local government, or past or pending litigation by anyone regarding other swine confinement systems conducted by the applicant or conducted by other farms, businesses or endeavors in which the applicant has an interest.
- k. Required permits: The swine confinement system applicant shall obtain State and/or Federal permits as required and comply with

the requirements of all applicable State and/or Federal regulations.

As part of the application, the applicant shall provide the Hanover Township Planning Commission with written notification from the State Department of Natural Resources, the State Department of Agriculture and the County Soil Erosion and Sedimentation Control Agency of the need for any reports, permits, or environmental monitoring programs including, but not limited to, the following:

1. Preparation of an environmental impact statement;
2. Preparation of a hydro geologic report;
3. Preparation of an engineering plan;
4. Surface and groundwater monitoring programs;
5. Air emission permits;
6. Water discharge permits;
7. Soil erosion and sedimentation control permits;
8. Plans to minimize odors to the greatest extent possible.

Copies of all reports, permits, and the results of all groundwater/surface water monitoring programs and air quality tests or other environmental monitoring programs as required by the regulating County, State, or Federal Agency or a written notification of waiver shall be provided to the Hanover Township Planning Commission as evidence that these requirements have been met before a conditional use permit will be issued by the Hanover Township Board.

If the regulating County, State and/or Federal Agencies do not require the aforementioned items, the Township has the right to require any or all of the aforementioned items 1, 2, 3, 4 and 8 if they deem it necessary.

2. SETBACKS AND LOCATIONAL STANDARDS:

- a. No new structures and confined lots designed to house or contain farm animal waste shall be located within a flood plain or wetland, as defined by the State.
- b. All new structures and confined lots designed to house or contain farm animal waste must be setback at least three hundred (300) feet from adjacent property lines, road rights-of-way, ditches, sewage lagoons, lakes or perennial streams.
- c. All new structures and confined lots designed to house or contain pigs or pig wastes must be set back at least one thousand two hundred fifty (1,250) feet from any residence existing at the time construction is proposed except that of the facility operator, two thousand five hundred (2,500) feet from any existing school,

church, business, recreational area, or any existing public building; and five thousand (5,000) feet from all districts other than AG-1.

3. HANDLING OF ANIMAL WASTE:

The owner of any swine confinement system shall be responsible for following accepted animal waste management practices as established by the State Department of Agriculture, and/or the Jackson County Soil Conservation Service. An explanation of how current "best management practices" are to be implemented in the operation of any swine confinement system shall be provided to the Hanover Township Planning Commission prior to issuance of a conditional use permit by the Hanover Township Board. Such plan must include methods to keep odors to an absolute minimum.

- a. For a swine confinement system, all animal waste and animal waste by-products from storage and treatment facilities, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner taking into account the season of the year and wind direction. However, aerial application is not allowed. No animal waste shall be applied to frozen ground or land on which slopes exceed six (6%) percent.
- b. Methods used to transport animal waste on township, county, state or interstate highways or through municipalities, shall not leak or discharge on the right-of-way or discharge on public or private property without the owner's consent.
- c. The applicant shall provide a detailed site plan for handling and temporary storage of excess animal waste in the event weather conditions, overfilling or structural damage to active lagoons or other waste storage facilities creates an emergency situation.

4. SURETY BOND:

Before the Township will issue a conditional use permit, the applicant shall be required to submit to the Township a surety bond in favor of the Township to provide monies for the cleanup of accidental animal waste spills on public roadways, for the drilling of new water wells or provisions of an alternative water supply for neighbors who have experienced "new" pollution, or for remediation of other environmental degradation which results from operation of the swine confinement system. The Township may also use the proceeds of the bond for administrative costs, engineering studies, legal fees, compliance enforcement, pollution abatement and/or site restoration required as a result of the operation of a swine confinement system. The bond shall be in full force and effect from the commencement of the swine confinement system until such time as there shall be restoration of the site following the closing of the operation. Conditions of and dollar amount of the bond will be determined by the Township but the bond amount will not exceed \$500,000.

SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to

access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

5.6.1 Buildings, Structures, and Uses Requiring Site Plan:

The Building Inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- a. A multiple-family building containing six (6) or more dwelling units.
- b. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
- c. A mobile home park.
- d. An office in any Residential District.
- e. Any gasoline service station abutting a Residential District.
- f. Swine confinement system (see Section 5.6.4 for Required Data for Detailed Site Plan).
- g. All conditional uses.
- h. All commercial and industrial uses.
- i. Any telecommunication facility subject to Section 5.23 of this Ordinance.

5.6.2 Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Hanover Township Board as an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

5.6.3 Planning Commission Review of Site Plan:

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

5.6.4 Required Data for Site Plan:

Every site plan submitted to the Zoning Board shall be in accordance with the following requirements:

- a. Every site plan submitted, except site plans required for uses as prescribed in subsection 5.6.4.b of this Ordinance, shall be drawn to a readable scale and shall include the following:

1. the name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 2. all property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 3. the location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project.
 4. the current zoning classifications on the subject property and all adjacent property.
- b. Site plans submitted for the following uses shall be subject to the requirements of subsection 5.6.4.c.
1. The following conditional uses:
 - (a) Quarries.
 - (b) Travel trailer parks.
 - (c) Commercial feedlots.
 - (d) Sanitary landfills.
 - (e) Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
 - (f) Amusement parks.
 - (g) Planned-unit residential and commercial developments.
 - (h) Mobile home parks.
 - (i) Automobile service stations.
 - (j) Hotels or motels.
 - (k) Drive-in businesses.
 - (l) Automobile repair garages.
 - (m) Drive-in theaters.
 - (n) Junk yards.
 - (o) Bulk oil storage.
 - (p) Telecommunication facilities.
 2. A multiple-family building containing six (6) or more dwelling units.
 3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
 4. An office in any Residential District.

5. Any gasoline service station abutting a Residential District.
- c. Site plans submitted for the uses prescribed in subsection 5.6.4.b and for any other commercial or industrial uses shall be submitted in accordance with the following requirements:
1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity.
 2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
 3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as woodlots, streams, rivers, lakes, drains, and similar features.
 4. The site plan shall show existing man-made features such as buildings, structures; high tension towers; pipe lines; and existing utilities such as water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.
 5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one (1) to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
 6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
 7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- d. Site plans submitted for swine confinement systems shall be submitted in accordance with Section 5.6.4.b and the following requirements:
1. The site plan shall show the location of all flood plains and wetlands as defined by the State;
 2. The site plan shall show the location and size of all sewage lagoons and other waste retention/disposal facilities;
 3. The site plan shall show the location of all land areas including topographical dimensions on site and off site, which are proposed for

animal waste application and shall include a detailed description of the concentration and frequency of waste application, and a soils report showing soils types and moisture content to a depth of 3 ½ feet.

4. The vicinity map required in Section 5.6.4 shall also show the location of all residences, churches, businesses, schools, public buildings and public recreational areas within a one (1) mile radius; the location of any area for which a recorded residential plan exists within a one (1) mile radius; the location of all private water supply wells within a one (1) mile radius; and the location of all water bodies, rivers, wetlands and flood plains, as defined by the State, within a one (1) mile radius.
5. Along with the site plan, the application shall provide all odor control proposals along with any engineering plans to accomplish odor control.

5.6.5 Standards for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of subsections 5.6.3 and 5.6.4 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

5.6.6 Planning Commission Approval of Site Plan:-

Upon the Planning Commission's recommended approval of a site plan, the applicant shall file with the Planning Commission one (1) copy thereof. The Clerk shall within ten (10) days transmit to the Building Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action. The Building Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

5.6.7 Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Building Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

5.6.8 Amendment, Revision of Site Plan:

A site plan, and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in SECTION 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

SECTION 5.7 - NON-CONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were unlawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these non-conformities to continue until they are discontinued, damaged, or removed but not to encourage

their survival. These non-conformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such non-conformities shall not be enlarged, expanded, or extended except as provided herein.

