

Chapter 42 - ZONING

ARTICLE I. - IN GENERAL

Sec. 42-1. - Statutory authority.

This chapter is adopted under authority of and in accordance with the provisions of the township rural zoning act, Public Act No. 184 of 1943 (MCL 125.271 et seq.), to establish comprehensive zoning regulations for the township and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict with this chapter.

(Ord. of 3-26-2001, § 1.1)

Sec. 42-2. - Title.

This chapter shall be known and may be cited as "The Zoning Ordinance of Leoni Township." The zoning map referred to in this chapter is entitled "Zoning Map, Leoni Township."

(Ord. of 3-26-2001, § 1.2)

Sec. 42-3. - Purpose.

This chapter has been established for the purpose of:

- (1) Promoting and protecting the public health, safety, and general welfare.
- (2) Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- (3) 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.
- (4) Lessening and avoiding congestion on public highways and streets.
- (5) 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, among other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the planning commission and the township board.
- (6) 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 districts.
- (7) Conserving the taxable value of land and structures.
- (8) Conserving the expenditure of funds for public improvements and services.
- (9) 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.
- (10) Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

(Ord. of 3-26-2001, § 1.3)

Sec. 42-4. - Scope; performance guarantee.

- (a) Every building and structure erected, every use of any lot, building, or structure established, and every structural alteration or relocation of an existing use, building, or structure occurring after the effective date of the ordinance from which this chapter is derived shall be subject to all regulations of this chapter which are applicable in the zoning district in which such building, structure, or lot is located.
- (b) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of the ordinance from which this chapter is derived, or the effective date of an amendment of this chapter, provided that construction shall be completed within 365 days of such effective date and be subject thereafter to the provisions of section 42-347.
- (c) The adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of the ordinance from which this chapter is derived, or the effective date of an amendment of this chapter, even though such building or structure does not conform to the provisions of this chapter, provided that work shall commence and be carried on within 30 days of obtaining such permit and be subject thereafter to the provisions of section 42-347.
- (d) To ensure the orderly completion of a land development project, at the recommendation of the township planning commission, as approved by the township board, the township board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to ensure compliance with the provisions of this chapter. Such guarantee shall be deposited with the township clerk at the time of the issuance

of the building permit. In fixing the amount of such performance guarantee, the township board shall limit it to reasonable improvements required to meet the standards of this chapter and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, including but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. As used in this section, the term "improvements" does not include the entire project which is the subject of zoning approval, or improvements for which a performance guarantee has been deposited pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.). The township board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses.

(Ord. of 3-26-2001, § 2.1)

Sec. 42-5. - Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, the present tense includes the future, and 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 word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

Access management means a technique to improve or preserve traffic operations along a major roadway, and minimize potential for accidents through the control of driveway locations and design, consideration of the relationship of traffic activity for properties adjacent to and across from one another, and the promotion of alternatives to direct road access. Methods used include construction of frontage roads, service drives, shared driveways, and medians or islands to direct traffic flow and control ingress and/or egress.

Accessory structure, building, or use means 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.

Alley means a public or private way not more than 33 feet wide which affords only a secondary means of access to property.

Alter means any structural change in the supporting or loadbearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

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

- (1) *Garden apartment* means a building having three or more one-story dwelling units.
- (2) *High rise apartment* means a building having at least four stories and containing three or more one-story dwelling units.
- (3) *Townhouse* means a building of at least two stories and containing a series of three or more attached dwelling units that are separated from one another by common firewalls from foundation to roof.

Automobile or trailer sales area means any space used for display, sale, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile service station means 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 auxiliary servicing such as polishing, washing, cleaning, and greasing, but not including bumping, painting, or refinishing thereof.

Basement means that portion of a building partly below grade, but so located that the vertical distance from the average ground level to the ceiling is less than the average ground level to the floor. A basement shall be considered a story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor. (See Structural Terminology Diagram.)

Bed and breakfast facility means a building, other than a hotel, where lodging and a light breakfast are regularly served to persons, other than family, for compensation.

Berm means a mound of earth graded, shaped, and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

Billboard means any structure or part thereof on which lettered or pictorial matter is displayed for off-premises advertising purposes.

Boardinghouse and *roominghouse* mean a dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

Building means an enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

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

Building, principal, means a building in which is conducted the main or principal use on a lot or parcel.

Building setback line means 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.

Campground means a parcel or tract of land in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for tents, motor homes, travel trailers, or other recreational vehicles.

Central sanitary sewer system means any person duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewer disposal system from a central location or plant, but not including septic tanks.

Central water system means any person 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.

Clinic, medical or dental, means a facility where two or more licensed physicians or dentists actively engage in the practice of medicine or dentistry on an outpatient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary for its operation.

Common element means an unoccupied area within a site condominium or planned unit development which is reserved for the enjoyment of all residents (general) or by some residents (limited) and maintained by those residents through associations.

Condominium unit means that portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium also owns a share of the common elements. The terms "condominium unit" and "site condominium" shall be considered the equivalent to the term "lot" for purposes of determining compliance with minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratios. Lot requirements within this chapter shall apply to site condominium units as they are designed and recorded under provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Cul-de-sac means a street closed at one end and having a minimum right-of-way of 120 feet in diameter at the turnaround.

Day care facility.

- (1) *Child care center* means a facility, other than a private residence, receiving one or more preschool or school-aged children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks regardless of the number of hours of care per day. The facility includes child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center.
- (2) *Family day care home* means a private home in which one to six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except for children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- (3) *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

State Law reference— Similar definitions, MCL 722.111.

District means a portion of the township within which certain uniform regulations and requirements apply under the provisions of this chapter.

Drive-in establishment means 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.

Dwelling, multiple-family, means a building, other than a mobile home, designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

Dwelling, single-family, means a detached residence designed or occupied by one family only with housekeeping and cooking facilities, and complying with the following standards:

- (1) The dwelling shall contain a minimum of 720 square feet of living area.
- (2) The dwelling shall have a minimum width of 20 feet along any exterior side elevation of the principal living area, exclusive of porches not a part of the main living area.
- (3) The dwelling shall have a minimum floor-to-ceiling height of 7.5 feet.
- (4) The dwelling shall be connected to a public sewer and public water supply or to such private facilities as are approved by the county health department.
- (5) The dwelling shall comply in all respects with the township building code.
- (6) The dwelling shall comply in all respects with applicable township and state plumbing, electrical, energy and fire codes and regulations and other applicable ordinances.
- (7) All dwellings, including manufactured housing, shall be firmly attached to a solid foundation according to this chapter.
- (8) The dwelling shall contain storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, which space shall be equal to not less than 15 percent of the interior living area of the dwelling.

- (9) The dwelling shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes with a roof overhang of not less than two inches, not less than two exterior doors with one being in the front of the home and the other being in either the rear or side of the home, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
- (10) The dwelling shall have a stone, brick, block, concrete, or wood foundation coextensive with the perimeter of the structure or, in the case of a dwelling which has foundational support which is not coextensive with the perimeter of the structure, a wall or skirting material constructed to be coextensive with the perimeter of the structure and similar in appearance to a stone, brick, block, concrete, or wood foundation to give the appearance of a standard foundation. The wall or skirting material shall be durably constructed to last the life of the structure, and such skirting shall be installed within 90 days after issuance of building permit.
- (11) The standards in this definition shall not apply to a mobile home located in a licensed mobile home park of a licensed mobile home subdivision except to the extent required by state law or otherwise specifically required in the ordinances of the township.

Dwelling, two-family, means a building, other than a mobile home, designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means one or more rooms with independent cooking facilities designed as a unit for residence by only one family.

Easement means 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 20 feet.

Essential services means 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, or dams, weirs, culverts, bridges, canals, or 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. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular services, personal communications services, and specialized or enhanced mobile radio, paging and similar services.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities; provided that, unless all members are related by blood or marriage, no such family shall contain over five persons.

- (1) *Domestic family* means one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single domestic housekeeping unit in the dwelling.
- (2) *Functional family* means persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six.

Foster care facility means an establishment which provides supervision, assistance, protection and personal care, in addition to room and board, to a person. A foster care facility is other than a home for the aged, a nursing home or a mental hospital licensed under [article 17](#) of Public Act No. 368 of 1978 (MCL 333.20101 et seq.).

- (1) *Family home* means a facility which provides foster care for six or fewer persons.
- (2) *Group home* means a facility which provides foster care for seven or more persons.

Greenbelt and *buffer strip* mean a strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter. It can also be a landscaped area along a street between the curb or road shoulder and the front yard parking setback line.

Home occupation means an occupation that is traditionally and customarily carried on in the home, being primarily incidental to the principal residential use (see also [section 42-355](#)).

Hotel means a building containing guestrooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.

Intensive livestock operation. Livestock operations may be considered intensive when the number of animals fed, harbored, maintained, or kept exceeds more than one animal unit per tillable acre of farm. See the following representative list of animal units (AU):

One animal unit = One 1,200-pound lactating cow.

One animal unit = Two dairy heifers at two years of age.

One animal unit = Two 500- to 700-pound steers.

One animal unit = One horse or mule.

One animal unit = Two yearling horses or ponies.

One animal unit = Six ewes with lambs or goats.

One animal unit = 12 lambs or kids after weaning.

One animal unit = Five 300-pound sows.

One animal unit = 50 50-pound pigs.

One animal unit = 16 150-pound hogs.

One animal unit = 250 chickens, ducks or rabbits.

One animal unit = 125 geese or turkeys.

Junkyard means a structure or parcel of land where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any 30 consecutive days.

Kenel means land and/or a structure where five or more cats or dogs are boarded for profit.

Land use plan means a composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of the township as adopted by the township planning commission.

Lot means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, and having frontage on a public street.

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

Lot, corner, means a parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

Lot line (front) means the part of the lot line which coincides with the street right-of-way or easement. On lakefront property it is the part which coincides with the lake.

Lot of record means a lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the county register of deeds, or a lot described by metes and bounds, the deed to which has been recorded in such office.

Lot, through (double frontage) means an interior lot having frontage on two parallel or approximately parallel streets.

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

Master deed means the condominium document recording the condominium project as approved by the township which is attached as an exhibit and incorporated by reference in the approved bylaws for the project and the approved condominium subdivision for the project.

Mobile home means a detached portable residential dwelling unit which complies with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended, with a floor area of at least 400 square feet, prefabricated on its own chassis and intended for longterm occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It shall have one approved smoke detector; one fire extinguisher, 2A10BC or equivalent, easily assessable (covering electric, grease, and combustible fires up to ten square feet); tiedowns every eight feet on each side in accordance with the manufacturer's specifications; and skirting.

Mobile home park means a tract of land prepared and approved according to the procedures in this chapter to accommodate mobile homes on rented or leased lots.

Mobile home subdivision means a legally platted residential subdivision accommodating mobile homes.

Motel means any establishment in which courts or similar structures or units are let or rented to transients for periods of less than 30 days. The term "motel" shall include 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.

Off-street parking means 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.

Parking space, area or lot means 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.

Project means land development or any planned undertaking which involves construction of structures for any use.

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

Riding academy means 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.

Roadside stand means a structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not make it a commercial district, nor shall its use be deemed a commercial activity.

Roominghouse means a building where lodging without meals is provided for compensation.

Screening means a hedge, fence, or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Setback means the minimum required horizontal distance for front, side, and rear yards as measured by the boundaries of a lot.

Sign means 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:

- (1) Signs not exceeding one 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 connotation.
- (2) Flags and insignias of any government, except when displayed in connection with commercial promotion.
- (3) Legal notices, and identification, information, or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs directing and guiding traffic and parking to private property but bearing no advertising matter.
- (6) Signs attached to a building or an integral part of a building, which identify that building or occupant.

Sign area means the area of a sign consisting of the entire projected area (visible from any point) of any regular geometric form or combinations of regular geometric forms composing 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.

Sign, on-site, means a sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

Site condominium project means a plan or project consisting of not less than two single-family units established in conformance with the condominium act (Public Act No. 59 of 1978 (MCL 559.101 et seq.)).

Site plan review means 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 adjacent land usage.

State-licensed residential facility means a structure constructed for residential purpose that is licensed by the state, which provides resident services for six or less persons under 24-hour supervision or care for persons in need of that supervision. Such facilities shall be located no less than 1,500 feet apart, except upon approval of the township board.

Story means 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.

Street means a public or private thoroughfare which affords the principal means of access to abutting property, having a right-of-way not less than 66 feet in width, unless situated along an existing public road of lesser width or specifically approved pursuant to site plan review under the definition of site plan review in this section and [section 42-346](#). A public or private road, established after the effective date of the ordinance from which this subsection is derived, capable of serving more than four residential dwellings shall be paved with a bituminous surface prior to the issuance of the building permit for the fifth dwelling, with the pavement width not less than 20 feet.

Structure means anything constructed, erected or placed with a fixed location on the surface of the ground.

Telecommunications services (commercial) means licensed commercial (wireless) telecommunications services, including cellular services, personal communications services, and specialized or enhanced mobile radio, paging and similar services that are marketed to the general public.

Tower means any ground- or roof-mounted pole, spire, structure or combination thereof exceeding a height of 15 feet, including support lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

Transition (buffer) strip means an unused screened open area which reduces the visual or noise impact of one use upon another.

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

Variance means a variation of the lot size or width requirements, yard requirements, height restrictions, sign regulations, parking and loading requirements, or other development standards from those set forth in this chapter, where strict enforcement of the terms of this chapter would create undue hardship, owing to the unique characteristics of the property for which the variance is sought.

Vehicle display means the display of new or used vehicles offered for sale, rent, or lease and suitable for immediate use and licensing.

Vehicle parking means the parking of licensed operable motor vehicles.

Vehicle salvage means the dismantling of vehicles for salvage or reuse of parts.

Vehicle storage means the storage of vehicles held for repair, sale, salvage, or legal determination of charges or ownership.

Yard, front, means an open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building, including porches or decks on the lot.

Yard, rear, means 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, including porches or decks on the lot.

Yard, side, means an open, unoccupied space on the same lot with the principal building, porches or decks on 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. If no front yard is required, the front boundary of the side yard shall be the front line of the lot.

(b) Any term not defined in this section shall have the meaning of common or standard use.

(Ord. of 3-26-2001, §§ 2.2, 2.3)

Cross reference— Definitions generally, § 1-2.

Sec. 42-6. - Authority to establish more restrictive standards or requirements.

The regulations established by this chapter 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 township board to attain the purposes of this chapter.

(Ord. of 3-26-2001, § 2.4)

Sec. 42-7. - Conflicts with other laws or agreements.

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

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

(Ord. of 3-26-2001, § 9.1)

Sec. 42-8. - Severability.

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

(Ord. of 3-26-2001, § 9.2)

Secs. 42-9—42-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 42-31. - Purpose.

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

(Ord. of 3-26-2001, § 6.1)

Sec. 42-32. - Administration generally.

Except when otherwise stated in this chapter, the provisions of this chapter shall be administered by the zoning inspector or by such deputies of his department as the township board may designate to enforce the provisions of this chapter.

(Ord. of 3-26-2001, § 6.2)

Sec. 42-33. - Powers and duties of zoning inspector; notice of violation; enforcement methods.

- (a) The zoning inspector shall be deputized and 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 chapter. It shall be unlawful for the zoning inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter, nor shall the zoning inspector vary or change any terms of this chapter.
- (b) If the zoning inspector shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violation and provide a copy of this chapter, indicating the nature of the violation being violated, and ordering the action necessary to correct it within seven days.
- (c) Following notification, the zoning inspector shall have the authority to implement the enforcement thereof by any of the following means:
 - (1) He may serve notice requiring the removal of any use in violation of this chapter upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
 - (2) He may issue appearance tickets for violations of this chapter. He may call upon the chief of police or his deputies to assist in the enforcement of this chapter.
 - (3) He may call upon the township attorney to institute any necessary legal proceedings to enforce the provisions of this chapter, and the attorney is hereby authorized to institute appropriate actions to that end.
 - (4) He may call upon the chief of police or his deputies to assist in the enforcement of this chapter. In addition to the authority vested in the zoning inspector, the township attorney or any adjacent or neighboring property owner who would be specially damaged by violations of this chapter may institute injunction to restrain or abate or to cause the correction or removal of any violation of this chapter.
- (d) The zoning inspector shall submit to the planning commission and the township board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this chapter; and the type and nature of nonconforming uses, buildings, and structures. The zoning inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

(Ord. of 3-26-2001, § 6.3)

Sec. 42-34. - Zoning compliance permits.

- (a) *Required; issuance.*
 - (1) No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved, nor shall any change be made in the use of any building, structure, or land, without a zoning compliance permit having been obtained from the zoning inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the zoning inspector.
 - (2) The zoning inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
 - a. The actual dimensions and shape of the lot to be built upon;
 - b. The exact size and location of existing structures on the lot, if any; and
 - c. The location and dimensions of the proposed structure or alteration.

