

CHAPTER 150: ZONING CODE

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GENERAL PROVISIONS

§ 150.001 ENACTING CLAUSE.

(A) An ordinance adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act, as amended, Public Act 184 of 1943, being M.C.L.A. §§ 125.271 - 125.301, to establish comprehensive zoning regulations for Summit Township Jackson County, Michigan, and to provide for the administration, enforcement, and amendment thereof, and the repeal of all ordinances in conflict herewith.

(B) The continued administration of this chapter, amendments to this chapter, and all other matters concerning operation of this chapter shall be done pursuant to the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*

(Ord. -, Article I, § 1.1, passed 9-12-2006)

§ 150.002 TITLE.

(A) This chapter shall be known and may be cited as “The Zoning Ordinance of Summit Township.”

(B) The Zoning Map referred to herein is entitled “Zoning Map, Summit Township.”

(Ord. -, Article I, § 1.2, passed 9-12-2006)

§ 150.003 PURPOSES.

This chapter has been established for the purpose of:

(A) Promoting and protecting public health, safety, and general welfare;

(B) Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of the areas;

(C) Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;

(D) Lessening and avoiding congestion on public highways and streets;

(E) Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, 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;

(F) Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts;

(G) Conserving the taxable value of land and structures;

(H) Conserving the expenditure of funds for public improvements and services;

(I) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people; and

(J) Provide for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses.

(Ord. -, Article I, § 1.3, passed 9-12-2006)

§ 150.004 SCOPE.

(A) Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter, which are applicable in the zoning district in which the building, or 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 adoption or amendment of this chapter, provided that construction shall be completed within 365 days of the effective date and be subject thereafter to the provisions of §§ 150.295*et seq.*

(C) The adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit has been obtained prior to the effective date of adoption or amendment of this chapter even though the building or structure does not conform to or with the provisions of this chapter, provided that work shall commence and be carried on within 30 days of obtaining the permit and be subject thereafter to the provisions of §§ 150.295*et seq.*

(Ord. -, Article II, § 2.1, passed 9-12-2006)

§ 150.005 APPLICATION OF REGULATIONS.

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 the higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this chapter.

(Ord. -, Article II, § 2.2, passed 9-12-2006)

§ 150.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word **SHALL** is always mandatory and not merely permissive. The word **PERSON** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words **USED** or **OCCUPIED** include the words **INTENDED**, **DESIGNED**, or **ARRANGED** to be used or occupied. Any term not defined herein shall have the meaning of common or standard use.

ACCESS. A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

ACCESS CONNECTION. Any driveway, street, road turnout, or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

ACCESS MANAGEMENT. The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

ACCESS MANAGEMENT PLAN.

(1) A plan establishing the preferred location and design of access for properties along a roadway or the roadways in a community.

(2) It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

ACCESS POINT. Points of access such as:

- (1) The connection of a driveway at the right-of-way line to a road; and/or
- (2) A new road, driveway, shared access, or service drive.

ACCESSORY USE, BUILDING, or STRUCTURE.

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

(2) No accessory building or structure shall be placed on a lot or parcel of land unless there is an existing principal structure or building on the lot or parcel.

(3) No accessory use shall be carried on or conducted on any lot or parcel of land unless a principal use exists on the lot or parcel of land.

ADULT ENTERTAINMENT - ADULT DRIVE-IN MOTION PICTURE THEATER. An open space, area or premises from which persons may view motion picture films, videos, or performances which are characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas."

ADULT ENTERTAINMENT - ADULT ENTERTAINMENT ESTABLISHMENT. A structure, building, or premise in which persons may view people and/or performances and/or dancing characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas."

ADULT ENTERTAINMENT - ADULT MOTION PICTURE THEATER. An enclosed building or structure wherein still or motion pictures, videotapes, or similar material is presented or viewed which is 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 ENTERTAINMENT - ADULT PHYSICAL CULTURE ESTABLISHMENT.

(1) Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. See **BATHING ESTABLISHMENT, MASSAGE ESTABLISHMENT** and **MASSAGE ESTABLISHMENT, AUXILIARY**.