5.7.1 Nonconforming Uses of Land:

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

- a. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- b. No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

5.7.2 Nonconforming Structures:

Where, on the date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No such structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformity.
- b. Should any such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.7.3 Nonconforming Uses of Structures:

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

- a. No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- b. When a nonconforming use of a structure is discontinued or abandoned for more

than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

- c. For any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not to exceed ten (10%) percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased.' Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- d. Should any structure containing a nonconforming use be moved, for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- e. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

5.7.4 Change of Tenancy or Ownership:

There may be change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

5.7.5 Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, provided that yard dimensions and other requirements, not involving area or width, of the lot shall conform to the regulations for the district in which such lot is located. Any variance of yard requirements from the above provisions shall be obtained only through action of the Zoning Board of Appeals.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

a. Noise:

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

b. Vibration:

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

c. Smoke:

Smoke shall not be emitted with a density greater than Number I on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than Number 2 is permitted.

d. Odor:

No malodorous gas or matter shall be permitted which is offensive or produces a public nuisance or hazard on any adjoining lot or property.

e. Air Pollution:

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

f. Glare:

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

g. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

5.8.2 Plans:

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement:

The Building Inspector may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Hanover Township Board.

SECTION 5.9 - STORAGE OF MATERIALS

The location or storage of abandoned mobile homes, discarded trailers, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in any agricultural district, residential district, 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 such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) 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.
- C. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 5.10 - MOBILE HOMES AND TRAVEL TRAILERS

- A. No mobile home shall be used other than as a single-family dwelling in a mobile home park or mobile home subdivision or as state law permits, except a mobile home may be used as a temporary field office provided it is certified as such by the Building Inspector.
- B. No travel trailer, recreational vehicle, or tent shall be used as a temporary dwelling except in a duly licensed travel trailer park.

SECTION 5.11 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) 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 (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.12 - ACCESS TO PUBLIC STREETS

In all zoning districts, every use, building, or structure established after the effective date of this Ordinance shall be on a lot that adjoins a public street except new residences may be constructed upon lakefront lots which do not abut a public street and the lakefront lots are on naturally occurring lakes of at least 4 acres in area.

SECTION 5.13 - FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authorities.

SECTION 5.14 - HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- A. Such home occupation shall be carried on within the dwelling.
- B. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.

- C. There shall be no exterior storage of materials or equipment.
- D. Not more than one (1) person other than the family occupying the dwelling shall be employed.
- E. No nuisances shall be generated by heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matter at anytime.

SECTION 5.15 - FENCES

- A. Except as otherwise provided in this Ordinance, fences in all districts except the Agricultural (AG-1) District shall be subject to the following conditions:
 - 1. Fences along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
 - 2. Fences located within the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
 - 3. Lake lot fences shall not exceed four (4) feet.
- B. No fence with barbs shall be permitted in any residential district nor shall any lot line fence be constructed as to constitute a hazard to the public health and welfare.

SECTION 5.16 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Board of Appeal based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare.

SECTION 5.17 - ESSENTIAL SERVICES

Essential services as defined in Article II and as authorized and regulated by law, shall be permitted in all districts. It is the intention herein to exempt such services from the application of this Ordinance.

SECTION 5.18 - CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Building Inspector and such other county and state authorities as required by law, provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

SECTION 5.19 - FLOOR AREA REQUIREMENTS FOR DWELLINGS

The floor area per dwelling unit erected on any lot or parcel shall not be less than that established in the following table. In determining floor area, only area used for living quarters shall be counted. Utility rooms, garages, carports, non-walled and non-roofed porches, laundry areas, heater rooms, and basements are to be excluded.

<u>Type of Structure</u>	<u>Minimum Floor Area Per Each Dwelling Unit In Square Feet</u>
Single Family Dwelling	720
Multiple Family Dwelling According to Number of Bedrooms in each unit:	
0-1	620
2	720
3	950
4	1100
5	1200

SECTION 5.20 - HOUSEHOLD PETS

In all residential districts, domestic animals or fowl associated with residential living, and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this ordinance, shall be permitted.