One copy of the plans shall be returned to the applicant by the zoning inspector after such copy has been approved or disapproved and such approval or disapproval attested to by the zoning inspector's signature on such copy. The zoning 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 this chapter, the zoning inspector shall issue the applicant a zoning compliance permit within ten days of the filing thereof. Where action of the board of appeals or the planning commission is required in any case, as set forth in this chapter, the zoning inspector shall issue such permit in 21 days following such action.
- (b) *Expiration; renewal.* Any zoning compliance permit granted under this chapter shall become null and void and fees forfeited if any facts are knowingly falsified or misrepresented by the petitioner, and unless construction is completed and use initiated within 545 days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject, however, to the provisions of all ordinances in effect at the time of renewal.

(Ord. of 3-26-2001, § 6.4)

Sec. 42-35. - Certificate of occupancy.

(a) *Required; issuance.*

- (1) No building or structure, or part thereof, shall be occupied by or used for any use for which a zoning compliance permit is required by this chapter unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, or for the establishment of a use, shall make application to the zoning inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.
- (2) A certificate of occupancy shall be issued by the zoning inspector within five days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this chapter.

- (b) *Cancellation.* Any certificate of occupancy granted under this chapter shall become null and void if such use, building, or structure for which the certificate was issued is found by the zoning inspector to be in violation of this chapter. The zoning inspector, upon finding such violation, shall immediately notify the township board of the violation and void the certificate of occupancy.

(Ord. of 3-26-2001, § 6.5)

Sec. 42-36. - Fees and charges.

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 this chapter. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the township board. No permit, certificate, conditional use or approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the board of appeals unless or until preliminary charges and fees have been paid in full.

(Ord. of 3-26-2001, § 6.6)

Sec. 42-37. - Violations declared nuisance; penalty.

Violations of this chapter are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this chapter shall be guilty of a misdemeanor. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. of 3-26-2001, § 6.7)

Secs. 42-38—42-60. - Reserved.

DIVISION 2. - BOARD OF APPEALS

Sec. 42-61. - Established.

There is hereby established a board of appeals, which shall perform its duties and exercise its powers as provided in Public Act No. 184 of 1943 (MCL 125.271 et seq.), in such a way that the objectives of this chapter shall be observed, the public health and safety secured, and substantial justice done.

(Ord. of 3-26-2001, § 7.1)

Sec. 42-62. - Powers.

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 chapter. The board of appeals shall not have the power to alter or change the zoning districts classification of any property, or to make any changes in the terms of this chapter, but does have the power to authorize a variance as defined in this chapter, to act on those matters where this chapter may require an interpretation, and to issue a temporary use permit when authorized by this chapter.

(Ord. of 3-26-2001, § 7.2)

Sec. 42-63. - Variances.

- (a) The board of appeals may authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where, by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of the ordinance from which this chapter is derived or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.
- (b) A variance from the terms of this chapter shall not be granted by the board of appeals unless and until:

- (1) A written application for a variance is submitted, demonstrating the following:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - c. The special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts, shall be considered grounds for the issuance of a variance.

- (2) The board of appeals shall determine that the requirements of this chapter have been met by the applicant for a variance.
 - (3) The board of appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - (4) The board of appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighboring parcels or otherwise detrimental to the public welfare.
- (c) In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- (d) Each variance granted under the provisions of this chapter shall become null and void unless:
- (1) The construction authorized by such variance or permit has been commenced within 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 180 days after the granting of such variance.
- (e) No application for a variance which has been denied wholly or in part by the board of appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the board of appeals to be valid.

(Ord. of 3-26-2001, § 7.3)

Sec. 42-64. - Authority to hear and decide appeals.

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 zoning inspector or any other administrative official in carrying out or enforcing any provisions of this chapter, including interpretations of the zoning map.

(Ord. of 3-26-2001, § 7.4)

Sec. 42-65. - Procedure for appeals.

- (a) *Filing of appeal.* Appeal from the ruling of the zoning inspector or the township board concerning the enforcement of the provisions of this chapter may be made to the board of appeals within 60 days by 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.
- (b) *Persons who may appeal.* Appeals to the board of appeals may be petitioned by any person aggrieved or by any officer, department, board, agency, or bureau of the township, county, or state.
- (c) *Fee.* A fee as prescribed by the township board shall be paid to the township at the time of filing the petition for appeal. No part of the fee shall be returnable to the petitioner.
- (d) *Effect of appeal.* 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, on notice to the officer from whom the appeal is taken and on due cause shown.
- (e) *Notice of hearing.*
 - (1) When a request for an appeal has been filed in proper form with the board of appeals, the board of appeal's secretary or the township clerk shall immediately place the 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 days prior to the date of such hearing, upon the party making the request for appeal.
 - (2) Notice of the public hearing shall be sent and publicized in a newspaper circulated in the township, at least ten days prior to the hearing, to the owner of the property in question and to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single-family and two-family dwellings within 300 feet. The property in question shall also be conspicuously posted at least ten days

prior to the hearing.

- (f) *Representation at hearing.* Upon the hearing, any party may appear in person or by agent or by attorney.
- (g) *Decision; appeal to 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 as in its opinion ought to be made on the premises and to that end shall have all the powers of the zoning inspector or the township board from whom the appeal is taken. The board of appeal's decision of such appeals shall be in the form of 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 on question of law and fact.

(Ord. of 3-26-2001, § 7.5)

Secs. 42-66—42-80. - Reserved.

DIVISION 3. - AMENDMENT PROCEDURES

Sec. 42-81. - Initiation of amendment.

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 established in this chapter whenever the public necessity and convenience and the general welfare require such amendments. Such amendment may be initiated by resolution of the township board, by the planning commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the township board or the planning commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the township board, no part of which shall be returnable to the petitioner.

(Ord. of 3-26-2001, § 8.1)

Sec. 42-82. - Amendment procedure; reconsideration after denial.

- (a) The procedure for making an amendment to this chapter shall be in accordance with Public Act No. 184 of 1943 (MCL 125.271 et seq.).
- (b) No petition to amend this chapter or effect a district change shall be reconsidered by the planning commission after the petition has been rejected by the township board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning such petition.

(Ord. of 3-26-2001, § 8.2)

Sec. 42-83. - Amendments adopted for purpose of conformance to court decree.

Any amendment for the purpose of conforming a provision of this chapter to the decree of a court of competent jurisdiction shall be adopted by the township board and the amendment published without referring the amendment to any other board or agency.

(Ord. of 3-26-2001, § 8.3)

Secs. 42-84—42-120. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 42-121. - Districts established.

The township is hereby divided into the following zoning districts:

OS	Open Space District
AG	Agricultural District
RNF	Rural Nonfarm Residential District
RS	Suburban Residential District
R-1	Single-Family Residential District

PR-1	Planned Residential District
R-4	High Density Residence and Office District
RM	Mobile Home Residential District
B-1	Neighborhood Business District
B-2	Community Business District
B-4	General Business District
B-5	Highway Business District
ML	Light Industrial District
M	Heavy Industrial District

(Ord. of 3-26-2001, § 3.1)

Sec. 42-122. - Official zoning map.

- (a) The zoning districts as provided in section 42-121 are bounded and defined on a map entitled "Official Zoning Map, Leoni Township, Jackson County, Michigan," which map, with all explanatory matter thereon, is hereby adopted as a part of this chapter.
- (b) 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 available for examination.

(Ord. of 3-26-2001, § 3.2)

Sec. 42-123. - Interpretation of district boundaries.

- (a) Except where specifically designated on the official zoning map, the zoning district boundary lines are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of creeks, streams, or rivers, the centerlines of streets or alleys projected, centerlines of railroads, right-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of the ordinance from which this chapter is derived, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the lines mentioned in this subsection, the district boundary lines shall be dimensioned on the official zoning map.
- (b) When the location of a district boundary is uncertain, the board of appeals shall interpret the exact location of the district boundary.

(Ord. of 3-26-2001, § 3.3)

Sec. 42-124. - Changes to zoning districts.

- (a) *Purpose of districts.* The formulation and enactment of this chapter is based upon the division of the township into districts in each of which are permitted specified uses which are mutually compatible uses.
- (b) *Changes in district boundaries authorized; initiation of proceedings.* The township board may, from time to time, on recommendation from the planning commission or on its own motion, amend, modify, supplement, or revise the district boundaries or the provisions and regulations established in this chapter whenever the public necessity and convenience and the general welfare require such amendment. Such amendment may be initiated by resolution of the township board, by the planning commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the township board or the planning commission, the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the township board, no part of which shall be returnable to the petitioner.
- (c) *Data, exhibits and information required in application.* An application for a zoning district change shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of the property showing the existing location of all structures thereon, the types thereof, and their uses, and a statement of supporting data, exhibits, and information.
- (d) *Notice; public hearing.* The planning commission shall hold a public hearing upon any application for a zoning district change, notice of which shall be by newspaper publication. The first publication shall not be more than 30 days and not less than 20 days preceding the hearing. The second publication to

be not more than eight days prior to hearing. The publication shall be in a newspaper circulated within the township. Notice of public hearing shall be sent at least eight days prior to the hearing to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single-family and multifamily dwellings within 300 feet. The property in question shall be conspicuously posted at least eight days prior to the hearing.

- (e) *Approval or disapproval.* Upon holding a public hearing and finding that the requirements of subsections (b) and (c) of this section have been satisfactorily met by the applicant, the planning commission shall recommend approval or disapproval to the township board. The request then shall be submitted to the county coordinating committee for review. The township board shall review all the evidence and recommendations supplied to it by the planning commission and the county coordinating committee at the township board meeting. At a public meeting, the township board shall approve or disapprove the zoning request.

(Ord. of 3-26-2001, § 3.4)

Secs. 42-125—42-150. - Reserved.

DIVISION 2. - OPEN DISTRICTS

Sec. 42-151. - Generally.

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

(Ord. of 3-26-2001, § 4.1)

Sec. 42-152. - Open space district (OS).

- (a) *Purpose.* The open space district is composed of areas of the township well suited to open space and recreational land use. The regulations governing this district are designed to retain lands which are environmentally sensitive or provide for the recreational pursuits of township residents. Permitted land uses are generally those in support of public interests of open space and recreation.
- (b) *Permitted uses.* Permitted uses are as follows:
- (1) Public parks, provided that any principal building shall be located at least 100 feet from all adjacent property lines.
 - (2) Cemeteries.
 - (3) Public or private golf courses, including clubhouse facilities and golf driving ranges, provided that such use is secondary to the principal use of a regulation 18-hole development.
 - (4) Public buildings or facilities, including community centers devoted to open space and/or recreation, provided that any principal building is located at least 50 feet from all adjacent property lines.
- (c) *Conditional uses.* Conditional uses are as follows:
- (1) Private or nonprofit parks, camps, clubs, riding academies or similar recreational uses, subject to the provisions of [section 42-345](#).
 - (2) Single-family dwellings, provided that such building and/or any accessory structures are located at least 50 feet from any designated floodplain or wetland, and subject to the provisions of [section 42-345](#).
- (d) *Area, yard, height and bulk requirements.* See [section 42-271](#).

(Ord. of 3-26-2001, § 4.1.0)

Sec. 42-153. - Agricultural district (AG).

- (a) *Purpose.* The agricultural district is composed of areas of the township suited to agricultural land use. The regulations governing this district are designed to retain and preserve farmland and farm dwellings, while providing transition from open space areas and rural nonfarm residences.
- (b) *Permitted uses.* Permitted uses are as follows:
- (1) Agriculture and the usual agricultural buildings and structures, including processing of agricultural products but not including commercial slaughtering.
 - (2) Dwelling, one-family detached, subject to the provisions of [section 42-352](#).
 - (3) Farming, general and specialized, including nurseries, greenhouses, truck gardening, poultry raising, beekeeping and similar bona fide agricultural enterprises or uses of land and structures, providing sale of products shall be limited to those grown on the premises. No commercial slaughtering is permitted.
 - (4) Any accessory use or structure clearly incidental and customary to the operation of the uses listed in this subsection.
 - (5) Signs permitted under the provisions of [section 42-342](#).
- (c) *Conditional uses.* Each of the following uses shall be permitted upon recommendation by the planning commission and authorization by the township

board, and subject to such reasonable restrictions as may be clearly and specifically set forth in writing by the township board. In every such case, the township board shall follow the procedures set forth in section 42-345.

- (1) The raising of domestic animals, fowl and fur-bearing animals (other than farm livestock) for commercial purposes, provided that any structure, pens and yards in which animals or fowl are kept shall be located not less than 200 feet from any residence located on any other lot or premises.
- (2) Livestock auction yards and structures, provided that:
 - a. Written consent of 80 percent of all owners of property is obtained within 500 feet of any part of the lot on which it is to be located.
 - b. No yards or structures shall be located less than 500 feet from any R district or any dwelling.
- (3) Quarries. See section 42-345(9)a.
- (4) Portable asphalt plants. Such plant may be operated in any existing gravel pit in the township in a temporary basis after obtaining approval of the township board, provided such plant is not less than 1,000 feet from any R district, and provided that such use must be discontinued if the township board determines that the use has become a public nuisance.
- (5) Aircraft landing fields or airports, provided that the parcel or tract of land is sufficiently large so as not to create a noise or safety hazard to adjacent or nearby property owners or their property.
- (6) Permitted home occupations, subject to the provisions of section 42-355.
- (7) Off-site sludge storage facilities and lagoon or water reservoirs.
- (8) Churches, provided they are located at least 50 feet from all adjacent property lines.
- (9) Commercial kennels for the raising, breeding and boarding of dogs and other small animals, and including office of a veterinarian, provided that all buildings and runs shall be at least 200 feet from all adjacent property lines.
- (10) Riding stables and academies, provided that all buildings shall be at least 200 feet from all adjacent property lines and further provided that adequate bridle paths shall be made available either on private property or on nearby public lands.
- (11) Roadside market stands, provided that any structure used for such purposes shall be located not less than 30 feet distance from the road right-of-way boundary line and have adequate off-road parking.
- (12) Essential services (see section 42-345).

(d) *Area, yard, height and bulk requirements.* See section 42-271.

(Ord. of 3-26-2001, § 4.1.1)

Secs. 42-154—42-180. - Reserved.

DIVISION 3. - RESIDENTIAL DISTRICTS

Sec. 42-181. - Generally.

- (a) The rural nonfarm residential district, suburban residential district, single-family residential district, high density residential and office district, planned residential district, and mobile home 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 in the other sections of this division.
- (b) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the permitted uses listed in the sections of this division and the lawful accessory uses thereto, or for one or several of the conditional uses listed in the sections of this division.

(Ord. of 3-26-2001, § 4.2)

Sec. 42-182. - Rural nonfarm residential district (RNF).

- (a) *Purpose.* The rural nonfarm residential district is established to provide suitable areas for single-family or two-family dwellings at low densities to preserve a predominately rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.
- (b) *Permitted uses.* Permitted uses are as follows:
 - (1) Single-family detached dwellings, subject to the provisions of section 42-352.
 - (2) On-site signs, only in accordance with the regulations specified in section 42-342(c).
- (c) *Conditional uses.* Conditional uses are as follows:

- (1) Churches and other buildings for religious worship.
- (2) Public and private nursery schools, and primary and secondary schools.
- (3) Essential service structures of a nonindustrial character, but not including maintenance depots or warehouses.
- (4) Permitted home occupations, subject to the provisions of section 42-355.
- (5) Farm dwellings, farm buildings and structures, including nurseries, greenhouses, and general farming, provided hereafter any parcel of land in such use shall be not less than five acres in area and any building in which farm animals are kept shall be located not less than 75 feet from every lot line.
- (6) Accessory uses.
- (7) Essential services, only in accordance with the regulations specified in section 42-360.

(d) *Area, yard, height and bulk regulations.* See section 42-271.

(Ord. of 3-26-2001, § 4.2.1)

Sec. 42-183. - Suburban residential district (RS).

- (a) *Purpose.* In the suburban residential district, no land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the uses by right listed in this section and the lawful accessory uses thereto, or for one or several of the conditional uses listed in this section.
- (b) *Permitted uses.* Permitted uses are as follows:
 - (1) Single-family detached dwellings, subject to the provisions of section 42-352.
 - (2) On-site signs, only in accordance with the regulations specified in section 42-342(c).
- (c) *Conditional uses.* Conditional uses are as follows:
 - (1) Churches and other buildings for religious worship.
 - (2) Public and private nursery schools, and primary and secondary schools.
 - (3) Essential service structures of a nonindustrial character, but not including maintenance depots or warehouses.
 - (4) Permitted home occupations, subject to the provisions of section 42-355.
 - (5) Farm dwellings, farm buildings and structures, including nurseries, greenhouses, and general farming, provided hereafter any parcel of land in such use shall be not less than five acres in area and any building in which farm animals are kept shall be located not less than 75 feet from every lot line.
 - (6) Accessory uses.
 - (7) Funeral homes.
- (d) *Area, yard, height and bulk regulations.* See section 42-271.

(Ord. of 3-26-2001, § 4.2.2)

Sec. 42-184. - One-family residential district (R-1).