(2) The following uses shall not be included with the definition of an **ADULT PHYSICAL CULTURE ESTABLISHMENT**:

- (a) Establishments which routinely provide the services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
- (b) Electrolysis treatment by a licensed operator of electrolysis equipment;
- (c) Continuing instruction in material or performing arts or in organized athletic activities;
- (d) Hospitals, nursing homes, medical clinics, or medical offices; and
- (e) Barbershops or beauty parlors and/or salons, which offer massage to the scalp, the face, the neck or shoulders only.

ADULT ENTERTAINMENT - ADULT SUPPLY STORE. Premises used for the sale, distribution, display, or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia, or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas."

ADULT ENTERTAINMENT - SPECIFIED ANATOMICAL AREAS. Defined as less than completely and opaquely covered:

- (1) Human genitals, pubic regions;
- (2) Buttock;
- (3) Female breasts below a point immediately above top of the areola; and/or
- (4) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

ADULT ENTERTAINMENT - SPECIFIED SEXUAL ACTIVITIES. Activities defined as:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy; and/or
- (3) The fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

AESTHETIC. A standard of exterior architectural appeal and/or neighborhood harmony.

AGRICULTURAL LAND. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

AIRPORT.

(1) A tract of level land where aircraft can take off and land, licensed by the Michigan Department of Transportation, Bureau of Aeronautics under § 86 of the Aeronautics Code of the State of Michigan, as amended, Public Act 327 of 1945, being M.C.L.A. § 259.86.

(2) Usually equipped with a hard surfaced landing strip and may include appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights-of-way or other existing or future interests.

AIRPORT APPROACH PLAN and **AIRPORT LAYOUT PLAN.** A plan, or an amendment to a plan, filed with the township

under § 151 of the Aeronautics Code of the State of Michigan, as amended, Public Act 327 of 1945, being M.C.L.A. § 259.151.

AIRPORT HAZARD. Any structure or tree within the airport hazard area, which exceeds the height limitations, established by this chapter, or any use of land or appurtenances within the airport hazard area, which interferes with the safe use of the airport by aircraft.

AIRPORT MANAGER. That term as defined in § 10 of the Aeronautics Code of the State of Michigan, as amended, Public Act 327 of 1945, being M.C.L.A. § 259.10.

AIRPORT ZONING ACT. Refers to Public Act 23 of 1950 (Extra Session), being M.C.L.A. §§ 259.431 *et seq.*

AIRPORT ZONING PLANS. Graphical drawings, which depict height limitations and land use guidelines within the airport hazard area.

AIRPORT ZONING REGULATIONS. Airport zoning regulation under the Airport Zoning Act, as amended, Public Act 23 of 1950 (Extra Session), being M.C.L.A. §§ 259.431 *et seq.*, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

AIRSPACE. Space within the air above the land and water of the state, above the minimum altitudes of flight prescribed by laws of the state and federal aviation regulations.

AGL. Denotes the Above Ground Level of a structure or tree based upon an overall height of a structure or tree measured from ground level to the top point of the structure or tree.

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

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

AMBIENT NOISE. The background noise in an area or environment, being a composite of sounds from varying sources at varying distances.

ANEMOMETER. A device used to measure wind speed.

ANTIQUÉ SHOP.

- (1) Any premises used for the sale or trading of articles, which are considered antiques.
- (2) **ANTIQUÉ SHOP** does not include "secondhand store."

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

ARCADE.

- (1) Any place, premises, establishment, or room within a structure within which are located 10 or more amusement devices.
- (2) For purposes of this definition, **AMUSEMENT DEVICES** shall mean any device, machine, or apparatus operated by a patron and which plays, exhibits, emits, produces, or displays entertainment or amusement in the form of a game, motion picture, music, performances, or similar entertainment.
- (3) The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption, kiddy rides, juke boxes, bowling alleys, or pool tables.

ARTISAN PRODUCTION SHOP. A building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than 6 artisans, as either a principal or accessory use.

ARTIST STUDIO. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than 3 artists or artisans, either as a principal or accessory use.

AUTO CONVENIENCE MARKET. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

AUTOMATIC TELLER MACHINE. An automated device that performs banking or financial functions at a location remote from the controlling financial institutions.

AUTOMOBILE SERVICE STATION. A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, and minor repairs, but not including major repairs, or bumping, grinding, or refinishing of motor vehicles.