SECTION 5.21 - SWIMMING POOLS

Swimming pools in all districts are subject to the following conditions:

- A. Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located, and shall not be located within any portion of a prescribed front yard.
- B. Swimming pools of more than eighteen (18) inches in depth shall have a fence which shall conform to the following fence requirements:
 1. Fences shall be not less than four (4) feet in height from the ground with no opening other than a door or gate and shall be constructed to enclose all sides of the pool.
 2. At no point shall such fence be located more than fifteen (15) feet from the edge of the swimming pool.
 3. For a chain link fence, the mesh shall not exceed two and one-quarter (2 1/4) inches.
 4. For a fence whose chief covering members are constructed in a vertical direction, there shall be no openings in a horizontal direction of more than four (4) inches.
 5. For a fence whose chief covering members are constructed in a horizontal direction, there shall be no openings in a vertical direction of more than four (4) inches.
 6. A dwelling or accessory building may be used as part of the enclosure.

7. Solid fences having a flush exterior shall be acceptable.
 8. All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device at least forty-two (42) inches from the bottom of the gate, capable of keeping such door or gate securely closed at all times when not in actual use and prevent a small child from opening such door or gate.
- C. Pool construction shall be such that all scum, splash, and deck water shall not return to the pool except through a filter system.
 - D. All lighting shall be so shielded, arranged, and operated as to prevent annoyance to neighboring premises.
 - E. All electrical wiring used on, in, or about the premises upon which the pool is located shall conform in all respects with the State Electrical Code.
 - F. The pool shall be equipped for safety, rescue, and first aid with a light-weight pole (bamboo or other) with blunted ends, ring buoys, rope, and a standard first aid kit.

SECTION 5.22 PROHIBITION OF FUNNELING

Funneling is prohibited in all districts. If any proposed use involves funneling or proposed funneling, said use shall not be permitted.

SECTION 5.23 - TELECOMMUNICATION FACILITIES AND TOWERS

5.23.1 Definitions:

As used in this amendment, the following definitions shall apply:

a. Telecommunication(s) Facility:

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemptions as stated in the Federal Communications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority and that do not exceed the height limitations for the appropriate zoning district. Also not included are those described facilities which are used by a single household or multiple residential units for the private use of the residents, and facilities which are receivers only and for which charges are not being made for viewing the signals being received.

b. Applicant:

The applicant for a permit to erect a telecommunication facility as defined above.

c. Application

The application is a written request by the applicant for the permits and

approvals necessary for the construction of a telecommunication facility.

5.23.2 Application Process:

Before any telecommunications facility is constructed within the Township, the application (with the required permit fees) shall be filed with the Township Clerk by the applicant. Such permit shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.

- a. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the telecommunication facility is 60 feet or more in height.
- b. A site survey to scale, showing all structures within 1000 feet, and including a legal description of the real estate.
- c. A detailed statement as to the intended buffering of the property to minimize its visibility to surround uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees which will provide year-around screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
- d. The proposed height of the telecommunication facility.
- e. The location and size of all accessory buildings.
- f. The type of construction of the telecommunication facility.
- g. The proposed color of the telecommunication facility, which shall be gray unless otherwise decided upon by the Planning Commission.
- h. Each application shall be accompanied by a report prepared by a licensed Michigan professional engineer describing the telecommunication facility height and design, including a cross-section of the structure. The report shall demonstrate the telecommunication facility compliance with the applicable sub-structural standards and describe the telecommunication facility's road design. Such report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with Section 5.23.3(g), 5.23.3(k) and 5.23.3(j) hereinafter set forth.
- i. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing at least two other potential host sites. Reasons for excluding a site for consideration include but are not limited to:
 - i. Unwillingness of the owner to allow a telecommunications facility on his/her property.
 - ii. Topographical limitations of the site.
 - iii. Adjacent impediments that would obstruct adequate telecommunication transmissions.
 - iv. Physical site constraints that would preclude the construction of a telecommunication facility.
 - v. Technical limitations of the telecommunication system.

- vi. Lack of a legal description of the property.
- j. The application shall be accompanied by a statement from a licensed Michigan professional engineer certifying that the telecommunication facility is in compliance with all applicable federal, state and local laws, codes, regulations and ordinances.
- k. The base of the telecommunication facility shall be determined by the setback requirements of the Zoning Ordinance. In no case shall the base of the telecommunication facility intrude into the minimum setback requirements.
- l. Minimum spacing between self-supporting telecommunication facilities 75 feet and above shall be three miles in order to prevent a concentration of telecommunication facilities in one area.
- m. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review, together with meeting all of the requirements of Section 5.6.4 and Section 5.23 of Hanover Township Zoning Ordinance.
- n. All applications must include a copy of the FCC license.
- o. The application shall contain information which will demonstrate that there is an existing need for the structure in question.