- (a) *Purpose.* The one-family residential district is composed of low density, single-family residential development and other uses which are compatible with the intent to stabilize, protect and encourage the residential character of the district. No land or structure shall be used or occupied except for the uses listed in this section.
- (b) *Permitted uses.* Permitted uses are as follows:
 - (1) Single-family detached dwellings, subject to the provisions of section 42-352.
 - (2) On-site signs in accordance with regulations specified in section 42-342(c).
 - (3) Accessory uses or structures, but not without a primary or principal structure.
- (c) *Conditional uses.* Conditional uses are as follows:
 - (1) Churches and other buildings for religious worship.
 - (2) Public and private nursery schools, and primary and secondary schools.
 - (3) Essential services (see sections 42-345 and 42-360).
 - (4) Nursing homes, homes for the aged, child care homes and nursery schools wherein there are seven or more persons, provided that:
 - a. Principal buildings used therefor shall be not less than 50 feet from any other lot.
 - b. Floorspace per person shall be not less than 40 square feet.
 - c. Outdoor activity areas for each person shall be not less than 75 square feet and shall be fenced and screened from any adjoining property or highway.
 - (5) Permitted home occupations, subject to the provisions of section 42-355.
 - (6) Planned unit development (residential only, including cluster housing and site condominiums).
- (d) *Area, yard, height and bulk regulations.* See section 42-271.

(Ord. of 3-26-2001, § 4.2.3)

Sec. 42-185. - Planned residential district (PR-1).

(a) *Purpose.*

- (1) The planned residential district is intended to provide flexibility within the design and development of (primarily) single-family housing consistent with the density established for the one-family residential district (R-1).
- (2) While standard zoning and subdivision practices are appropriate for the regulation of residential land use in areas or neighborhoods that are already substantially developed, these controls can hinder the creation of attractive, safe, and affordable housing in developing areas of the township. Therefore, this district is intended to permit enough flexibility in development design so as to allow the development of housing which benefits from modern design techniques while adhering to general standards of character and density.
- (3) All applications for zoning for planned residential district (PR-1) shall adhere to the standards for density established in section 42-271 and must meet the approval process standards for planned unit development/residential only established in article III, division 7 of this chapter.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Single-family detached dwellings.
- (2) Site condominium project (see definition).
- (3) Accessory uses or structures, but not without a principal residential structure.

(c) *Conditional uses.* Conditional uses are as follows:

- (1) Single-family attached housing, including cluster housing.
- (2) Assisted living, nursing homes, homes for the aged, child care homes and nursery schools wherein there are seven or more persons, provided that:
 - a. Principal buildings shall not be less than 100 feet from any single-family residence (either within the development or adjacent to the development).
 - b. Floorspace for person shall be not less than 40 square feet.
 - c. Outdoor activity areas for each person shall be not be less than 75 square feet and shall be fenced or screened from any adjoining property or highway.

(d) *Area, yard, height and bulk regulations.* See section 42-271 and article III, division 7 of this chapter.

(Ord. of 3-26-2001, § 4.2.4)

Sec. 42-186. - High density residence and office district (R-4).

(a) *Purpose.*

- (1) The high density residence and office district is composed of certain of the older and higher density residential areas plus some open areas where the intermingling of one-family, two-family and multiple-family dwellings with professional offices, clubs and specified home occupations may be developed for apartments, offices, clubs and headquarters for group organizations. All of these types of use will be encouraged provided adequate parking space and the essential residential character of the district is maintained.
- (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for either one or several of the permitted uses listed in this section and the accessory uses thereto, or for one or several of the conditional uses listed in this section.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Multiple-family dwellings.
- (2) Two-family dwellings.
- (3) On-site signs, only in accordance with the regulations specified in section 42-342(c).
- (4) Accessory uses or structures, but not without a primary or principal structure.

(c) *Conditional uses.* Conditional uses are as follows:

- (1) Churches and other buildings for religious worship.
- (2) Essential services (see sections 42-345 and 42-360).
- (3) Single-family dwellings.
- (4) Clinic, dental or medical, provided any building used therefor shall be located not less than 20 feet from any lot in any other R district.
- (5) Clubs, lodges and meeting places for other organized groups not operated for gain, provided that the building in which such uses are housed shall be located not less than 30 feet from any other lot in any R district.
- (6) Funeral homes.
- (7) Hospitals, sanitariums and charitable institutions for human care, not including those for penal purposes; provided that the site of any such use shall be at least two acres in area and that any building for such use shall be distant at least 50 feet from every lot line.
- (8) Institutions for children or the aged, but not including penal or correctional institutions; provided that any principal building and/or activity area shall

be located not less than 50 feet from any other lot in any R district.

- (9) Library or museum, public.
 - (10) Municipal buildings or properties, not including storage yards, warehouses or garages.
 - (11) Nursery schools and child care centers with seven or more children; provided the amount of floorspace per child shall be not less than 40 square feet and the outdoor play space per child shall be not less than 75 square feet. Outdoor play space maintained in connection with the school or center shall be completely and securely fenced by a four-foot chainlink fence or other fence specified by the planning commission and, if closer than 50 feet to any property line, shall be screened by a masonry wall or compact evergreen hedge not less than five feet in height, and there shall be not less than 1,000 square feet of play area available to each day care center.
 - (12) Offices: Any office in which chattels or goods, wares or merchandise is commercially exchanged or sold, provided any building used therefor shall be located not less than 20 feet from any lot in any other R district.
 - (13) Roominghouses.
 - (14) Schools, public and parochial, and institutions of higher education, provided that buildings and play areas shall be located not less than 50 feet from any lot in any R or AG district.
 - (15) Studio for professional work or instruction of any form of fine arts, music, drama, or dance but not including a commercial gymnasium or portrait studio.
 - (16) Planned unit development.
 - (17) Bed and breakfast.
- (d) *Area, yard, height and bulk regulations.* See [section 42-271](#).

(Ord. of 3-26-2001, § 4.2.5)

Sec. 42-187. - Mobile home residential district (RM).

- (a) *Purpose.* The mobile home residential district is composed of residential development within mobile home parks or plats where three or more mobile homes are located on contiguous lots within a planned development regulated by the mobile home commission act, Public Act 96 of 1987 (MCL 125.2301 et seq.) and the rules established by the state mobile home commission, as amended. Such development shall be connected to a central water supply system and a central sanitary sewer system as approved by the county health department.
- (b) *Permitted uses.* Permitted uses are as follows:
 - (1) Public schools.
 - (2) Mobile home parks, subject to the following conditions:
 - a. Must be located on a parcel of no less than ten acres, with at least 200 feet of frontage along a public road or street.
 - b. Must establish a greenbelt buffer of 25 feet from adjacent property lines, with such buffer to include screening or fencing where deemed appropriate by the planning commission within the procedure for site plan review and approval (see [section 42-346](#)).
- (c) *Conditional uses.* Conditional uses are as follows:
 - Planned unit development.

(Ord. of 3-26-2001, § 4.2.6)

Secs. 42-188—42-210. - Reserved.

DIVISION 4. - COMMERCIAL DISTRICTS

Sec. 42-211. - Generally.

The neighborhood business district, community business district, general business district and highway business 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 in the other sections of this division.

(Ord. of 3-26-2001, § 4.4)

Sec. 42-212. - Neighborhood business district (B-1).

- (a) *Purpose.*

- (1) The neighborhood business district is composed of certain land and structures used primarily to provide for the selling at retail of convenience goods in stores, hardware stores and drugstores, and to furnish services such as beauty shops, barbershops, self-service laundromats, eating places and others of a similar nature. This district is small, is usually located at the intersection of two highways or streets and serves the immediate neighborhood. The regulations are intended to encourage uses and services needed from day to day and to protect surrounding residential districts against the encroachment or infiltration of business enterprises.
 - (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the permitted uses listed in this section and accessory uses thereto, or for one or several of the conditional uses listed in this section.
- (b) *Permitted uses.* Permitted uses are as follows:
- (1) Antique shop, provided all articles for sale are displayed or stored within the shop.
 - (2) Bakery.
 - (3) Barbershop and/or beauty shop.
 - (4) Catering service, delicatessen and confectionery store.
 - (5) Clothes or wearing apparel shop.
 - (6) Church.
 - (7) Dairy products store.
 - (8) Drugstore.
 - (9) Dry cleaning and laundry, custom and self-service.
 - (10) Eating place (excluding the sale of alcoholic liquors).
 - (11) Florist and gift shop.
 - (12) Grocery.
 - (13) Hardware, hobby shop, or fix-it shop.
 - (14) Laundry and dry cleaning, customer and self-service.
 - (15) Liquor store (sale by package only).
 - (16) Shoe store.
 - (17) Small shops for repair and servicing of home appliances, radios and TVs, jewelry, shoes, watches and similar household or personal items.
 - (18) Upholstery and woodworking shops.
 - (19) On-site signs, only in accordance with the regulations as specified in [section 42-342\(d\)](#).
 - (20) Accessory uses or structures.
- (c) *Conditional uses.* Conditional uses are as follows:
- (1) Automobile service stations, provided:
 - a. Premises used for such purposes shall not be less than 200 feet from any place of public assembly, including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. Hereafter, no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
 - b. Buildings used for such purposes shall not be nearer than 50 feet to any R district.
 - c. Any minor automobile repair work shall be done within the principal building on the premises.
 - d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight hours outside the buildings on the premises.
 - e. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall, or painted board fence not less than five feet shall be maintained at the property line.
 - (2) Bar or combination bar and restaurant, provided any building used for such bar or combination bar and restaurant shall be located at least 50 feet from any other lot in any R or AG district and a compact evergreen hedge, solid wall or tight board fence not less than five feet shall be maintained at the property line.
 - (3) Bait stores or the supplying of live bait to fishermen, provided:
 - a. All containers wherein leaf worms, night crawlers and similar baits are kept shall be properly refrigerated.
 - b. Tanks for minnows shall be equipped to provide adequate water movement and oxygen.
 - c. Buildings wherein any live bait is propagated, stored or sold shall be located at least 50 feet from any lot in any R or AG district.
 - (4) It is the intent of this section to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one-family, two-family, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
 - a. The dwelling units shall be secondary and incidental to a primary use permitted in the district.

- b. The dwelling units shall be contained in the same structure as the primary use.
- c. Dwelling units shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of such items shall be permitted.
- d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in section 42-343 shall be complied with.
- e. The dwelling units shall comply in all respects with the township building code and state plumbing, electrical, energy and fire codes and regulations.
- f. Every dwelling unit shall have not less than the required floor area specified under section 42-362.

(5) Planned unit development. See article III, division 7 of this chapter.

(d) *Area, yard, height and bulk regulations.* See section 42-271.

(Ord. of 3-26-2001, § 4.4.1)

Sec. 42-213. - Community business district (B-2).

(a) *Purpose.*

- (1) The community business district is composed of certain land and structures used not only to provide all of the types of convenience goods and services found in the B-1 district, but in addition to provide a greater number of business enterprises as to type, variety or service offered. These would include supermarkets, discount stores, household furnishings, major appliance stores, junior department stores, variety stores, garden supply centers, and banks. This district is encouraged to provide the types of goods and services that will attract customers from the entire community. Regulations are designed to permit growth of the enumerated uses and services and limited only by standards which will give protection to adjacent businesses and industrial or residential districts.
- (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the permitted uses listed in this section and accessory uses thereto, or for one or several of the conditional uses listed in this section.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Antique shop, provided all articles for sale are displayed or stored within the shop.
- (2) Automobile, truck and trailer display, sales and repair, and sales lots.
- (3) Bakery.
- (4) Banks, loan offices and finance offices, including drive-in type.
- (5) Barbershop and/or beauty shop.
- (6) Bowling alley, including a bar and restaurant.
- (7) Bus station.
- (8) Camera and photo supplies store.
- (9) Catering service, delicatessen and confectionery store.
- (10) Clinic, dental and medical, including laboratory.
- (11) Clothes or wearing apparel shop.
- (12) Club, lodge or church.
- (13) Dairy products store.
- (14) Decorating or drapery shop.
- (15) Department stores and specialty apparel stores.
- (16) Drugstore.
- (17) Dry cleaning and laundry, custom and self-service.
- (18) Dry goods or notions store.
- (19) Eating place, bar, grill, and cocktail lounge.
- (20) Egg and poultry store.
- (21) Florist and gift shop.
- (22) Fruit and vegetable market.
- (23) Funeral home.
- (24) Food locker plant.
- (25) Furniture—household furnishings.
- (26) Garden and lawn supply store.
- (27) Grocery, supermarkets, and discount stores.

- (28) Hardware, sporting goods and electrical appliances.
 - (29) Jewelry store.
 - (30) Laundry and dry cleaning, custom and self-service.
 - (31) Library and other public buildings.
 - (32) Liquor store (sale by package only).
 - (33) Offices: Any office in which chattels or goods, wares or merchandise are commercially created, exchanged or sold.
 - (34) Office supply store—business machines.
 - (35) Paint, wallpaper and floor coverings store.
 - (36) Parking lot (subject to the provisions of [section 42-344](#)).
 - (37) Plumbing, heating and air conditioning sales and service.
 - (38) Radios, Tvs and musical instruments.
 - (39) Repair, rental and servicing of any products permitted and sold as a use by right in this district.
 - (40) Shoe store.
 - (41) Studio for photography, dance or music.
 - (42) Tailoring, including alterations, pressing, dressmaking and millinery shop.
 - (43) Toy store, including playground equipment.
 - (44) Tire and auto accessories stores.
 - (45) Variety store, upholstery and/or woodworking shops.
 - (46) On-site signs, only in accordance with the regulations as specified in [section 42-342\(e\)](#).
 - (47) Accessory uses or structures.
 - (48) Essential services and structures of a nonindustrial character.
- (c) *Conditional uses.* Conditional uses are as follows:
- (1) Automobile service stations, provided:
 - a. Premises used for such purposes shall not be less than 200 feet from any place of public assembly, including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. Hereafter, no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
 - b. Buildings used for such purposes shall not be nearer than 50 feet to any R district.
 - c. Any minor automobile repair work shall be done within the principal building on the premises.
 - d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight hours outside the buildings on the premises.
 - e. When such use abuts the side and/or rear of a lot in any R district, a compact evergreen hedge, solid wall, or painted board fence not less than five feet shall be maintained at the property line.
 - (2) Bait stores or the supplying of live bait to fishermen, provided:
 - a. All containers wherein leaf worms, night crawlers and similar baits are kept shall be properly refrigerated.
 - b. Tanks for minnows shall be equipped to provide adequate water movement and oxygen.
 - c. Buildings wherein any live bait is propagated, stored or sold shall be located at least 50 feet from any lot in any R or AG district.
 - (3) Drive-ins (banks excepted), provided any structure shall be at least 100 feet from any lot in any R or AG district. When such use abuts any R or AG district, other than across a street, a compact evergreen hedge, solid wall or tight fence at least five feet in height shall be maintained at the property line.
 - (4) Boat shop and/or marina, including the sale, servicing, repair, storage and rental of boats or the offering of docking facilities, provided any or all these activities shall be located at least 100 feet from any lot in any R or AG district.
 - (5) Automobile automatic wash and polish stations, provided that:
 - a. All operations shall be within an enclosed building.
 - b. The building shall have a setback of not less than 40 feet from any street line.
 - c. All vehicles on the premises other than those being serviced shall be provided with off-street waiting lanes and off-street parking space.
 - d. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five feet shall be maintained at the property line.
 - (6) It is the intent of this section to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one-family, two-family, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:

- a. The dwelling units shall be secondary and incidental to a primary use permitted in the district.
- b. The dwelling units shall be contained in the same structure as the primary use.
- c. Dwelling units shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of such items shall be permitted.
- d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in section 42-343 shall be complied with.
- e. The dwelling units shall comply in all respects with the township building code and state plumbing, electrical, energy and fire codes and regulations.
- f. Every dwelling unit shall have not less than the required floor area specified under section 42-362.

(7) Planned unit development.

(d) *Area, yard, height and bulk regulations.* See section 42-271.

(Ord. of 3-26-2001, § 4.4.2)

Sec. 42-214. - General business district (B-4).

(a) *Purpose.*

- (1) The general business district is composed of certain land and structures used to provide for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential districts, provide reasonable compatibility with each other and prevent further "strip" zoning along major thoroughfares.
- (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the uses by right listed in this section and lawful accessory uses thereto, or for one or several of the conditional uses listed in this section.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Antique shop, provided all articles are displayed or stored within the shop.
- (2) Automobile, truck and trailer display, hire, sales and repair, including sales lot, painting and body shop.
- (3) Automotive supply parts and accessories.
- (4) Bakery.
- (5) Banks, loan offices and finance offices.
- (6) Barbershop and/or beauty shop.
- (7) Bowling alley, including bar and restaurant.
- (8) Bus station and travel agency.
- (9) Business or trade school.
- (10) Camera and photo supplies store.
- (11) Catering service, delicatessen and confectionery store.
- (12) Clothes or wearing apparel shop.
- (13) Club, lodge or church.
- (14) Crating and packing service.
- (15) Dairy products store.
- (16) Dance studio.
- (17) Department store, specialty apparel, and discount stores.
- (18) Diaper, linen and towel supply service.
- (19) Drugstore.
- (20) Dry cleaning and laundry, custom and self-service.
- (21) Dry goods or notions store.
- (22) Eating place, bar, grill, and cocktail lounge.
- (23) Egg and poultry store.
- (24) Electrical supplies, wholesale and storage.
- (25) Exterminator service.
- (26) Factory and mill supplies.
- (27) Florist and gift shop.
- (28) Fruit and vegetable markets.