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

BANQUET HALL; RECEPTION HALL; CONVENTION CENTER. A facility or group of facilities where a formal assembly or members, representatives, or delegations of a group, such as a political party, fraternal society, or service club, and including but not limited to wedding receptions, proms, graduations, birthday, and other specialized events where food and beverages, including alcohol, may be served and where the facilities are not open to the general public or have regular operating hours.

BASEMENT.

(1) The portion of a building, which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor, is greater than the vertical distance from the average grade to the ceiling.

(2) A **BASEMENT** shall not be counted as a story.

BATHING ESTABLISHMENT. Any building, room, place, or establishment other than regularly established and licensed hospital or dispensary wherein are given baths, vapor baths, electric cabinet baths, electric light baths, electric tub baths, sponge baths, shower baths, sun baths, tub baths, and mud baths, mineral baths, Finish, Russian, Swedish, or Turkish baths, slat glows, massage, fomentation, electric or magnetic treatments, alcohol rubs, and rubs or massages with or without any other ingredients. See **ADULT ENTERTAINMENT - ADULT PHYSICAL CULTURE ESTABLISHMENT**, **MASSAGE ESTABLISHMENT** and **MASSAGE ESTABLISHMENT, AUXILIARY**.

BILLBOARD. See **OUTDOOR ADVERTISING SIGN**.

BLOCK. Is comprised of a parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines, or the corporate boundary lines of any village, city, or township.

BOARDING HOUSE; BED AND BREAKFAST.

(1) A dwelling in which more than 3 persons either individually or as families are housed or lodged for hire with meals.

(2) A **BED AND BREAKFAST** establishment shall not contain more than 5 sleeping rooms for hire.

BREW PUB.

(1) An establishment, which contains a full service standard restaurant and alcoholic beverages.

(2) This establishment also contains a mini-brewery, as accessory uses provided that sale of the mini-brewery products are less than 50% of total sales.

(3) This mini-brewery shall be for the brewing of handcrafted, natural beer intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management as the brewpub.

BREWERY, MICRO.

(1) A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year.

(2) The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

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

BUILDING AREA. See **FLOOR AREA**.

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

BUILDING SETBACK LINE. The minimum distance which any building must be located from a street right-of-way or high water line.

BULK. Is the term used to indicate the size and setback of a building or structure and the location of it with respect to another building or structure or to a lot line and includes the following:

(1) The size and height of a building or structure;

(2) The location of the exterior wall of a building in relation to a lot line, street, or other building;

(3) The floor area of a building in relation to the area of the lot on which it is located;

(4) The open spaces allocated to and surrounding a building; and

(5) The amount of lot area per dwelling unit.

BUSINESS CENTER. Two or more buildings containing stores or 2 or more buildings containing a combination of stores and offices usually on separate lots, and sharing a common drive or street and/or off-street parking facilities, and/or identified by a name for the center.

CABARET. An establishment where live entertainment is provided, presented, permitted, or performed, including, but not

limited to, dance, comedy, theatrical, or musical performances, but not including performances which are distinguished or characterized by an emphasis on, or related to, "specified anatomical areas" (as heretofore defined) for observation by persons or patrons therein.

CAPITAL IMPROVEMENTS PLAN. Priority listing of new or reconditioned facilities-buildings, roadways, bridges, treatments plants, water supply, sewerage, or storm water pipes, solid waste disposal site, and the like, needed by the community over a 6-year period with proposed methods of financing.

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

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

COFFEE KIOSK. A retail food business in a freestanding building that sells coffee, or other beverages, and ready made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

COMMERCIAL MEDICAL MARIHUANA FACILITY or FACILITY. Any one of the following:

(1) **PROVISIONING CENTER**, as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");

(2) **PROCESSOR**, as that term is defined in the MMFLA;

(3) **SECURE TRANSPORTER**, as that term is defined in the MMFLA;

(4) **GROWER**, as that term is defined in the MMFLA;

(5) **SAFETY COMPLIANCE FACILITY**, as that term is defined in the MMFLA.

COMMONS. Those land areas or facilities to which persons have access and right of use because of ownership or contract; usually refers to areas or facilities in a housing project owned jointly under condominium law or accessible to renters in the project.

COMMUNITY FACILITIES. Buildings or grounds used for publicly provided functions such as schools, libraries, government centers, and the like.