5.23.3 Minimum Standards:

All commercial wireless telecommunication facilities and towers erected, constructed, or located within Hanover Township shall comply with the following minimum standards:

- a. Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be self-supporting and separated from structures by a distance of no less than 200 feet or the height of the telecommunication facility plus 10%, whichever is greater, except structures used for the operation of the telecommunication facility. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
- b. All communication facilities shall be inspected annually by a competent or licensed inspector to ensure the structural integrity of the telecommunication facility, appurtenances added to the telecommunication facility, equipment added to the telecommunication facility, and fixtures added to the telecommunication facility. A report of the results of the inspection shall be provided to the Township Clerk on or before August 1 of each year. Such reports shall be at the expense of the structure owner. If the owner fails to provide such a report, the Township may obtain such from a qualified individual of its' choice and recover its' cost from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method, including but not limited to adding such to the next tax statement and collected as if such was, in fact, a tax.
- c. All telecommunication facilities shall be harmonious with and in accordance with the general objectives, intent and purposes of Hanover Township Zoning Ordinance and will not be hazardous or disturbing to the existing or future neighboring uses.

- d. Such telecommunication facilities or towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- e. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- f. Minimum property line setbacks shall be thirty (30) feet plus the height of the self-supporting telecommunication facility, plus ten (10%) percent of the height of the tower, or one hundred (100) feet, whichever is greater, in Agricultural and Commercial Districts. In Industrial Districts, the setbacks shall be at least 50% of the height of the tower. Notwithstanding the foregoing language, no telecommunication facility shall be located closer than 200 feet from the property line when the adjacent property within 500 feet is being used for residential purposes; providing, further, that where a proposed telecommunication facility will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its' discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the telecommunication facility will be less than that required for structures erected in the zoning district in which the telecommunication facility is located. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
- g. The telecommunication facility shall conform to the ANSI standards for radio frequency exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standard at its' cost.
- h. The total square footage of accessory buildings shall not exceed four hundred (400) square feet per user of the telecommunication facility. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
- i. Fuel tanks shall be buried in accordance with state regulations, or screened with landscaping, fencing or berms. Any trash area must be screened. Alternative fuel supplies shall meet applicable state law.
- j. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state noise standards, and shall conform to recommended decible standards adopted by the appropriate local, state or federal agency.
- k. Metal telecommunication facilities shall be constructed of or treated with corrosive resistant materials.
- l. Antenna and metal telecommunication facilities shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- m. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
- n. All parking and drive areas must be paved. However, the Planning Commission,

in its' sole discretion, may allow an alternate type of finished surface for the parking and drive areas.

- o. All telecommunication facilities and towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- p. All telecommunication devices added to existing facilities or towers must meet the requirements of this ordinance.

5.23.4 Abandonment:

In the event the use of any telecommunication facility has been discontinued for a period of 180 days, the telecommunication facility shall be deemed to be abandoned. Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 180 days within which to reactivate the telecommunication facility, or dismantle and remove the telecommunication facility, restoring the premises to their original condition to the extent possible. All support structures, equipment, and related components, further, shall be removed to a depth of two feet below ground level.

5.23.5 Federal, State and Local Rules:

The owner or applicant of the telecommunication facility shall be required to adhere to all federal, state and local rules, regulations, statues and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

5.23.6 Tower Space and Tower Rights:

The applicant shall provide to Hanover Township tower space and use rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

5.23.7 Conditional or Permitted Use:

Telecommunication facilities shall be subject to the provisions of Section 5.23 of this Ordinance regardless of whether such facilities are designated as a conditional or permitted use in any zoning district. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.

5.23.8 Bonds:

The owner of the telecommunication facility or tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication facility or tower.

5.23.9 Transfer of Ownership:

These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.