- (29) Funeral home and ambulance service.
- (30) Furniture and household furnishings.
- (31) Garden and lawn supply store.
- (32) Grocery, supermarkets, and meat processing (no slaughtering).
- (33) Hardware and sporting goods.
- (34) Jukebox and vending machine service and distribution.
- (35) Library and other public buildings.
- (36) Liquor store (sale by package only).
- (37) Luggage and camping supplies and equipment.
- (38) Malt beverage, liquor and wine distribution.
- (39) Offices: Any office in which chattels or goods, wares or merchandise is not commercially created, exchanged or sold.
- (40) Office machines, sales and service.
- (41) Office supply store.
- (42) Ornamental iron work and fence service.
- (43) Paint, wallpaper and floor coverings store.
- (44) Printing and publishing, including processes related thereto.
- (45) Plumbing and heating and sheetmetal shops (including punching of material of one-eighth inch or less in thickness).
- (46) Radiator repair shop.
- (47) Radio and TV sales, repair, and broadcasting stations.
- (48) Resale shops, china, clothing and furniture, but not including auction houses.
- (49) Shoe store, sale and repair.
- (50) Sign painting and servicing shops.
- (51) Special tools and gauges, checking and service.
- (52) Theater, drive-in type, also theatrical studios.
- (53) Tire and battery shops, rebuilding and recapping.
- (54) Travel agency.
- (55) Stone cutting, providing cutting operations are conducted within a completely enclosed building.
- (56) Toys, playground equipment and variety stores.
- (57) Any other use which is determined by the zoning administrator to be of the same general character as the uses by right listed in this subsection, but not including any use which is first permitted in the M district.
- (58) Warehousing facilities.
- (59) Distribution centers.

(c) *Conditional uses.* Conditional uses are as follows:

- (1) Auction houses, provided that merchandise for sale has been used (not new articles), there are no public auctions on Sunday, no auctions shall not continue after 12:00 midnight, and all auctions shall be conducted within a building.
- (2) Automobile service stations, provided:
 - a. Premises used for such purposes shall not be less than 200 feet from any place of public assembly including any hospital, sanitarium, clinic or institution. Such measurement shall be along the usual line of street travel. Hereafter, no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
 - b. Buildings used for such purposes shall not be nearer than 75 feet to any R district.
 - c. Any minor automobile repair work shall be done within the principal building on the premises.
 - d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight hours outside the buildings on the premises.
 - e. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five feet shall be maintained at the property line.
- (3) Recreational vehicle storage yards.
 - a. These premises shall be used for the storage of recreational vehicles bearing a current license plate as of the time the vehicle is placed upon the premises, as well as maintaining a current plate and registration with the state during the full length of storage.
 - b. All vehicles in storage must be contained inside of a minimum six-foot privacy fence.
 - c. The sale of junked vehicles, or used vehicle parts, wrecked or salvage, and/or inoperative or obsolete vehicles, at the site of a recreational vehicle

storage yard is prohibited.

- d. The fundamental purpose of this subsection is to promote public health, safety, and general welfare by allowing storage of recreational vehicles in certain areas for the people of the township, and to prohibit and limit the storage of inoperable motor vehicles.
- (4) Automobile automatic wash and polish stations, provided that:
- a. All operations shall be within an enclosed buildings.
 - b. The building shall have a setback of not less than 40 feet from any street line.
 - c. All vehicles on the premises, other than those being serviced, shall be provided with off-street waiting lanes and off-street parking space.
 - d. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five feet shall be maintained at the property line.
- (5) Veterinary hospital or kennel, animal hospital, veterinary clinic or kennel for household pets only, provided that:
- a. There are no outside exercise runways or yards.
 - b. Any structure for such purposes shall be not less than 75 feet from any other district.
- (6) Motels; may include a bar, small retail shops and restaurant.
- (7) It is the intent of this section to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one-family, two-family, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
- a. The dwelling units shall be secondary and incidental to a primary use permitted in the district.
 - b. The dwelling units shall be contained in the same structure as the primary use.
 - c. Dwelling units shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of such items shall be permitted.
 - d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in section 42-343 shall be complied with.
 - e. The dwelling units shall comply in all respects with the township building code and state plumbing, electrical, energy and fire codes and regulations.
 - f. Every dwelling unit shall have not less than the required floor area specified under section 42-362.
- (8) Planned unit development.
- (9) Adult uses.
- a. Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require, instead, their dispersal throughout the general business district and the highway business district of the township to thereby minimize their adverse impact on any specific zoning district.
 - b. In order to prevent undesirable concentration of such uses, the following uses and activities shall not be located within 1,000 feet of one other such use or any school, or within 300 feet of any residentially zoned district, as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:
 1. Adult bookstore.
 2. Adult motion picture theater.
 3. Adult mini motion picture theater.
 4. Adult smoking or sexual paraphernalia store.
 5. Massage parlor.
 6. Host or hostess establishments offering socialization with a host or hostess for a consideration.
 7. Tavern or cabaret providing live or projected entertainment, including but not limited to adult live entertainment establishments where intoxicating liquors may or may not be sold for consumption on the premises. For purposes of this subsection, the term "projected entertainment" shall not include standard television reception.
 8. Any combination of such uses.
 - c. For the purpose of interpreting the application of the limitations on certain businesses in this subsection, the following terms or designations shall have the following meanings:

Adult bookstore means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult mini motion picture theater means an indoor or outdoor theater or enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture theater means an indoor or outdoor theater or enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult smoking, video or sexual paraphernalia store means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia or materials designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.

Host or hostess establishment means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

Massage parlor means an establishment where persons conduct, or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the human body or parts thereof with the hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparation to provide relaxation or enjoyment to the recipient.

Specified anatomical areas means:

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

Specified sexual activities means:

3. Acts of human masturbation, sexual intercourse or sodomy.
 4. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
 5. Human genitals in a state of sexual stimulation or arousal.
- d. The township planning commission (where any of such regulated uses are special exception uses) or the township zoning board of appeals (where such regulated uses are "permissible uses") may waive the spacing requirements in this subsection if it finds the following conditions exist:
1. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed.
 2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development.
 3. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.
 4. All other applicable regulations in this chapter or other pertinent township ordinances will be observed.

(d) *Area, yard, height and bulk regulations.* See [section 42-271](#).

(Ord. of 3-26-2001, § 4.4.3; Ord. of 5-20-2002)

Sec. 42-215. - Highway business district (B-5).

(a) *Purpose.*

- (1) The highway business district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be prepared at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.
- (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the permitted uses listed in this section and accessory uses thereto or for one or several of conditional uses listed in this section.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Automobile service stations.
- (2) Sales, rental, service, and display of vehicles.
- (3) Drive-in retail and service establishments, except drive-in theaters.
- (4) On-site and off-site signs, only in accordance with regulations as specified in [section 42-342\(e\)](#) and (f).
- (5) Motels and hotels.

- (6) Eating and drinking establishments.
 - (7) Essential services and structures of a nonindustrial character.
 - (8) Accessory uses or structures.
 - (9) Indoor and outdoor commercial amusements.
 - (10) Carwash facilities.
- (c) *Conditional uses.* Conditional uses are as follows:
- (1) Automobile and truckstop stations.
 - a. Buildings and premises may include refueling, lubrication, washing, tire servicing and minor repair facilities, separately or in conjunction with food and lodging accommodations, provided any area reserved for the outside parking or storage of automobiles or trucks shall be screened from the highway and abutting properties by a compact evergreen hedge, solid wall or tight board fence at least six feet in height.
 - b. Areas used for outside storage, parking or servicing of automobiles or trucks shall be properly graded for drainage, surfaced with concrete or asphalt and maintained in good condition, free of trash and debris.
 - c. No partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight hours outside the buildings on the premises.
 - d. Buildings used for any one or all of the services enumerated in subsection (c)(1)a of this section shall be located at least 50 feet from a public highway and from any R or AG district.
 - (2) Recreational vehicle storage yards.
 - a. These premises shall be used for the storage of recreational vehicles bearing a current license plate as of the time the vehicle is placed upon the premises, as well as maintaining a current plate and registration with the state during the full length of storage.
 - b. All vehicles in storage must be contained inside of a minimum six-foot privacy fence.
 - c. The sale of junked vehicles, or used vehicle parts, wrecked or salvage, and/or inoperative or obsolete vehicles, at the site of a recreational vehicle storage yard is prohibited.
 - d. The fundamental purpose of this subsection is to promote public health, safety, and general welfare by allowing storage of recreational vehicles in certain areas for the people of the township, and to prohibit and limit the storage of inoperable motor vehicles.
 - (3) Drive-in theaters.
 - (4) It is the intent of this section to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the conversion to one-family, two-family, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use, subject to the following conditions:
 - a. The dwelling units shall be secondary and incidental to a primary use permitted in the district.
 - b. The dwelling units shall be contained in the same structure as the primary use.
 - c. Dwelling units shall be used exclusively for living accommodation. No storage or warehousing of goods and merchandise or the sale of such items shall be permitted.
 - d. One off-street parking space shall be provided for each dwelling unit exclusive of those provided for the existing commercial establishment. All applicable regulations specified in section 42-343 shall be complied with.
 - e. The dwelling units shall comply in all respects with the township building code and state plumbing, electrical, energy and fire codes and regulations.
 - f. Every dwelling unit shall have not less than the required floor area specified under section 42-362.
 - (5) Planned unit development.
 - (6) Adult uses. See section 42-214(c)(9).
- (d) *Area, yard, height and bulk regulations.* See section 42-271.

(Ord. of 3-26-2001, § 4.4.4; Ord. of 5-20-2002)

Secs. 42-216—42-240. - Reserved.

DIVISION 5. - INDUSTRIAL DISTRICTS

Sec. 42-241. - Generally.

It is recognized by this chapter 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. In order that this value may be maintained and this use encouraged, this chapter has established two zoning districts 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 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 each industrial district is further stated in the other sections of this division.

(Ord. of 3-26-2001, § 4.5)

Sec. 42-242. - Light industrial district (ML).

(a) *Purpose.*

- (1) The light industrial district is composed of those areas of the township whose principal use is and ought to be light manufacturing and other limited industrial uses. 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. This district has been located within the township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion of public streets and highways. 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 this district have been excluded. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five feet shall be maintained at the property line.
- (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the permitted uses listed in this section and accessory uses thereto or for one or several of the conditional uses listed in this section.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Commercial laundries and dry cleaning establishments, and frozen food lockers and ice and cold storage plants.
- (2) Building material storage and sales.
- (3) Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
- (4) Printing, lithographic, blueprinting and similar uses.
- (5) Automobile repair garage, construction and farm equipment sales and repair, and contractor's equipment yards.
- (6) Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed within a building.
- (7) Skilled trade services, including plumbing, electric and heating, not engaged in any retail activities on the site.
- (8) Light industrial assembly which by the nature of the materials, equipment, and processes utilized is to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard, including any of the following goods or materials: pharmaceuticals, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, printed matter, baked and dairy products, advertising display, tents and awning, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning, and products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.
- (9) Research and testing facilities.
- (10) Essential service structures.

(c) *Conditional uses.* Conditional uses are as follows:

- (1) Restaurants.
- (2) Bus, truck, taxi, and rail terminals.
- (3) Trucking and cartage facilities, including repairing and washing equipment and yards.
- (4) Recreational vehicle storage yards.
 - a. These premises shall be used for the storage of recreational vehicles bearing a current license plate as of the time the vehicle is placed upon the premises, as well as maintaining a current plate and registration with the state during the full length of storage.
 - b. All vehicles in storage must be contained inside of a minimum six-foot privacy fence.
 - c. The sale of junked vehicles, or used vehicle parts, wrecked or salvage, and/or inoperative or obsolete vehicles, at the site of a recreational vehicle storage yard is prohibited.
 - d. The fundamental purpose of this subsection is to promote public health, safety, and general welfare by allowing storage of recreational vehicles in certain areas for the people of the township, and to prohibit and limit the storage of inoperable motor vehicles.
- (5) Government or community buildings, but not including schools.
- (6) Golf courses, including driving ranges.
- (7) Telecommunications towers.

(d) *Area, yard, height and bulk regulations.* See [section 42-271](#).

(Ord. of 3-26-2001, § 4.5.1; Ord. of 5-20-2002)

Sec. 42-243. - Heavy industrial district (M).

(a) *Purpose.*

- (1) The heavy industrial district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this chapter and can ensure protection of the public interest and surrounding property and persons. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five feet shall be maintained at the property line.
- (2) No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for one or several of the permitted uses listed in this section and accessory uses thereto or for one or several of the conditional uses listed in this section.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Manufacturing, processing and/or fabrication. Any structure used therefor shall be not less than 100 feet from any R or AG district.
 - a. Automotive and aircraft parts (not including tires) and metal working, excluding presses of over 20 tons capacity and machine-operated drop hammers.
 - b. Automotive assembling, including major repair.
 - c. Bag, rug and carpet cleaning.
 - d. Bakery, large wholesale and chain types.
 - e. Bottling plant, brewery, or dairy products plant.
 - f. Candy, potato chips, and flavoring extracts.
 - g. Cleaning or dyeing plants and laundries.
 - h. Cold storage plant.
 - i. Electrical equipment and motor assembly.
 - j. Electric foundry or small foundry for nonferrous metals.
 - k. Experimental laboratory.
 - l. Felt and felt products.
 - m. Flexible hose lines and fittings, basic manufacture.
 - n. Garage maintenance tools and equipment.
 - o. Garment making, apparel and accessories.
 - p. Heating and air conditioning equipment.
 - q. Mattress making and box springs.
 - r. Paper products fabrication.
 - s. Pharmaceuticals, cosmetics and toiletries.
 - t. Plastic products from purchased plastic materials.
 - u. Professional and scientific instruments.
 - v. Surgical supports and hospital equipment.
 - w. Tool and die shops—screw machine products.
 - x. Tube fabrication, bending and welding.
 - y. Wire fabricators.
 - z. Wood products assembly.
 - aa. Any other light manufacturing, processing and/or fabrication, but not including any uses specifically listed in subsection (b)(2) of this section.
- (2) Manufacturing (basic), processing and/or fabrication. Any structure used therefor shall be not less than 200 feet from any R or AG district.
 - a. Abrasives, acid, alcohol, ammonia and asbestos.
 - b. Bone black, carbon black, and lamp black.
 - c. Brick, clay, or tile manufacture.
 - d. Canning and preserving plants.
 - e. Charcoal and coke, basic manufacture.
 - f. Chemicals, manufacture or processing.
 - g. Cinderblock fabrication.
 - h. Creosote treatment.
 - i. Detergents, soaps and byproducts.
 - j. Forge plants and foundries.
 - k. Fungicides and insecticides.
 - l. Galvanizing and anodizing processes.

- m. Gases, manufacture.
 - n. Glass products.
 - o. Glue, size or gelatin, manufacture.
 - p. Grain milling and mixing.
 - q. Graphite manufacture.
 - r. Insulation, manufacture or fabrication.
 - s. Metals, ingots, castings, sheets, bars or rods.
 - t. Oils and fats, animal or vegetable, manufacture.
 - u. Paints, pigments, enamels, japans, lacquer, and varnishes.
 - v. Paper pulp and cellulose.
 - w. Paraffin, wax and wax products.
 - x. Petroleum and petroleum products, refining and processing (buildings and/or plant to be located not less than 150 feet from the boundary line of the lot).
 - y. Plastics, basic manufacture.
 - z. Plating of metals.
 - aa. Rubber and rubber products, manufacture.
 - bb. Sauerkraut, vinegar and yeast, manufacture.
 - cc. Sawmill or planing mill.
 - dd. Serums, toxins, and viruses, manufacture.
 - ee. Any other basic manufacturing, processing and/or fabrication, but not including any use specifically listed in subsection (c) of this section and/or those prohibited by any other law or ordinance.
- (3) Sale at wholesale and retail, warehousing and storage, and repair, rental and servicing of any of the uses enumerated in subsections (b)(1) and (2) of this section, provided any building used for such purpose shall be located not less than 75 feet from any R or AG district.
- (4) Other uses by right.
- a. Canteen service.
 - b. Carnival, circus or other temporary outdoor entertainment; provided, however, that the location and a permit therefor shall be provided by the township board.
 - c. Contractor's yards for vehicles, equipment, materials and/or supplies, but excluding asphalt and cement mixing, provided that such yards shall be not less than 200 feet from any R or AG district.
 - d. Gasoline service station, provided that any building used for such purposes shall not be nearer than 50 feet to any R or AG district.
 - e. Landing field for airport or rotocraft, provided that any hangar or servicing facilities shall be not less than 500 feet from any R or AG district.
 - f. Municipal buildings, including warehouses, outside storage and garages, provided that such buildings and premises shall be not less than 100 feet from any R or AG district.
 - g. Parking and/or storage yards for motor vehicles (no junked vehicles) and including transport equipment, provided such yards shall be not less than 200 feet from any R or AG district.
 - h. Trucking freight terminals and yards, provided such buildings shall be not less than 200 feet from any R or AG district.
- (c) *Conditional uses.* Conditional uses are as follows:
- (1) Alkali plants, manufacture.
 - (2) Asphalt plants.
 - (3) Automobile wrecking and salvage yards. The owner, lessee or user of premises storing vehicles or chassis shall apply to the township board for authorization for such storage. Such authorization may be granted subject to reasonable regulations protecting the public health, safety and welfare, including but not limited to sufficient lot size and screening of stored vehicles from the public.
 - (4) Building materials salvage yard.
 - (5) Bulk storage of explosives.
 - (6) Cement manufacture and concrete mixing operations.
 - (7) Fertilizer manufacture.
 - (8) Gravel and rock crushing operations.
 - (9) Gypsum and other forms of plaster base manufacture.
 - (10) Incinerators or reduction of garbage, refuse, bones, offal or dead animals.
 - (11) Junkyard. The township board authorization shall only be granted after full compliance with chapter 28, article III, dealing with the licensing and

regulation of junkyards. Any township board authorization shall be conditioned upon continued compliance with the provisions of chapter 28, article III.