CONDITIONAL USE.

(1) A use which is subject to conditional approval by the Planning Commission.

(2) A **CONDITIONAL USE** may be granted only when there is a specific provision in this chapter.

(3) A **CONDITIONAL USE** is not considered to be a nonconforming use.

CONDOMINIUM. A form of property ownership in which living units or other forms of units in a structure are owned individually but the associated land is owned in common or jointly with owners of other structures on the site.

CONDOMINIUM ACT. Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272, as amended.

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

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

CONDOMINIUM LOTS. The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

CONDOMINIUM SUBDIVISION PLAN. The drawings and information prepared in accordance with § 66 of the Condominium Act.

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

CONSERVATION EASEMENT. That term as defined in § 2140 of the Natural Resources and Environmental Protection Act, as amended, Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 *et seq.*

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

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

CONVENIENCE STORE.

(1) Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware.

(2) **CONVENIENCE STORES** may include fuel pumps or the selling of fuel for motor vehicles.

CONVERSION CONDOMINIUM. A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act.

COORDINATING ZONING COMMITTEE. The coordinating zoning committee for Jackson County, as described under § 307 of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3307.

COPY SHOP. A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

COURT (OPEN SPACE).

(1) An open space on the same lot with a building or group of buildings and which is bounded on 2 or more sides by the building or buildings.

(2) A **COURT** shall be unoccupied.

CROSS STREET. The adjacent intersecting street or road.

CURRENCY EXCHANGE.

(1) Any person who engages in the business of cashing checks for a fee.

(2) Check cashing businesses do not include a supervised financial organization; a licensee under the Money Transmitter Act or persons who are primarily engaged in the business of selling tangible personal property or services at retail and do not derive more than 5% of their income from check checking.

CUTOFF. The point at which all light rays emitted by a lamp, light source, or luminaries are completely eliminated (cut off) at a specific angle above the ground.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

CUTOFF TYPE LUMINARIES. A unit of illumination with elements such as shield, reflectors, or refractor panels that direct and cut off the light at a cutoff angle less than 90 degrees.

DATA CENTER. A location housing 1 or many large computer systems and related equipment concerned with building, maintaining, or processing data and providing other data processing services.

DAY CAMP.

(1) Children's camp, residential, day, troop, nature, or travel camp conducted in a natural environment for more than 4 school-age children apart from their parents, relatives, or legal guardians for 5 or more days in a 14-day period.

(2) A children's camp provides care and supervision for the same group of children for usually not more than 12 weeks.

(3) Child Care Organizations, as amended, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, Rule 400.11106 effective 1-1-2001.

dB(A). The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI, a method for weighting the frequency spectrum to mimic the human ear.

DECELERATION LANE. A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed.

DECIBEL. The unit of measure used to express the magnitude of sound pressure and sound intensity.

DECOMMISSIONING. The process of terminating operation and completely removing a wind facility and all related buildings, structures, foundations, access roads, and equipment and restoration of the property to a condition that is reasonably close to the original property prior to construction.

DEVELOPMENT RIGHTS. The rights to develop land to the maximum intensity of development authorized by law.

DEVELOPMENT RIGHTS ORDINANCE. An ordinance, which may comprise part of a zoning ordinance, adopted under § 308 of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3308.

DISTRICT. A portion of the township within which certain uniform regulations and requirements apply under the provisions of this chapter.

DOG KENNEL. See **KENNEL**.

DRIVE-IN. A business establishment so developed that its retail or service character is primarily dependent on providing a

drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

DWELLING AREA. The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms or similar rooms.

DWELLING (MOBILE HOMES). See **MOBILE HOME** or **TRAILER COACH**.

DWELLING, MULTIPLE-FAMILY. A building containing 3 or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 9.1.50 (definition of **BULK**, this section), for each of the dwelling units.