5.23.10 False Statement on Application:

Any application containing a false statement shall be deemed null and void. Any money on deposit with the Township shall be forfeited to the Township. Applicant may not reapply for the same site for a period of 365 consecutive days from the date of forfeiture. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 90 days.

5.23.11 Names of References on Application:

This application shall state the name, address and phone number(s) of the person(s) to contact for engineering, maintenance, and other notice purposes. The application shall also include the name back haul provider, if applicable.

5.23.12 Stealth Design Requirements:

The planning Commission may require camouflage or innovative design for a telecommunication facility. Such design requirements may include, but not be limited to, camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring the facility to be so designated as to blend into the existing environs and background of the facility.

5.23.13 Co-Location Requirements:

All commercial wireless telecommunication facilities erected, constructed, or located within the Township shall comply with the following requirements:

- a. The proposal for a new commercial wireless telecommunication facility shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed telecommunication facility due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved telecommunication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved telecommunication facilities or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
 - iv. Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved telecommunication facility, tower or building. Any proposed commercial wireless telecommunication service tower shall be designed - structurally, electrically, and in all respects - to accommodate both the applicant's antennas and comparable antennas for a minimum of two users if the

telecommunication facility is over 100 feet in height, or for at least one additional user if the telecommunication facility is over 60 feet in height. Telecommunication facilities must be designated to allow future rearrangement of antennas upon the telecommunication facility to accept antennas mounted at varying heights.

- b. No telecommunication facility shall be constructed unless there is proof that co-location on an existing telecommunication facility cannot meet the needs of the applicant.
- c. All operators of telecommunication facilities constructed under this Ordinance section may not prohibit another operator or user from co-location of its equipment at the then going rate for co-location on similar telecommunication facilities without a compelling reason approved by the Township Board. All operators must have approval before denying a co-location request.

5.23.14 Cases Not Covered by Amendments:

In all cases involving the construction of a telecommunication facility not covered by the amendments in Section 5.23, such must follow and be granted a conditional use permit prior to the issuance of a building permit.

5.23.15 Repeal of Existing Ordinance Provisions:

These amendments to Hanover Township Zoning Ordinance are incorporated into such Ordinance as if such had originally been included into the Ordinance. Only those portions of said Zoning Ordinance in conflict with these amendments to the Zoning Ordinance are repealed by this amendment. All portions and provisions of the Zoning Ordinance not in conflict with this amendment are not repealed and remain in full force and effect.

5.23.16 Penalty for Violation of Telecommunication Ordinance:

Any person, group, association, or any other type of organization, which violates the provisions of this Ordinance, including but not limited to the failure to file or provide the reports as set forth herein, shall be guilty of the violation of this amendment and shall be subject to the penalties set forth in the Zoning Ordinance.

5.23.17 Adoption and Effective Date:

This Ordinance was adopted by Hanover Township Board meeting which was held on _____, 2001, in compliance with the provisions of state law, including what is commonly referred to as The Open Meetings Act. Such shall be effective 10 days after publication in a newspaper having general circulation in Hanover Township, Jackson County, Michigan, area.

Dated: _____, 2001

Supervisor

Clerk

CERTIFICATE OF PUBLICATION

_____, Hanover Township Supervisor, and

_____,
Clerk, hereby certify that this Amendment to Hanover Township Ordinance was passed by unanimous vote of the Hanover Township Board meeting held on _____, 2001, in compliance with the state law, and further certify that this Amendment was published in the _____, a newspaper of general circulation in the Hanover Township, on _____, 2001.

Dated: _____, 2001

Supervisor

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 - PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 - ADMINISTRATION

Except when herein otherwise stated, the provisions of this Ordinance shall be administered by the Building Inspector or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

SECTION 6.3 - DUTIES OF BUILDING INSPECTOR

The Building 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 duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Building Inspector vary or change any terms of this Ordinance.

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he 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 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 Ordinance to ensure compliance with or to prevent violation of its provisions.

The Building 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 this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Building Inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

SECTION 6.4 - ZONING COMPLIANCE PERMITS

6.4.1 Issuance of Zoning Compliance Permits:

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 Building Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Building Inspector.