- (12) Meat slaughtering.
- (13) Sanitary landfill and/or dump.
- (14) Stockyards and livestock auction yards.
- (15) Storage of liquid petroleum gas, 500 gallons or over.
- (16) Storage of flammable liquids, 3,000 gallons or over.
- (17) Any other industrial use which is determined by the township board to be of the same general character or similar nature as the uses listed in this subsection and not prohibited by any other law or ordinance, provided application is made to the township board and a permit is issued for the operation thereof subject to section 42-348 and other limitations as follows:
 - a. Every structure or premises used for such purposes shall be located not less than 500 feet from any R, AG or B district.
 - b. Every structure or premises used for such purposes shall be located not less than 100 feet from any enumerated uses in subsections (b)(1), (2), (3), and (4) of this section.
 - c. The township board may prescribe such additional limitations as are in its opinion necessary to secure the objectives of this chapter.
- (18) Automobile storage yards. These premises shall be used for the storage of vehicles bearing a current license plate as of the time the vehicle is placed upon the premises, and shall not be used for the stripping, salvaging, scavenging, or dismantling of vehicles or vehicle parts. The sale of junked vehicles, which are vehicles that have been wrecked or salvaged and are inoperative or obsolete, at the site of an automobile storage yard must be conducted within the screened portion of the lot. The sale of used vehicles, which are vehicles that bear a current license plate as of the time the vehicle is placed upon the premises and vehicles in an operative condition, at the site of an automobile storage yard can be conducted anywhere within the screened portion of the lot or outside the screened portion of the lot in the front yard only.
- (19) Recreational vehicle storage yards.
 - a. These premises shall be used for the storage of recreational vehicles bearing a current license plate as of the time the vehicle is placed upon the premises, as well as maintaining a current plate and registration with the state during the full length of storage.
 - b. All vehicles in storage must be contained inside of a minimum six-foot privacy fence.
 - c. The sale of junked vehicles, or used vehicle parts, wrecked or salvage, and/or inoperative or obsolete vehicles, at the site of a recreational vehicle storage yard is prohibited.
 - d. The fundamental purpose of this subsection is to promote public health, safety, and general welfare by allowing storage of recreational vehicles in certain areas for the people of the township, and to prohibit and limit the storage of inoperable motor vehicles.
- (20) Light industrial use.
- (21) Telecommunications towers.

(d) *Area, yard, height and bulk regulations. See section 42-271.*

(Ord. of 3-26-2001, § 4.5.2; Ord. of 5-20-2002)

Secs. 42-244—42-270. - Reserved.

DIVISION 6. - DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS

Sec. 42-271. - Schedule of regulations.

District area, yard, height and bulk regulations shall be as set forth in the following tables:

		Lot Requirements		Minimum Yard Requirements	Maximum Building Height Requirement (see the definition of building height in <u>section 42-5</u>)		
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Zoning District	Zoning Symbol	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Maximum Allowed Density (dwelling units per gross acre)***	Front	Side	Rear	Principal	Accessory	Minimum Transition Strip Requirements	Remarks
Agricultural	AG	<u>2 acres</u> 5 acres	200'	10%	<u>0.5</u> —	60'	30' 60'*	50'	2½-story or 35'	80'*****	None	<u>Single-family detached dwelling.</u> All other uses.
Rural nonfarm residential	RNF	<u>1 acre</u> 2 acres	150'	20%	<u>1.0</u> —	60'	20' 60'*	35'	2½-story or 30'	12'	None	<u>Single-family detached dwelling.</u> All other uses.
Suburban residential	RS	<u>20,000 sq. ft.</u> 1 acre	<u>75'</u> 120'	25%	4.3	35'	10' 25' total 35'*	20'	2½-story or 30'	12'		<u>Single-family detached dwelling with central sewage.</u> All other uses.
Single-family residential district	R-1	<u>7,500 sq. ft.</u> 20,000 sq. ft.	<u>60'</u> 100'	25%	<u>5.8</u> —	25'	10' 25' total 35'*	2½-story or 30'	12'	None	<u>Single-family detached dwelling with public sewer.</u> All other uses.	

*	Corner lot.
**	(See <u>section 42-275(b).</u>) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.
***	Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 square feet).
****	17.2 units for the first acre, plus 21.7 units per acre for each additional acre.
*****	Does not include signs.

Zoning District	Zoning Symbol	Lot Requirements				Maximum Allowed Density (dwelling units per gross acre)***	Minimum Yard Requirements			Maximum Building Height Requirement (see the definition of building height in section 42-5)		Minimum Transition Strip Requirements	Remarks
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front		Side	Rear	Principal	Accessory			
High density residential and office district	R-4	<u>10,000</u> sq. ft. <u>15,000</u> sq. ft. ½ acre	200'	—	<u>4.3</u> <u>17.2</u> —	25'	25' total 35'	25'	or 35'	12'	As required	<u>Two-family detached dwelling</u> 15,000 sq. ft. for 3 dwelling plus <u>3,000 sq. ft. for each additional dwelling</u> All other dwelling	
Planned residential development	PR-1	(See PR-1 district)										None	—
Mobile home residential	RM	For mobile home parks: <u>10 acres</u> 5,000 sq. ft.	For mobile home parks: 66'	For mobile home parks: 20%	<u>—</u> 8.7	20' 8' total	25' 10' total	20' 8' total	1 story or 15'	12'	See RM district	<u>Minimum site size of a mobile home park.</u> Mobile home site within a mobile home park.	

Neighborhood business	B-1	10,000 sq. ft. 15,000 sq. ft.	80' 100'	25%	—	35'	20' 35'*	35'	25'	25'	4'—6' height fence and 5' wide strip or a solid masonry wall of 4'—6' in height if abutting a residential district. Also 20' deep landscaped strip along public street if adjacent to a public street.	<u>With central sewage and water systems</u> Without central sewage and water systems
Community business	B-2	10,000 sq. ft. 15,000 sq. ft.	80' 100'	25%	—	35'	20' 35'*	20'	35'***	35'***	6'—8' height fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 120' wide buffer strip or a 6'—8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	<u>With central sewer and water systems</u> Without central sewage and water systems

General business	B-4	10,000 sq. ft. 15,000 sq. ft.	80' 100'	25%	—	35'	20' 35'*	20'	35'***	35'***	6'—8' height fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 10' wide buffer strip or a 6'—8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	<u>With central sewer and water systems</u> Without central sewer and water systems
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Highway business	B-5	25,000 sq. ft.	100'	25%	—	35'	20' 35'*	20'	35'	35'*****	6'—8' height fence not more than 50% void (to provide ventilation and light). The minimum dimension of any opening not greater than 4" and a 15' wide buffer strip of a 6'—8' solid masonry wall if abutting a residential district. Also 20' deep landscaped strip along a public street.	—
Light industrial	ML	20,000 sq. ft.	100'	25%	—	35'	20' 35'*	35'	35'	35'	Buffer strip shall be 5' wide and a solid masonry wall not less than 6' but not greater than 8' in height if abutting a residential or commercial district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	—

Heavy industrial	M	3 acres	300'	25%	—	50'	60'	35'	35'	Less than 6' but not greater than 8' in height if abutting a residential or commercial district. Also 20' deep landscaped strip along a public street if adjacent to a public street.	—
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*	Corner lot.
**	(See section 42-275(b) .) One additional foot of side, rear, and front yard setback required for every one foot of building height over 25 feet if any part of the lot abuts a residential district.
***	Maximum allowed density (dwelling units per gross acre) represents density per acre (43,560 square feet), inclusive of streets, parks, and all other land uses.
****	Does not include signs.

(Ord. of 3-26-2001, § 4.6)

Sec. 42-272. - 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, or 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 the ordinance from which this chapter is derived 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 the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.
- (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 chapter shall be included as part of a yard or open space similarly required for any other structure.
- (d) No basement or cellar shall be erected for dwelling purposes except after approval by the zoning board of appeals.

(Ord. of 3-26-2001, § 4.6.1)

Sec. 42-273. - Yard measurements.

- (a) Lots which abut on more than one 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 feet in length from the structure wall.

(Ord. of 3-26-2001, § 4.6.2)

Sec. 42-274. - Lot width.

Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirement shall not apply.

(Ord. of 3-26-2001, § 4.6.3)

Sec. 42-275. - Height exceptions.

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

- (1) *Structures excepted from height limitations.* The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this chapter or any other applicable ordinances; parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.
- (2) *Increased height.* Building height in excess of the height above average ground level allowed in any district may be permitted by the board of appeals provided all minimum front, side, and rear yard depths are increased one foot for each additional one foot of height and provided that adequate fire protection and compatibility with existing structures' heights can be demonstrated.

(Ord. of 3-26-2001, § 4.6.4)

Sec. 42-276. - Accessory structures.

- (a) No detached accessory building or structure shall be located closer than ten feet to 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 feet from any rear lot line or the rear yard portion of any side lot line, and shall not exceed ten feet side wall height with a 4/12 pitch not over 30 feet wide.
- (c) All accessory structures in nonresidential districts shall be subject to the same standards and requirements as specified in the tables in section 42-271.

(Ord. of 3-26-2001, § 4.6.5)

Sec. 42-277. - Distance between buildings in group dwellings.

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

- (1) Where buildings are front to front or front to rear, three times the height of the taller building, but not less than 70 feet.
- (2) Where buildings are side to side, one times the height of the taller building but not less than 20 feet.
- (3) Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building but not less than 45 feet.

(Ord. of 3-26-2001, § 4.6.6)

Secs. 42-278—42-300. - Reserved.

DIVISION 7. - PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 42-301. - Generally.

- (a) The intent of the planned unit development district is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township; and encourage the use, reuse and improvement of existing sites and buildings when the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the site or surrounding area.
- (b) This district is intended to accommodate developments with mixed or varied uses, and sites with unusual topography or unique settings within the community or on land which exhibits difficult or costly development problems, and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the purposes stated in this section.
- (c) The use of planned unit development (PUD) has been established as a specific district for residential purposes only, and a conditional use for those developments which include mixed use, including high density residential and office/commercial, or separate commercial or industrial uses in a park-like

setting. The use of shared entrances/exits, common landscape treatment, and shared signage treatment provides enhanced identification, improved efficiency and possible cost savings through flexibility in design.

(Ord. of 3-26-2001, § 4.7)

Sec. 42-302. - Permitted uses.

All residential uses, business uses, office uses, light industrial uses, and research uses, and all commercial uses or combinations of uses, may be permitted in a planned unit development.

(Ord. of 3-26-2001, § 4.7.a)

Sec. 42-303. - Accessory uses.

Any accessory use permitted in the residential, business and light industrial district in accordance with the regulations stated in section 42-276 may be permitted in a planned unit development.

(Ord. of 3-26-2001, § 4.7.b)

Sec. 42-304. - Development regulations and standards for approval.

The following provisions shall apply to all planned unit development (PUD) zoning classifications:

- (1) *Ownership.* The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
- (2) *Establishment, amendment or removal.* A PUD zoning classification shall be established, amended or removed pursuant to the procedure set forth in article II, division 3 of this chapter and the additional procedures set forth in this section; provided, however, that a PUD zoning request may be initiated only by a property owner or a property owner's legal representative.
- (3) *Standards for approval.* Based upon the following standards, the planning commission may recommend denial or approval and township board may deny or approve the proposed planned unit development:
 - a. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed shall not adversely affect the public utility and circulation systems, surrounding properties, or the environment. This beneficial effect for the township (not the developer) shall be one which could not be achieved under any other single zoning classification.
 - b. The uses proposed shall be consistent with the land use plan adopted by the township.
 - c. The zoning is warranted by the design and amenities incorporated in the development proposal.
 - d. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The township board may, if deemed appropriate, require for planned unit developments more or less usable open space than that required by this chapter.
 - e. Off-street parking shall be sufficient to meet the minimum required by this chapter. The township board may, if deemed appropriate, require for planned unit developments more or less parking than that required by this chapter.
 - f. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet the minimum requirements of this chapter. The township board may, if deemed appropriate, require for planned unit developments more or less landscaping than that required by this chapter.
 - g. Vehicular and pedestrian circulation allowing safe, convenient, uncongested, and well-defined circulation within and to the district shall be provided.
 - h. Major natural, historical and architectural features of the district shall be preserved.
- (4) *Approval procedure.* The PUD zoning approval shall involve two phases. The preliminary phase shall involve a review of the conceptual PUD development plan to determine its suitability for inclusion in the land use and zoning plans of the township and adoption by the township board as part of this chapter. The final phase shall require detailed site plans for any part of the conceptual PUD development plan prior to the issuance of building permits.
- (5) *Material to be submitted.* The applicant for any PUD zoning classification shall submit the following technical and/or graphic materials together with the application for a PUD classification preliminary phase approval:
 - a. A complete amendment petition as required by this chapter shall be submitted, together with a PUD development plan showing all uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space (other than dwellings), total number and size of dwelling units, floor area per habitable space, and total open space.
 - b. The PUD development plan shall indicate the entire contiguous holdings of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed, which plan shall exhibit any unusual problems of

topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or the land development regulations.

- c. The applicant shall present material as to the development's objectives and purposes to be served, economic feasibility, conformity to plans and policies of the township, market needs, impact on public schools, utilities, and circulation facilities, impact on natural resources, impact on the general area and adjacent property, and estimated cost, and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.
- d. By special request of the township board, a work study model indicating the three-dimensional character of the proposal shall be presented if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by planning commission or township board to assist the township in visualizing and understanding the proposal shall be submitted.

(6) *Development plan review.*

- a. The planning commission shall hold a meeting at which the petitioner shall present the proposed PUD development plan, and the commission shall provide the petitioner with its comments within 30 days after holding such a meeting. No fees shall be charged for the preliminary meeting.
- b. The petitioner shall next submit to the clerk sufficient copies of the PUD development plan together with appropriate review fees. Copies of the plan as submitted shall be distributed promptly by the clerk to the appropriate governmental agencies for review to determine if the development concept can be accommodated by the existing public utility, street, and general governmental service facilities, or if any additions to or extensions of facilities are necessary for the project.
- c. The planning commission shall notify the petitioner of any questions raised by the governmental agencies during the review and shall submit like information to the planning commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of that part of the township in which it is located.
- d. The planning commission shall, after holding a public hearing on the PUD development plan and reviewing the reports, make its recommendation to the township board on the plan within 60 days of its date of filing unless such time is agreed to be extended by the petitioner in writing; provided that the planning commission may extend this time for periods not to exceed 30 days each if such extensions are necessary for adequate review.
- e. If the PUD development plan is rejected by the planning commission, its reasons therefor shall be specified in writing and approved by the planning commission.
- f. The planning commission's recommendations and all related reports shall be submitted to the township board for its consideration. The township board shall, after holding a public hearing on the PUD development plan and petition, take final action on the plan and petition within 90 days of the date it receives a report from the planning commission or such reasonable extension of time as may be necessary for adequate review.
- g. Any conditions of approval required by the township board shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The clerk shall keep a special record of all approved PUD development plans and approval conditions.

(7) *Effect of preliminary phase approval of development plan.* Approval of the PUD development plan by the township board shall rezone the property to a PUD zoning classification for uses as shown on the PUD development plan and shall confer upon the owner the right to proceed through the subsequent planning phase in accordance with regulations and ordinances in effect at the time of the township board's approval for a period not to exceed three years from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase site plans have not been submitted for approval before the termination of the three-year period, the subsequent site planning must conform to the regulations, ordinances and laws in effect at the time the site plan is submitted.

(8) *Final phase of site plan approval.*

- a. The petitioner shall submit to the clerk sufficient copies of the PUD site plan for all or any part of the development, in accordance with the uses and concepts as shown on the approved PUD development plan, together with appropriate review fees. The site plan for each stage shall include final detailed information required in [section 42-346](#).
- b. Copies of this PUD site plan as submitted shall be distributed promptly by the clerk to the appropriate governmental agencies for review and comment regarding the legal requirements of the township.
- c. By special request of the township board, a detailed scale model indicating the three-dimensional character of the proposal will be required if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by planning commission or township board to assist the township in visualizing and understanding the proposal shall be submitted.
- d. A detailed listing of existing and/or proposed exterior materials shall be provided and will become part of the PUD site plan.
- e. The planning commission shall notify the petitioner of any questions raised by the governmental agencies during the review and shall consider like information.
- f. The planning commission shall, after holding public hearings on the PUD site plan, make its recommendation to the township board within 60

days of its date of filing unless such time is agreed to be extended by the petitioner in writing; provided that the planning commission may extend such time for periods not to exceed 30 days each if such extensions are necessary for adequate review.