DWELLING, SINGLE-FAMILY. A detached building containing not more than 1 dwelling unit designed for 1 family residential use, which shall comply with the following standards:

- (1) Minimum living area of 750 feet for 1- or 2-bedroom dwelling; 150 square feet of additional living area for each additional bedroom; and minimum floor to ceiling height of 7.5 feet;
- (2) Minimum exterior widths of 20 feet along side elevations exclusive of porches not a part of the main living room. Minimum roof pitch to be not less than 4/12;
- (3) The dwelling shall be attached to a permanent foundation constructed on the site, which shall be coextensive with the perimeter of the structure in compliance with the Township Building Code;
- (4) No exposed wheels, towing mechanisms, under carriage, or chassis shall be permitted;
- (5) The dwelling shall be connected to a public sewer and water supply or to private sewer and water supply facilities approved by the Jackson County Health Department before issuance of a certificate of occupancy;
- (6) The dwelling shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. The storage areas within the dwelling unit shall, in the aggregate, be equal to at least 15% of the minimum square foot dwelling area requirements of this chapter;
- (7) The dwelling shall in all respects comply with the township building code and all applicable federal

And state laws, regulations, standards, and codes, including, but not limited to, electrical, plumbing, energy, fire and safety laws, regulations, standards, and codes;

(8) In addition to the foregoing requirements, mobile homes shall in all respects comply with the standards for mobile home construction and safety as contained in the United States Department of Housing and Urban Development (HUD) regulations then in effect as adopted pursuant to the provisions of Public Law 93-383, being the U.S. Housing Act of 1937, 42 U.S.C. §§ 1437 *et seq.*, as amended; and

(9) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by state or federal laws and regulations.

DWELLING, ROW. A row of 3 to 6 attached 1-family dwellings not more than 2-1/2 stories in height nor more than 2 rooms deep, with separate housekeeping and cooking facilities for each.

DWELLING, TWO-FAMILY. A building containing not more than 2 separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 9.1.50 (definition of **BULK**, this section), for each of the dwelling units.

EASEMENT. Any private or dedicated public way other than a street, providing a secondary means of access to a property having a right-of-way not less than 20 feet, may include a utility access.

EGRESS. The exit of vehicular traffic from abutting properties to a street or road.

ENTRANCE RAMP. A roadway connecting a feeder road/street with a limited access highway and used for access onto the limited access highway.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters, for the installed central services equipment, but including buildings or structures owned or leased by Summit Township.

EXCAVATION OF GRAVEL, SAND, TOPSOIL, OR EARTH. Premises from which any rock, gravel, sand, topsoil, or earth in excess of 50 cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added in accordance with this chapter and the Condominium Act.

FAA. The Federal Aviation Administration.

FAMILY. An individual or a group of 2 or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than 3 additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

FAMILY AND GROUP DAY-CARE HOMES. Those terms as defined in § 1 of Child Care Organizations, as amended, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, and only apply to the bona fide private residence of the operator of the family or group day-care home.

(1) A **FAMILY DAY-CARE HOME** licensed or registered under Child Care Organizations, as amended, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, shall be considered a residential use of property for the purpose of zoning and a permitted use in all residential zones, including those zoned for single-family dwellings, and shall not be subject to a special use or conditional use permit or procedure different from those required for other dwellings or similar density in the same home.

(2) A **GROUP DAY-CARE HOME** licensed or registered under Child Care Organizations, as amended, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, shall be issued a special use permit, conditional use permit, or similar permit if the group day-care home meets the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

1. Another licensed group-day care home;
2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, as amended, Public Act 218 of 1979, being M.C.L.A. §§ 400.701 *et seq.*;
3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6, Substance Abuse, of the Public Health Code, as amended, Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 *et seq.*; and/or
4. A community correction center, resident home, halfway home, or other similar facility which houses an inmate population under the jurisdiction of the department of correction.

(b) Has appropriate fencing for the safety of the children in the group day-care home as determined by the township;

(c) Maintains the property consistent with the visible characteristics for the neighborhood;

(d) Does not exceed 16 hours of operation during a 24-hour period. The township may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.;

(e) Meets regulations, if any, governing signs used by a group day-care home to identify itself; and

(f) Meets regulations, if any, requiring a group day-care home operator to provide off street parking accommodation for his or her employees.

(3) A licensed or registered family or group day-care home that has operated prior to the effective date of the amendatory act that added this section is not required to comply with the requirements of this definition.

(4) This definition shall not prevent an inspection of a family or group day-care home for the home's compliance with the township's ordinance and enforcing the ordinance; if the ordinance is not more restrictive for the home than Child Care Organizations, as amended, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, within 1,500 feet of the licensed or registered group day-care home will not affect any subsequent special use permit to a licensed or registered group day-care home that does not meet the standards listed.