The Building 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 built upon; and,

- 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.

One (1) copy of the plans shall be returned to the applicant by the Building Inspector after such copy has been approved or disapproved, and attested to same by the Building Inspector's signature on such copy. The Building Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of the Ordinance, the Building Inspector shall issue the applicant a zoning compliance permit within ten (10) 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 this Ordinance, the Building Inspector shall issue such permit promptly following such action.

6.4.2 Voiding of Zoning Compliance Permit:

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon re-application and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

6.5.1 Issuance of Certificate of Occupancy:

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 Ordinance 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 Building Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Building Inspector within five (5) 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 Ordinance.

6.5.2 Voiding of Certificate of Occupancy:

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Building Inspector to be in violation of this Ordinance. The Building Inspector upon finding such violation shall immediately notify the Township Board of said violation and void the certificate of occupancy.

SECTION 6.6 - 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 Ordinance. The schedule of fees shall be posted in the office of the Building Inspector, and may be altered or amended only by the Township Board. No permit, certificate, or conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this ordinance 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.

SECTION 6.7 - VIOLATIONS AND PENALTIES: NUISANCE PER SE - ABATEMENT

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (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 Ordinance.

ARTICLE VII
BOARD OF APPEALS

SECTION 7.1 - BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. 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 Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 - VARIANCE

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance whereby reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance 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.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That 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.

- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. 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.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 - 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. 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 three hundred sixty-five (365) days from such denial, except on the ground of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS

7.5.1 Appeals, How Taken:

Appeal from the ruling of the Building Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within thirty (30) days by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

7.5.2 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.

7.5.3 Fee for Appeal:

A fee prescribed by the Township Board shall be paid to the Township of Hanover at the time of filing the petition for appeal. No part of the fee is refundable.

7.5.4 Effect of Appeal; Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed 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.

7.5.5 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 Hanover 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 return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for the appeal.

7.5.6 Representation of Hearing:

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

7.5.7 Decisions of the Board of Appeals and Appeals to the Circuit Court:

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 all the powers of the Building Inspector or Township Board from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form a resolution containing a full record of the findings and determination of the 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.

ARTICLE VIII
AMENDMENT PROCEDURES

SECTION 8.1 - 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 require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one (1) 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.

SECTION 8.2 - AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended for townships.

SECTION 8.3 - 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.

ARTICLE IX
LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE

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

SECTION 9.3 - PERIOD OF EFFECTIVENESS

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

SECTION 9.4 - REPEAL OF ORDINANCE

The "Zoning Ordinance of the Township of Hanover, Jackson County, Michigan" adopted on October 15, 1963, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 9.5 - EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Hanover Township, Jackson County, Michigan, at a meeting held on June 13, 1973, and notice ordered published in the Hanover-Horton Local, a newspaper having general circulation in said Hanover Township.

Date: June 13, 1973 Howard E. Griffis
Supervisor

Date: June 13, 1973 David J. Burley
Clerk

HANOVER TOWNSHIP
ZONING ORDINANCE AMENDMENTS

Section 2.2.26 - LOT 10/10/90

Section 5.12 - ACCESS TO PUBLIC STREETS 10/10/90

Section 4.5 - LOT AREA REQUIREMENTS 10/10/90

Section 4.5 - MINIMUM YARD REQUIREMENTS 8/08/94

Section 4.1.1.A2 - PERMITTED USES 8/08/94

Section 5.12 - ACCESS TO PUBLIC STREET'S 8/08/94

Section 4.5.3 - LOT WIDTH 8/08/94

Section 5.23 - TELECOMMUNICATION FACILITIES AND TOWERS 8/08/01

Section 4.5.5.a & d - ACCESSORY STRUCTURES 9/01

Section 4.5.1.d - DISTRICT AREA, HEIGHT...COMPLIANCE WITH REGULATIONS 9/01

Section 4.3.1.b.5 - COMMERCIAL DISTRICTS, CONDITIONAL USES 9/01

Section 4.3.2.b14 - GENERAL COMMERCIAL DISTRICT 8/18/03

Section 5.12 - ACCESS TO PUBLIC STREETS 8/18/03

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