- g. If the PUD site plan is rejected by the planning commission, its reasons therefor shall be specified in writing and approved by the planning commission.
 - h. The planning commission's recommendations and all related reports shall be submitted to the township board for its consideration.
 - i. The township board shall, after holding public hearings on the PUD site plan, take final action within 30 days of the date of the recommendations by the planning commission unless such time is agreed to be extended by the petitioner in writing; provided that the township board may extend such time for periods not to exceed 30 days each if such extensions are necessary for adequate review.
 - j. If the site plan is rejected by the township board, its reasons shall be based upon the standards of review listed in this section, specified in writing, and approved by the township board.
 - k. Approval of the final PUD site plan shall entitle the petitioner to apply for building permits.
- (9) *Time for completion of development.* The proposed planned unit development district and all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started within three years of the establishment of the district and work must be continued in a reasonably diligent manner and completed within five years of the establishment of the district. The five-year period may be extended if applied for by the petitioner and granted by the board in writing following public notice and public hearings as defined in this chapter. Failure on the part of the petitioner to secure the written extension shall result in the stoppage of all construction.
- (10) *Deviations from approved site plan.*
- a. Minor changes to a previously approved PUD site plan may be approved without the necessity of planning commission or township board action thereon if the heads of the appropriate governmental agencies and zoning administrator certify in writing that the proposed revision constitutes a minor alteration and does not alter the basic design or any specific conditions of the plan as agreed upon by planning commission and township board. The zoning administrator shall record all such changes on the original PUD site plan and shall advise the planning commission and township board of all such minor revisions within 15 days of the administrative approval. Minor alterations or revisions under this subsection shall be limited to:
 - 1. Addition or relocation of fire escapes.
 - 2. Shifting of building heights and elevations, providing such shifting does not exceed ten percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
 - 3. Construction of additional or alteration of approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
 - 4. Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce the minimum landscape requirements.
 - 5. Relocation of refuse collection stations.
 - 6. Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further provided that such rearrangement does not inhibit good traffic flow or circulation.
 - 7. Any decrease in building size or changes in bedroom counts per dwelling unit provided such change is no more than ten percent of the total number of units.
 - 8. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
 - b. A PUD final phase site plan approval shall be assigned only after township board approval of the preliminary phase PUD development plan and rezoning of the property as required by this chapter. Any deviation from the approved PUD site plan, except as authorized in subsection (10)a of this section, shall be considered a violation of this chapter and is subject to the penalties stated in this chapter. Further, any such deviation shall result in notice of the owner that rezoning procedures will be initiated by the township board.
 - c. Major deviations from the approved PUD site plan shall be permitted upon completion of requirements of subsection (8) of this section and approval of the township board upon recommendation of the planning commission in accordance with this division.

(Ord. of 3-26-2001, § 4.7.c)

Secs. 42-305—42-315. - Reserved.

DIVISION 8. - CLUSTER HOUSING AND OPEN SPACE PRESERVATION

Sec. 42-316. - Purpose.

The purpose of this division is to allow for new concepts of single-family housing development so that variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding other provisions of this division relating to dimensional requirements, the planning commission, in reviewing and approving proposed site plans for residential developments designed per this section, may modify such provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the standards of this division. These provisions shall not be construed as granting variances to relieve hardship.

(Ord. of 12-18-2002, § I)

Sec. 42-317. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cluster housing means the grouping together of single-family residences on smaller lots than normally allowable in the township.

Cottage industry shall not be permitted in cluster housing.

Lot means a parcel of land on which a single-family residence is located.

Open space means that area of land in a cluster housing development which may not be developed.

Single-family residence means a residence limited to one family; not to exceed two stories, excluding subsurface basement.

Tract of land means total acreage to be devoted to the cluster housing development.

(Ord. of 12-18-2002, § XI)

Cross reference— Definitions generally, § 1-2.

Sec. 42-318. - Applicability.

This division shall apply to all proposals for cluster housing development to preserve open space.

(Ord. of 12-18-2002, § III)

Sec. 42-319. - Validity and separability; conflict with other ordinances.

- (a) *Validity and separability.* Should any section or provision of this division be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this division.
- (b) *Conflict with other laws.* Whenever the requirements of this division are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive shall apply.

(Ord. of 12-18-2002, § IX)

Sec. 42-320. - Enforcement.

The township may seek to enjoin any person from occupying or making any use of any structure erected or established in a manner contrary to the provisions of this division.

(Ord. of 12-18-2002, § X)

Sec. 42-321. - Authority and administration.

- (a) *Open space preservation.* In order to comply with section 16(h), as added to the Township Zoning Act as provided in Public Act No. 177 of 2001 (MCL 125.286h), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this division, land zoned for residential development may be developed, at the option of the landowner, as a conditional use in the applicable zoning district with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50 percent of the land, if all of the following apply:
 - (1) The land is zoned at a density equivalent to two or fewer dwelling units per acre; or, if the land is served by a public sewer system, three or fewer dwelling units per acre.
 - (2) Not less than 50 percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 - (3) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this division would also depend upon such an extension.
 - (4) The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

(b) *Applicability of other ordinances, laws and rules to development of land.* The development of land under this section is subject to all other applicable ordinances, laws, and rules, including, but not limited to:

- (1) The provision of this chapter that are not in conflict with and preempted by section 16(h) of the Township Zoning Act as added by Public Act No. 177 of 2001 (MCL 125.286h).
- (2) The Land Division Act (formerly the Subdivision Control Act, MCL 560.101 et seq.).
- (3) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- (4) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- (5) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space, or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

(Ord. of 12-18-2002, § II)

Sec. 42-322. - Approval of cluster housing plans.

The planning board may allow a site plan for a subdivision development on reduced lot sizes in return for open space where the board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The developer shall submit a site plan for a cluster development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this division, and if not serviced by a public sewer have an area suitable for subsurface wastewater disposal according to the most current applicable codes. If public sewer or public water is available, the services must be used by the developer.

(Ord. of 12-18-2002, § IV)

Sec. 42-323. - Basic requirements for cluster development and open space preservation.

The basic requirements for cluster development and open space preservation are as follows:

- (1) Cluster developments shall meet all requirements for a subdivision, any street ordinance, and all other applicable township ordinances, subject to planning commission site plan approval.
- (2) Each proposed structure shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of structures and the treatment of spaces, paths, roads and parking and in so doing shall take into consideration all requirements of this division.
- (3) The net residential acreage shall be calculated by taking the total area of the tract of land involved, and subtracting 15 percent of the area of the lot to account for roads and parking.
- (4) In order to determine the maximum number of lots permitted on a tract of land, the net residential acreage shall be divided by the applicable minimum lot size required in the township.
- (5) The total area of the undeveloped land within the development shall be at least equal to 50 percent of the area to be developed.
- (6) The distance between the structures shall not be less than 25 feet. No single building shall be higher than 35 feet.
- (7) There shall be a maximum of one direct vehicular access onto a public road per five lots, with the department of transportation's or road commissioner's approval of the access locations.
- (8) Riparian frontage shall not be reduced below the minimum normally required in the zone.
- (9) Where possible, structures shall be oriented with respect to scenic vistas, natural landscape features, the topography of the site, solar energy, and natural drainage areas, in accordance with an overall plan for the site development.
- (10) The applicant shall demonstrate the availability of water adequate for domestic purposes. The location of all wells shall be shown on the plan. Wells and septic systems shall be permitted only if township water and sewer are not available.
- (11) The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be restricted so as not to be built upon. The report of a licensed civil engineer attesting to this provision shall accompany the plan. All proposed wells and septic systems must meet all applicable codes.
- (12) Utilities shall be installed underground. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.

(Ord. of 12-18-2002, § V)

Sec. 42-324. - Dedication and maintenance of common open space and facilities.

Dedication and maintenance of common open space and facilities shall be as follows:

- (1) Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land. However, easements for public utilities may be permitted.
- (2) The common space shall be shown on the development plan and with the appropriate notation on the face thereof to indicate that the common space shall not be used for future development.
- (3) The developer shall establish and incorporate a neighborhood development association and specify the anticipated membership thereof prior to approval of the final plan. Covenants providing for mandatory membership in the association and setting forth the members' rights, interest and privilege in the association and in the common open space shall be approved by the planning board for inclusion in the deed for each unit ownership in the proposed development. A neighborhood development association shall have the responsibility for maintaining the local neighborhood recreational facilities, if any, within the open space at its expense. The developer shall maintain control of any such open space and shall be responsible for maintaining it until the neighborhood development association has attained 75 percent of its anticipated total membership.

(Ord. of 12-18-2002, § VI)

Sec. 42-325. - Recreational facility.

- (a) The common open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. It may be useable for low-intensity recreation, agriculture or other passive outdoor living purposes and for preserving the natural features of the site.
- (b) Such uses shall not include rights-of-way or parking areas or tennis courts, swimming pools or similar recreational development, which shall be shown or designed separately on the plan for site development.
- (c) The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

(Ord. of 12-18-2002, § VII)

Sec. 42-326. - Application; procedure.

- (a) *Application for conditional use permit.* Applications for conditional use permits shall be submitted in writing as provided by this division. The planning commission may require the submission of whatever information it deems necessary to determine compliance with the provisions of this division.
- (b) *Procedure for site plans.* Within 30 days of receipt of a written application, the planning board shall notify the applicant in writing either that the application is a complete application, or if the application is incomplete, the specific material needed to make a complete application. All permits shall either be approved or denied in writing within 30 days of receiving a completed application, including all requested information. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this division. Permits may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this division.

(Ord. of 12-18-2002, § VIII)

Secs. 42-327—42-340. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 42-341. - Purpose.

It is the purpose of this article to provide regulations and requirements for signs to be low profile and aesthetically appealing, that supplement the provisions contained under the respective district regulations in article III of this chapter, which may or may not apply in all zoning districts.

(Ord. of 3-26-2001, § 5.1)

Sec. 42-342. - Sign regulations.

- (a) *General regulations.*
 - (1) No sign shall be erected at any location where, by 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 confused with any authorized traffic sign, signal, or device.
 - (2) 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.
 - (3) In the agricultural district and neighborhood business district, signs may be illuminated only by nonflashing light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets.
 - (4) In the community business, general business and highway business districts, and the light industrial and heavy 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.

- (5) All signs shall be placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth.
- (6) In all business and industrial districts, a sign designed as a portable or mobile which is in compliance with this section may be used on each street frontage. A valid permit will be required for each sign in each location. Permits shall be issued for a maximum of 30 days. No more than three permits shall be issued in any 12-month period.
- (7) Each sign will further comply with the following:
 - a. Signs shall be marked with the manufacturer's name.
 - b. Signs shall be listed with a recognized testing laboratory in accordance with the National Electrical Code.
 - c. Sign troughs, tube terminal boxes, and other metal frames shall be grounded.
 - d. Signs shall be plugged into an approved exterior outlet.
 - e. Electrical conductors of an appropriate rating and listed for such outdoor use and approved by a testing laboratory shall be used, and shall not be run on vehicle driveways or walkways.
 - f. The complete sign unit shall be firmly anchored to the ground or to a structure.

(b) *Permitted on-site signs in agricultural district.* The following on-site signs are permitted on any one lot in the agricultural district:

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

(c) *Permitted on-site signs in residential districts.* The following on-site signs are permitted on any one lot in residential districts. The maximum height of these signs shall not exceed eight feet.

- (1) One on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six square feet in area.
- (2) One on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three square feet in area. The sign shall be attached flat against the front wall of the building.
- (3) One on-site sign advertising a recorded subdivision or development, not to exceed 32 square feet in area. Such sign shall be removed within one year after the sale of 75 percent of all lots or units within the subdivision or development.
- (4) One on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, not to exceed 18 square feet in area.
- (5) One on-site sign identifying a school, church, public building, or other authorized use, not to exceed 18 square feet in area.

(d) *Permitted on-site signs in neighborhood business district.* The following on-site signs are permitted on any one lot in the neighborhood business district. The maximum height of these signs is not to exceed 12 feet.

- (1) One on-site freestanding identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter 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.
- (2) One on-site freestanding identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed 32 square feet in area, or be closer to the front, side, or rear property line than one-half the distance of the required setback.
- (3) One on-site freestanding identification sign may be erected for each separate enterprise situated on an individual lot not within a shopping center. Such sign shall not exceed 18 square feet in area, or be closer to the front, side, or rear property line than one-half the distance of the required setback.

(e) *Permitted on-site signs in community business, general business and highway business districts and all industrial districts.*

- (1) The following on-site signs are permitted on any one lot in the community business, general business, and highway business districts, and all industrial districts. The maximum height of these signs shall not exceed the following:

Community business district	20'0"
General business district	20'0"
Highway business district	20'0"
Industrial districts	12'0"
Interstate highway (I-94 and U.S. 127 only)	50'0"

- (2) One on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than 48 inches. The total sign area shall not exceed one-half square foot for each foot in length or height of the wall.
- (3) One on-site freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of the sign shall be based on one square foot for each front foot of the building, or buildings, for which it is established; however, it shall not exceed 200 square feet in area. The sign shall not be closer to the front, side, or rear property line than one-half the distance of the required building setback.
- (4) One on-site freestanding 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 80 square feet in area, and shall not be closer to the front, side, or rear property line than one-half the distance of the required building setback.
- (f) *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 highway business district, all industrial districts, and the agricultural district under the following conditions:
 - (1) Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the district in which they are situated.
 - (2) Where two or more off-site signs are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double-face (back to back) or a V-type structure shall be considered a single sign.
 - (3) The total surface area facing in the same direction of any off-site sign shall not exceed 300 square feet.
 - (4) No off-site sign shall be erected on the roof of any building, nor shall one sign be located above another sign.
 - (5) 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.
- (g) *Signs for automobile service stations.* Notwithstanding other provisions of this chapter, one permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians shall not be obstructed in any way to a height of 16 feet other than necessary supports, and not exceeding 25 square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.
- (h) *Elimination of nonconforming signs.* The provisions of section 42-347 shall apply to all nonconforming signs.

(Ord. of 3-26-2001, § 5.2)

Sec. 42-343. - 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 specified in this section. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter. Access routes shall be limited and defined. Off-street parking requirements are as follows:

- (1) *Plans.* Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the zoning inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.
- (2) *Location of parking area.* Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that the distance shall not exceed 150 feet for any dwelling unit. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.
- (3) *Parking in residential districts.* Parking in residential districts shall be limited to passenger vehicles, pickup trucks, vans and not more than one commercial vehicle of the light delivery type, provided no such vehicles shall exceed a one-ton rating. The parking of any other type of commercial vehicle is prohibited in a residential zone. However, recreation vehicles are exempt from this provision.
- (4) *Parking area design.*
 - a. *Dimensions of parking spaces.* Each off-street parking space for automobiles shall be not less than nine feet in width and 18 feet in depth for all angular, perpendicular, or parallel type parking, exclusive of access drives or aisles, and shall be of usable shape and condition.
 - b. *Access drives.* There shall be provided a minimum access drive of 12 feet in width for one-way traffic and 20 feet for two-way traffic, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
 - c. *Width of aisles.* Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be as follows:
 - 1. For 90-degree or perpendicular parking, the aisle shall not be less than 22 feet in width.
 - 2. For 60-degree parking, the aisle shall not be less than 18 feet.
 - 3. For 45-degree parking, the aisle shall not be less than 13 feet in width for one-way traffic and 18 feet in width for two-way traffic.
 - 4. For parallel parking, the aisle shall not be less than ten feet in width.

- d. *Pedestrian walkways.* There shall be provided sufficient pedestrian walkways to ensure pedestrian safety from parking spaces to use structures.
- e. *Setback from property lines.* All off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- f. *Surfacing and drainage.* All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- g. *Lighting.* 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 or institutional premises, or public roadways.
- h. *Screening.* Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- i. *Backing vehicles onto public road.* All off-street parking areas that make it necessary for vehicles to back out directly into public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.
- (5) *Collective parking.* Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.
- (6) *Units of measurement for determination of 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, such unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
- 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 shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- c. *Fractions.* When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (7) *Schedule of required 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	Parking Space Requirements
Automobiles or machinery sales and service garages	1 space for each 200 square feet of showroom floor area plus 2 spaces for each service bay plus 1 space for each 2 employees.
Bank, business, and professional offices	1 space for each 200 square feet of gross floor area.
Barbershops and beauty parlors	1 space for each chair plus 1 space for each employee.
Bowling alleys	7 spaces for each alley.
Churches, auditoriums, stadiums, sports arenas, theaters, dancehalls, and assembly halls other than schools	1 space for each four seats.
Distribution centers	5 parking spaces, plus 1 space for every 1 employee in the largest work shift or 1 for every 1,700 square feet of usable floorspace, whichever is greater.
Drive-in establishments	1 space for each 15 square feet of building space.
Dwelling units	2 spaces for each family or dwelling unit; except for housing constructed for the elderly, in such case $\frac{3}{4}$ space per unit shall be provided.
Funeral homes and mortuaries	4 spaces for each parlor or 1 space for each 50 square feet of floor area plus 1 space for each fleet vehicle, whichever is greater.

Furniture and appliance stores, household equipment and furniture repair shops	1 space for each 400 square feet of floor area.
Hospitals	1 space for each bed, excluding bassinets, plus 1 space for each 2 employees.
Hotels, motels, lodginghouses, and boarding homes	1 space for each living unit plus 1 space for each 2 employees.
Automobile service stations	1 space for each 400 square feet of floor area plus 1 space for each 2 employees.
Manufacturing, fabricating, processing and bottling plants, and research and testing laboratories	1 space for each 2 employees on the maximum shift. In addition, designated unimproved spaces must be provided on-site to enable continued compliance with the preceding sentence.
Medical and dental clinics	1 space for each 200 square feet of floor area plus 1 space for each employee.
Restaurants, beer parlors, taverns, and nightclubs	1 space for each 2 patrons of maximum seating capacity plus 1 space for each 2 employees.
Self-service laundry or dry cleaning stores	1 space for each 2 washing and/or dry cleaning machines.
Elementary and junior high schools	1 space for each employee normally engaged in or about the building or grounds plus 1 space for each 30 students enrolled.
Senior high schools and institutions of higher learning, private or public	1 space for each employee in or about the building or grounds plus 1 space for each 4 students.
Supermarkets and self-service food and discount stores	1 space for each 200 square feet of floor area plus 1 space for each 2 employees.
Wholesale establishments and warehouses	1 space for each 400 square feet of floor area plus 1 space for each 2 employees.
	5, plus 1 for every 1 employee in the largest working shift, or 1 for every 1,700 square feet of usable floorspace, whichever is greater. In addition, designated unimproved space must be provided on the site to enable compliance with the preceding sentence.

(8) *Exception for certain contiguous uses.* The parking requirements for all uses proposed on a lot shall be cumulative, unless the zoning administrator 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 nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the zoning administrator to a minimum of the greatest number of spaces required for any of such contiguous land uses.

(Ord. of 3-26-2001, § 5.3)

Cross reference— Traffic and vehicles, ch. 36.

Sec. 42-344. - Off-street loading and unloading requirements.

In connection with every building, structure, or use hereafter erected, except single-family and two-family dwelling unit structures, which customarily receives or distributes material or merchandise by vehicle, there shall be provided, on the same lot with such buildings, off-street loading and unloading space as follows:

- (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 zoning inspector for review at the time of application for a zoning compliance permit.
- (2) *Loading area design.*
 - a. Each off-street loading and unloading space shall not be less than ten feet in width and 55 feet in length measured from the lot line with not less than 15 feet in height clearance.
 - b. Any loading-unloading space shall not be closer than 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 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.
- (3) *Required number of spaces.*
 - a. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
 - b. All retail sales facilities having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floorspace, or fraction thereof, one additional loading-unloading space.
 - c. All industrial and wholesale commercial land uses shall provide one loading space for each 10,000 square feet of floorspace, with a minimum of not less than two loading spaces.

(Ord. of 3-26-2001, § 5.4)

Cross reference— Traffic and vehicles, ch. 36.

Sec. 42-345. - Conditional uses.

The formulation and enactment of this chapter is based upon the division of the township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but which 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 township. Such uses, on account of their peculiar location 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.

- (1) *Authority to grant permits.* The planning commission, as provided in this section, shall have the authority to recommend to the 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 chapter.
- (2) *Filing of application; fee.* Application for any conditional use permit permissible under the provisions of this chapter shall be made to the planning commission through the 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 township board. No part of such fee shall be returnable to the applicant.
- (3) *Data, exhibits and information required in application.* An application for a conditional use permit shall contain the applicant's name and address in full; a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; an accurate survey drawing of the property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this section.
- (4) *Public hearings.*
 - a. The planning commission shall hold a public hearing upon any application for a conditional use permit, notice of which shall be given by one publication in a newspaper of general circulation in the township, within 15 days but not less than three days next proceeding the date of the hearing.
 - b. Notice of the public hearing shall be sent at least ten days prior to the hearing to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to occupants of all single-family and two-family dwellings within 300 feet.
- (5) *Required standards and findings for making determination.* 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 to determine if 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 purposes of this chapter.
 - b. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 - c. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, and refuse disposal, or that the persons 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 cost for public facilities and services.
- (6) *Determination and imposition of conditions.* If the facts presented in the case do not reasonably establish that the findings and standards set forth in this section will apply to the proposed use, the planning commission shall not recommend to the township board that the township board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the township board, the planning commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefor, to protect the best interest of the township and the surrounding property owners and occupants to achieve the objectives of this section.
- (7) *Approval.* Upon holding a public hearing and the finding that the requirements of subsections (2) through (6) of this section have been satisfactorily met by the applicant, the planning commission shall within 30 days recommend approval or disapproval to the township board. When the board gives final approval, a conditional use permit shall be issued to the applicant. The township board shall within 45 days grant or refuse such permit, and if granted shall forward copies of the permit to the applicant, clerk, zoning inspector, and planning commission. The zoning inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the township board and determined that the stipulated conditions have been met.
- (8) *Termination of permit; performance bond.*
- a. Any conditional use permit granted under this section shall become null and void and fees forfeited unless construction and/or use is commenced within a period of not more than 210 days and completed within a period of not more than 575 days of the date of issuance. The period for initiating and completion of the conditional use shall be determined at the time the conditional use permit is granted. No use provided for under the conditional use permit granted shall be initiated until all the terms and conditions of the conditional use permit are met.
 - b. A violation of a requirement, condition, or safeguard shall be considered a violation of this chapter and grounds for the township board to terminate and cancel the conditional use permit.
 - c. A performance bond may be required by the township board as specified in section 42-4.
- (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 size and development requirements as specified in this subsection. The zoning board of appeals 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 entranceway from a public road to the lot for each 500 feet of front lot line.
 2. Removal, processing, transportation, and activities relating to storage, such as stockpiling, shall not take place before sunrise or after sunset.
 3. On the lot, no digging or excavating shall take place closer than 100 feet to any lot line, or such greater distance as may be required by prevailing conditions.
 4. On the lot, all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit nuisances to adjoining lots and public roads caused by windborne dust.
 5. Any odors, smoke, fumes, or dust generated on the lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by wind shall be confined within the lines of the 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 by any material of any surface or subsurface watercourse or water 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 the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. If such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to ensure that no erosion or alteration of drainage patterns, as specified in this subsection, shall take place after the date of the cessation of operation.
 8. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district; but if the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue thenceforth but in no case less than 100 feet from any lot line.
 9. There shall be erected a fence not less than six feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than 50 feet to the top edge of any slope.
 10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
 11. The operator shall file with the planning commission and the zoning inspector a detailed plan for the restoration of the development area, which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses, and/or other improvements contemplated. The plans shall be subject to review and modification from time to time by the planning commission. The anticipated cost of carrying out the plans of restoration shall be included with the plans.

12. The operator shall file with the township a performance bond, payable to the township and conditioned on the faithful performance of all required in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the township. The bond shall be released upon written certification of the zoning 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 years, and the permit shall be renewable only upon reapplication, a redetermination by the planning commission and a filing of a performance bond, such redetermination to be made in accordance with the requirements of this section for the issuance of a conditional use permit.
- b. *Junkyards.* In addition to and as an integral part of development, the following provisions shall apply:
1. It is recognized by this chapter that the location of such materials in an open area included in the definition of the term "junkyard" in this chapter will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced approved fence or wall at least seven feet in height, and not less than the height of the materials on the lot on which a junkyard shall be operated, shall be erected and maintained in good repair on the lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and accessways through the fence or wall shall be of solid, unpierced material. In no event shall any materials included in the definition of the term "junkyard" in this chapter be located on the lot on which a junkyard shall be operated in the area between the lines of the lot and the solid, unpierced fence or wall located on the lot.
 2. All traffic ingress or egress shall be on major streets, and there shall be not more than one entranceway to the lot on which a junkyard shall be operated from each public road on which the lot abuts.
 3. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junkyard shall be paved, oiled, watered, or chemically treated so as to limit nuisances to adjoining lots and public roads caused by windborne dust.
- c. *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 feet in height. Fences shall be of sound construction, and painted or otherwise finished neatly and inconspicuously.
 2. All fenced-in areas shall be set back at least 100 feet from any front street or front 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 or exit of motor vehicles shall be located no closer than 200 feet to the intersection of any two streets or highways.
- d. *Mobile home parks.* In addition to and as an integral part of development, the following provisions shall apply: All mobile home parks shall comply with the general rules of the state mobile home commission as established in compliance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- e. *Off-site sludge storage facilities and lagoon or water reservoirs.* In addition to and as an integral part of development, the following provisions shall apply:
1. All sludge storage facilities shall comply with the general rules and regulations of the state department of natural resources for obtaining a use permit.
 2. All sludge storage facilities, lagoons and/or water reservoirs shall be enclosed by a screen fence at least seven feet in height. The fence shall be of sound construction and neatly finished.
 3. All traffic ingress and egress shall be on major streets, and there shall be not more than one entranceway to the lot on which the facility shall be operated from each public road on which the lot abuts.
- f. *Telecommunications towers.* In addition to and as an integral part of development, the following provisions shall apply:
1. *Setbacks.* In order to contain falling ice or debris from tower failure on-site, the base of a freestanding (monopole) or guy-wired (lattice) tower shall be set back from abutting residential districts, streets or public property as follows:
 - i. The minimum setback of towers shall be 20 percent of the tower height of freestanding (monopole) towers or the distance between the tower base and guy wire anchors of guy-wired (lattice) towers.
 - ii. Guy wire anchors shall be set back 75 feet from all property lines.
 2. *Fencing.* The tower base shall be enclosed by a security fence, consisting of a six-foot-tall chainlink fence topped with three strands of barbed wire or an eight-foot-tall chainlink fence.
 3. *Screening.* A six-foot-tall landscaped screen is required to screen the tower base from adjacent residential districts, streets and public property.
 4. *Lights.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.
 5. *Signs.* The use of any portion of a tower for signs other than warning or equipment information is prohibited.
 6. *Application for building permit.* Application must be made for a building permit, and the following information must be submitted:
 - i. Site plan of the proposed tower location showing all existing and proposed features of the site.
 - ii. Elevation of the proposed tower height above grade, and any other improvements.
 - iii. Documentation of the purpose of the tower, the number and type of users to be served at this site, Federal Aviation Administration

approval and an engineer's certification of structural and electrical safety.

(Ord. of 3-26-2001, § 5.5)

State Law reference— Special land uses, MCL 125.286b.

Sec. 42-346. - Site plan review and approval.

- (a) *Purpose.* It is recognized by this chapter 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; and further that there are benefits to the public in conserving natural resources. Toward this end, this chapter 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 adjacent land usage.
- (b) *Buildings, structures, and uses requiring detailed site plan.* The zoning inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this subsection unless a detailed site plan has been reviewed and approved by the planning commission and such approval is in effect.
 - (1) A multiple-family building containing six or more dwelling units.
 - (2) More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
 - (3) A mobile home park.
 - (4) Planned unit development.
 - (5) A commercial land use.
 - (6) An industrial land use.
- (c) *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 township board. As an integral part of the application, the applicant shall file at least four copies of a site plan. Such application shall be dated and initialed by the township clerk or the clerk's deputy.
- (d) *Procedure for site plan review.* Upon receipt of such application from the clerk, the planning commission shall undertake a study of the application and shall, within 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 chapter.
- (e) *Required data for detailed site plan.* Every site plan submitted to the planning commission shall be in accordance with the following requirements:
 - (1) The site plan shall be of a scale not to be greater than one inch equals 20 feet or less than one inch equals 200 feet, and of such accuracy that the planning commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
 - (2) The property shall be identified by lot lines and location, including dimensions, angles and size, correlated with the legal description of the 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 arrow, boundary dimensions, topography (not more than two-foot contour intervals), and natural features such as wood lots, streams, rivers, lakes, drains, and similar features.
 - (4) The site plan shall show existing manmade features such as buildings, structures, high tension towers, and pipelines, 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, and size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floorspace. 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 type.
 - (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.
 - (8) A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
- (f) *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 chapter. Further, in consideration of each site plan, the planning commission shall find that provisions of subsections (d) and (e) of this section, as well as the provisions of the zoning district in which the buildings, structures and uses are located as indicated in the proposed site plan, have been satisfactorily demonstrated and met by the applicant.
- (g) *Planning commission approval of site plan.* Upon the planning commission recommended approval of a site plan, the applicant shall file with the planning commission four copies thereof. The clerk shall within ten days transmit to the zoning inspector one copy with the clerk's certificate affixed thereto, certifying that the approved site plan conforms to the provisions of this chapter as determined. If the site plan is disapproved by the planning

commission, notification of such disapproval shall be given to the applicant within ten days after such commission action. The zoning inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

- (h) *Expiration of site plan certificate.* The site plan certificate shall expire, and be of no effect, 365 days after the date of issuance thereof, unless within such time the zoning inspector has issued a zoning compliance permit for any proposed work authorized under a the site plan certificate.
- (i) *Amendment or revision of site plan.* A site plan, and the 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 this section. Any fees paid in connection with such application may be waived or refunded at the discretion of the planning commission.
- (j) *Sketch plan review.* The township shall require that those conditional uses not required to submit a formal site plan shall provide a basic sketch plan for purposes of review prior to approval.
 - (1) *Buildings, structures and uses requiring sketch plan review.* The following buildings, structures or uses shall be required to submit a sketch plan as part of the approval process for obtaining a conditional use permit:
 - a. Single-family dwellings (open space and high density residential/office districts).
 - b. Essential services.
 - c. Public or nonprofit structures or uses, including parks, golf courses, community centers or other uses not defined by this chapter as a commercial land use.
 - (2) *Procedure.*
 - a. *Contents of sketch plan.* In order to allow the township planning commission and the developer to reach an understanding of basic design requirements prior to detailed design investment, the developer shall submit a sketch plan of his proposal to the township planning commission. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
 1. The boundaries of the property.
 2. The location of the various uses and their areas in acres.
 3. The location and height of all buildings and parking facilities.
 4. The interior roadway system and all existing rights-of-way and easements, whether public or private.
 5. Delineation of the various residential areas, indicating for each such area its size and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high rise), plus a calculation of the residential density in dwelling units per net acre (total area excluding interior roadways) for each such area.
 6. The interior open space system.
 7. The overall drainage system.
 8. If grades exceed three percent, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two feet of elevation, along with an overlay outlining the susceptible soil.
 9. Principal ties to the neighborhood and community with respect to transportation, water supply, and sewage disposal.
 10. A general description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 11. A location map showing uses and ownership of abutting lands.
 - b. *Additional required information.* In addition, the following documentation shall accompany the sketch plan:
 1. Evidence that the proposal is compatible with the objectives of the land use plan.
 2. A general statement as to how common open space is to be owned and maintained.
 3. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan required by this section shall show the intended total project.
 - c. *Review and approval.* The township planning commission shall review the sketch plan and its related documents, and shall render either a favorable or unfavorable recommendation to the applicant.
 1. A favorable recommendation shall include a report to the applicant that he may proceed with initiation of the rezoning request. It shall be included as part of the recommendation.
 2. An unfavorable recommendation shall state clearly the reasons therefor and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten days after receiving an unfavorable recommendation, the applicant may, if he wishes, initiate a rezoning request, which would be accompanied by an unfavorable recommendation from the township planning commission.

(Ord. of 3-26-2001, § 5.6)

State Law reference— Site plans, MCL 125.286e.

Sec. 42-347. - Nonconformities.

- (a) *Generally.* Where, within the districts established by the chapter, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before the date of adoption of the ordinance from which this chapter is derived or the date of adoption of an amendment to this chapter, and which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment, it is the intent of this chapter, notwithstanding other provisions of this section, to permit these nonconformities to continue until they are discontinued, damaged, or removed, but not to encourage their survival. These nonconformities are declared by this chapter to be incompatible with the lots, structures, and uses permitted by this chapter in certain districts. It is further the intent of this chapter that such nonconformities shall not be enlarged, expanded, or extended except as provided in this section, or be used as grounds for adding other lots, structures, or uses prohibited elsewhere in the same district.
- (b) *Nonconforming uses of land.* Where, on the date of adoption of the ordinance from which this chapter is derived or the date of adoption of an amendment to this chapter, a lawful use of land exists that is no longer permissible under the provisions of this chapter, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, expansion or extension of use.* 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 the ordinance from which this chapter is derived or the date of adoption of an amendment to this chapter, and no accessory use or structure shall be established therewith.
 - (2) *Moving of use.* 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 the ordinance from which this chapter is derived or the effective date of an amendment to this chapter.
 - (3) *Discontinuance of use.* If such nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such land shall conform to the district in which such land is located. Extensions may be granted by the planning commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.
- (c) *Nonconforming structures.* Where, on the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter, a lawful structure exists that could not be built under the regulations of this chapter 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:
- (1) *Enlargement, expansion, extension or alteration.* No such structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.
 - (2) *Reconstruction.* Should any such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - (3) *Moving of structures.* Should any such structure 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.
- (d) *Nonconforming uses of structures.* Where, on the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter, a lawful use of structure exists that is no longer permissible under the regulations of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, expansion, extension or alteration.* 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.
 - (2) *Exemption for extension or enlargement of dwelling.* There shall be a specific exemption from subsection (d)(1) of this section to permit extending or enlarging, but not to include rebuilding or replacing, a nonconforming use when such use is occupied as a single-family dwelling. In this case, the owner of the dwelling shall make application to the planning commission requesting an exemption under this section. If the planning commission, after a hearing upon such application, shall determine that for reasons of the orderly development of land the request is reasonable and proper, the commission shall make its recommendation to the township board. Prior to recommending any such request under this section, the planning commission specifically shall make the following findings of fact and apply the following standards:
 - a. The structure was originally constructed as a dwelling.
 - b. The structure is, and has been, within the recent past, occupied as a single-family or two-family dwelling.
 - c. The proposed expansion will not have an adverse effect upon the uses in the general vicinity.
 - d. There are no current identifiable trends toward the establishment of land uses in conformity with this chapter in the general vicinity.
 - e. Upon completion of the expansion, the single-family dwelling will remain a single-family dwelling.
 - f. The expanded structure will not be likely to significantly depress the value of nearby properties or reduce the likelihood of the development of properties in the area in a manner consistent with the permitted uses in the district in which they are located.
 - (3) *Discontinuance or abandonment of use.* When a nonconforming use of a structure is discontinued or abandoned for more than 180 consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Extensions may be granted by the planning commission if it has been demonstrated that extenuating conditions have occurred which have been beyond the control of the parties involved.
 - (4) *Ordinary repairs.* On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten 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 effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of the part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

- (5) *Moving of structure.* Should any structure containing a nonconforming use be moved, for any reason, any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- (6) *Reconstruction.* Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than 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.
- (7) *Exemption for reconstruction of dwelling.* There shall be a specific exemption from subsection (d)(6) of this section to permit rebuilding or replacing, but not to include extending, a nonconforming use when such use is occupied as a one- or two-family dwelling and has been destroyed by other than overt action of the owner. In this case, the owner of the dwelling shall make application to the board of appeals within 12 months of date of destruction requesting an exemption under this section. If the board of appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety or the well-being of the occupants the request is reasonable and proper, then the board of appeals may authorize the owner to rebuild or replace the dwelling. Prior to granting any such request under this subsection, the board of appeals specifically shall make the following findings of fact and apply the following standards:
- a. The structure was originally constructed as a dwelling.
 - b. The structure currently or immediately proceeding damage was occupied as a dwelling.
 - c. The proposed rebuilding or replacement will materially and substantially benefit the use as a dwelling and/or make the use more in conformity with the provisions of this chapter and any building code.
 - d. The proposed rebuilding or replacement will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this chapter.

Proceedings under this subsection shall follow the same procedure and be subject to the same application fee as set forth for applications to the board of appeals on an appeal.

- (e) *Change of tenancy or ownership.* There may be a 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.
- (f) *Substandard nonconforming lots of record.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of the ordinance from which this chapter is derived. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of such parcel or lot shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall there be any division of the parcel or lot with width or area below the requirements stated in this chapter.

(Ord. of 3-26-2001, § 5.7)

State Law reference— Nonconforming uses, MCL 125.286.

Sec. 42-348. - Performance standards.

- (a) *Requirements.* Any use of a lot, building, or structure in any district shall be such that it is not obnoxious, dangerous, or injurious by reason of heat, glare, fumes, odors, dust, erosion, sound or vibrations at standards currently used by the state department of environmental quality beyond any boundary line of the lot or parcel of land on which the use is located.
- (b) *Plans.* The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a building plan and equipment layout with a description of the machinery, process, and projects, and specifications for the mechanisms and techniques to be used in meeting the performance standards.
- (c) *Enforcement.* The zoning inspector may refer the application to one 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 township.

(Ord. of 3-26-2001, § 5.8)

State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 42-349. - Storage of materials and equipment.

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

- (1) On any lot in any residential district or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building. In any agricultural district, such restrictions only apply when within 500 feet of a property line or public roadway.
- (2) On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, 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 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 such districts. No storage shall be permitted within a front yard.
- (3) Nothing in this chapter shall permit the storage or parking of any nonpermanent structure within the front yard of any lot within a residential district.
- (4) On any lot in an office, commercial, or industrial district, any display of merchandise shall be located no closer to the street right-of-way line than one-half the minimum authorized front or side yard depth.
- (5) No semitrailer shall be stored or parked for more than 14 days on any lot or parcel, nor shall any such unit have removed from its undercarriage the axles and the unit then used for storage, garage, office or any other purpose in any such district, except in those used in connection with construction projects as determined by the zoning administrator.

(Ord. of 3-26-2001, § 5.9; Ord. of 5-20-2002)

Sec. 42-350. - Mobile homes and travel trailers.

- (a) *Temporary occupancy of mobile home as residence.* The township board, upon recommendation of the planning commission, shall have authority to grant a permit for the temporary occupancy of a mobile home on any lot in a residential or agricultural district subject to the following conditions:
 - (1) *Conditions for occupancy.* During the period of new construction or reconstruction of a permanent dwelling, but not to exceed a period of 12 consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
 - (2) *Setback.* Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
 - (3) *Required facilities.* The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 - (4) *Sewage disposal.* The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewer system available at such premises and, in case such system is not there available, properly connected to the existing septic tank sewage disposal system which is approved by the county health department for the permanent dwelling to be constructed thereat.
 - (5) *Bond or deposit.* Any person requesting such temporary use of a mobile home shall furnish to the township a performance bond or cash deposit in the amount as adopted by resolution of the township board from time to time guaranteeing the removal of such mobile home prior to or upon expiration of the 12-month permit.
- (b) *Mobile trailer offices.* Mobile trailer offices may be permitted in any nonresidential district on a temporary basis with extensions as necessary as granted by the board of appeals.
- (c) *Occupancy of travel trailers.* No travel trailer or motor home shall be used as a permanent residence. Travel trailers and motor homes shall be used only in duly licensed travel trailer parks. A travel trailer or mobile home may be permitted to be occupied as a temporary dwelling for a period not to exceed one week provided such travel trailer or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer or mobile home occupants and certified by the zoning inspector.

(Ord. of 3-26-2001, § 5.10)

State Law reference— Mobile home commission act, MCL 125.2301 et seq.

Sec. 42-351. - Visibility at intersections.

No sign shall be allowed to interfere with visibility from a driveway or roadway. The zoning administrator shall cause all such obstructions to be removed in the interest of public safety.

(Ord. of 3-26-2001, § 5.11)

Sec. 42-352. - Access to public streets.

- (a) In any residential, commercial, and industrial district, every use, dwelling, building, or structure established after the effective date of the ordinance from which this section is derived shall be on a lot, unit, or parcel which adjoins a public road, unless such unit is created under a condominium project which provides for the condominium association's perpetual operation, maintenance, repair and replacement of the road, and the road is specifically approved

pursuant to site plan review, conducted under the definition of site plan review in section 42-5, section 42-346, and subsection (c) of this section.

- (b) In any rural nonfarm agricultural district, every dwelling established after the effective date of the ordinance from which this section is derived shall be on a lot, unit or parcel which adjoins a public street or private easement of access to a public road, subject to site plan review conducted under the definition of site plan review in section 42-5, section 42-346, and subsection (c) of this section.
- (c) A private road which serves more than one dwelling lot, unit or parcel or more than one commercial or industrial activity shall be constructed to the standards of the county road commission plat policy, unless such unit is created under a condominium project which provides for the condominium association's perpetual operation, maintenance, repair and replacement of the road, and the street is specifically approved pursuant to site plan review, conducted under the definition of site plan review in section 42-5 and section 42-346. A bituminous surface and road bed, constructed to meet or exceed county road commission specifications, shall be required prior to the issuance of a building permit for the fifth residential dwelling and for the second commercial or industrial building, structure or activity.

(Ord. of 3-26-2001, § 5.12)

Sec. 42-353. - Floodplains.

- (a) Notwithstanding any other provisions of this chapter, land subject to periodic flooding shall only be used for agricultural and recreational uses. No structures shall be located within the area subject to flooding.
- (b) The location and boundaries of land subject to periodic flooding shall be determined by reference to a 100-year floodplain, as referenced by the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

(Ord. of 3-26-2001, § 5.13)

State Law reference— Soil conservation district law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; plat requirements for subdivision within or abutting floodplain, MCL 560.138; conditions for approval of subdivision within floodplain, MCL 560.194.

Sec. 42-354. - Preservation of lake shores and river and stream banks.

- (a) No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream except as provided for inland lakes and streams in part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).
- (b) If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, that person shall submit to the planning commission a site plan as required in section 42-346. This does not relieve the applicant from complying with requirements of other regulatory agencies.
- (c) No structure shall be placed within 50 feet of a lake, river, or stream.

(Ord. of 3-26-2001, § 5.14)

Sec. 42-355. - Home occupations.

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:

- (1) The home occupation shall be operated in its entirety within the single unit dwelling and only by the persons maintaining a dwelling therein.
- (2) The home occupation shall not have a separate entrance from outside the building (beauty shops excepted).
- (3) The home occupation shall not display or create outside the building any external evidence of the operation, except that one unanimated, nonilluminated nameplate, having an area of not more than 100 square inches, shall be permitted.
- (4) The home occupation shall not utilize more than 20 percent of the gross floor area, but not to exceed 300 square feet, in the dwelling unit.
- (5) The home occupation shall not have more than one employee. The employee shall not have to reside within the premises wherein the home occupation is permitted.
- (6) The home occupation shall be limited to the use of electric motors for power, with a total limitation of three horsepower.

(Ord. of 3-26-2001, § 5.15)

State Law reference— Residence used to give instruction in craft or fine art is home occupation in single-family residence, MCL 125.271a.

Sec. 42-356. - State licensed residential facilities.

Notwithstanding any other section in this chapter, a state licensed residential facility shall be considered a residential use of property and a permitted use in all residential zones, including those zoned for single-family dwellings, when required by section 16a of Public Act No. 184 of 1943 (MCL 125.286a).

Sec. 42-357. - Day care homes.

- (a) *Family day care homes*. Notwithstanding any other section in this chapter, a family day care home shall be considered a residential use in all residential zones, including those zoned for single-family dwellings, when required by section 16g of Public Act No. 184 of 1943 (MCL 125.286g).

- (b) *Group day care homes.* Notwithstanding any other section in this chapter, a group day care home shall be issued a conditional use permit if it meets the standards of section 16g of Public Act No. 184 of 1943 (MCL 125.286g).

Sec. 42-358. - Fences.

- (a) Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six feet high and adequate to obstruct the view and passage of persons or materials.
- (b) Any district in or bordering a R-1, R-4, and RM district:
- (1) *Fences in side or rear yard.* Fences constructed within a side or rear yard shall not be higher than six feet as measured from the surface of the ground.
 - (2) *Fences, walls and hedges in front yard; lakefront property.* No fence, wall or hedge shall rise over 36 inches in height on any required front yard, except that an open weave fence may be 48 inches high. No fence, wall or hedge shall be allowed to interfere with visibility from a driveway or roadway. The zoning administrator shall cause all such obstructions to be removed in the interest of public safety. Lakefront property shall have fences no taller than three feet in height along property lines.
 - (3) *Prohibited types of fences.* No fences shall contain electric current, an electric charge or barbs.
 - (4) *Electrical substations and gas regulator stations.* Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six feet high and adequate to obstruct the view and passage of persons or materials.
 - (5) *Building permit.* A building permit shall be required for the construction of a fence. A permit shall not be needed for repair of existing fences or construction of an ornamental fence.
- (c) In AG districts only, electric or barbed fences shall be permitted, except where an AG district abuts a B or R district.

(Ord. of 3-26-2001, § 5.16)

Sec. 42-359. - Temporary uses.

Circuses, carnivals or other transient enterprises may be permitted in any district upon issuance of a permit by the township board. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions. Such permit shall be valid for a period of not more than three days. The permit may be renewed at the zoning inspector's option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. The minimum distance from any operation relevant to the conditional use (other than parking) to any residence shall be 100 feet.

(Ord. of 3-26-2001, § 5.17)

Sec. 42-360. - Essential services.

- (a) Nothing in this chapter shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this chapter.
- (b) Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building or maintenance depot for provision of an essential service except as otherwise permitted in this chapter.
- (c) Any structure erected above ground in any residential district shall be screened or fenced and shall be subject to the provisions of section 42-346, pertaining to site plan review and approval.

(Ord. of 3-26-2001, § 5.18)

Sec. 42-361. - Curb cuts and driveways.

Curb cuts and driveways may be located only upon approval by the zoning 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. Where a curb does not exist, ingress and egress shall be delineated and no other area shall be used.

(Ord. of 3-26-2001, § 5.19)

Sec. 42-362. - Floor area requirements.

- (a) A one-story dwelling shall contain not less than 720 square feet of usable ground floor area, exclusive of open porches, garages, or steps.
- (b) Any dwelling with more than one story shall contain not less than 650 square feet of ground floor area, exclusive of open porches, garages, or steps.
- (c) The floor area per dwelling unit for multiple-family dwellings or single-family and multiple-family dwellings, when associated with and incidental to a commercial use, shall not be less than that established by the following table. Only areas used for living quarters shall be included in determining floor area. Other noninhabitable and unusable spaces shall be excluded.

Efficiency apartment	400 square feet
One-bedroom dwelling unit	520 square feet
Two-bedroom dwelling unit	610 square feet
Three-bedroom dwelling unit	790 square feet
For each additional bedroom	70 square feet

(Ord. of 3-26-2001, § 5.20)

Sec. 42-363. - Hard surfacing, landscaping and screening.

- (a) *Required.* Hard surfacing, landscaping and screening shall be a requirement on all site plans submitted after the effective date of the ordinance from which this section is derived and shall be subject to planning commission approval.
- (b) *Time limit for installation.* All required surfacing, landscaping and screening shall be in place one year from the date of site plan approval, or the reason why not should be given at the end of the year.
- (c) *Hard surfacing.*
- (1) Any customer parking area greater than 1,500 square feet shall be surfaced with approved material.
 - (2) Areas of 5,000 square feet or more shall incorporate drainage and erosion control.
- (d) *Landscaping.*
- (1) A landscaped strip of 20 feet in width as required in section 42-271 shall be defined in detail on the site plan.
 - (2) Landscaped areas shall be covered with grass, ground cover or mulch. If grass or ground cover is used, it shall be planted and maintained to present a finished appearance within one growing season. If the landscaped area is wider than 20 feet, grass shall be used. In areas subject to erosion, erosion-reducing net or suitable mulch shall be used.
 - (3) Existing vegetation on the property may be used as part of landscaping requirements.
 - (4) Vegetation must be maintained in a healthy state.
 - (5) Berms shall have slopes no greater than one vertical foot for each three horizontal feet and shall have at least two feet of flat area on top. There must be adequate protection to prevent erosion.
 - (6) Landscaped areas in and adjacent to parking lots shall be protected by concrete or bituminous curbing.
 - (7) Trees and bushes used for landscaping shall be planted and maintained in a manner so as to not impair visibility in all ingress and egress from the public right-of-way.
- (e) *Screening.*
- (1) Screening between all conflicting land uses shall be required as set forth in section 42-358.
 - (2) A parking lot, office, commercial use, industrial use or refuse dumpster adjacent to a public park facility or land principally used or zoned for residential purposes must have the following buffer:
 - a. A landscaped area at least 15 feet wide.
 - b. A solid fence.
 - c. Live trees or shrubs.
 - (3) Where plant material is used for screening, it shall be composed of at least 50 percent evergreens. Plant materials shall be of a size, quality, and spacing to achieve 75 percent yearround opacity within three years.
 - (4) If concrete blocks are used for walls, they must be decorative or brick faced.
 - (5) All fences used for screening must comply with section 42-358.
- (f) *Site plans.* A site plan must show the location, type and size of all hard surfacing, landscaping and screening in sufficient detail for a determination that the plan conforms with this section. When a development could cause environmental damage, additional landscaping, screening or preservation of existing vegetation may be required as a condition of approval. Rearrangement of hard surfacing, landscaping or screening may be required to prevent traffic hazards or other dangers to public safety.
- (g) *Exceptions.* The following exceptions to the standards may be applied, subject to planning commission approval:
- (1) A perimeter buffer may be reduced to a width of five feet and employ walls and fences with landscape materials for parking lots and for all gas stations.

(2) If a site exhibits unusual characteristics, modifications may be allowed.

(h) *Variances.* The provisions of this section may be appealed to the township board of appeals. The appeal should be based on practical difficulties or hardships when evidence supports at least one of the following:

(1) The topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective hard surfacing, landscaping or screening than an alternate design.

(2) The intended benefit to the public will exist with less than the required hard surfacing, landscaping or screening.

(3) In a planned project, the rearrangement of materials will achieve the spirit of this section.

(i) *Enforcement.*

(1) No owner or occupant of property shall fail to maintain, to the standard of this section, hard surface, landscape, or screen materials shown on site plan.

(2) No building permit shall be issued for property which is in violation of this section.

(3) No certificate of occupancy shall be issued unless the provisions of this section have been met or a performance bond or other security has been posted.

(Ord. of 3-26-2001, § 5.21)