(5) The distances specified shall be measured along a road, street, or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

FARM MARKET. Any on-farm location established in accordance with local ordinance and operated in compliance with Public Act 92 of 2000, the Michigan Food Law, where farmers may transport and sell fruits, vegetables or other agricultural products to the public. On-farm markets may operate intermittently, but for licensing purposes will be considered a permanent operation.

FARMERS MARKET. A public and recurring assembly of farmers or their representative transporting and selling food and other agricultural products they have produced directly to consumers in a location established in accordance with local ordinance and operated in compliance with Public Act 92 of 2000, the Michigan Food Law. Farmers market vendors may operate intermittently, but for licensing purposes will be considered a permanent operation. In addition, the market may include a variety of other vendors as determined by market management.

FARMLAND PRESERVATION ACT. Part 361, Farmland and Open Space Preservation, of the Natural Resources and Environmental Preservation Act, as amended, Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 *et seq.*, permits certain property owners to contract with state government to retain land in agriculture or open space in exchange for tax

advantages and immunity to special assessments not of benefit to the property under current use conditions.

FLOOR AREA. The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

FLOOR AREA RATIO.

- (1) The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage.
- (2) For example, a floor area ratio of 80% is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet.
- (3) The number of stories being optional, the building area may be 4,000 square feet for each of 2 stories, 2,000 square feet for each of 4 stories, or 1,000 square feet for each of 8 stories.

FOOTCANDLE. A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.

FREEWAY. A divided highway of not less than 2 lanes in each direction to which owners or occupants of abutting property or the public have no right of ingress or egress to, from, or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefor (Public Act 106 of 1972).

FRONTAGE ROAD or FRONT SERVICE DRIVE. A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

GARAGE AND YARD SALES.

- (1) An occasional sale of household goods and personal property.
- (2) Signs advertising sales shall not be posted for more than 3 consecutive days either on the property where the sale is occurring or on any other property.
- (3) See § 110.40 for additional requirements.

GARAGE, COMMERCIAL. Any building available to the public operated from gain and which is used for storage, rental, greasing, washing, servicing, repairing, and or adjusting of automobiles or other motor vehicles.

GARAGE, PRIVATE. An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

GLARE. Light emitting from luminaries with an intensity great enough to reduce a viewers' ability to see and, in extreme cases, causing momentary blindness.

GOVERNING BODY. The official group vested with the power to adopt an ordinance.

GRADE. The degree of rise or inclination (slope, fall, and the like) compared with level.

GREENWAY. A contiguous or linear open space; including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

HOME OCCUPATION. An occupation that is carried on in the home by resident members of the family or living unit, being clearly incidental and secondary to the principal residential use. For the purpose of this chapter, there are 2 types of home occupations.

(1) *Type 1 home occupation.*

(a) A type 1 home occupation is a profession or occupation that is clearly a customary, incidental, and secondary use of a residential dwelling unit, and which does not negatively impact the residential character of the neighborhood in which the home occupation is located.

(b) Type 1 home occupations must meet the criteria established in §150.171(B)(1) in order to ensure that no evidence is exhibited that a business is being conducted from the premises.

(2) *Type 2 home occupation.*

(a) A type 2 occupation is a profession or occupation that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not negatively impact the residential character of the neighborhood in which the home occupation is located, but which displays evidence that a business is being conducted from the premises.

(b) Type 2 home occupations require a conditional use permit including additional development requirements for certain uses located in § 150.257.

HOTEL/MOTEL. A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made,

and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants.

HUB HEIGHT. The distance measured from the ground level to the center of the turbine hub.

IMPROVEMENTS.

(1) Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage.

(2) **IMPROVEMENTS** do not include the entire project that is the subject of zoning approval.

INDUSTRIAL PARK. A group of 2 or more buildings, usually on separate lots, for industrial, research, or warehousing uses, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

INFRASTRUCTURE. General reference is to the network of physical systems such as streets, water supply, sewerage, and storm drains that are essential in urban areas.

INGRESS. Used to refer to traffic outlets from public roadways to private property or entrances to buildings or other facilities.

INTENSITY OF DEVELOPMENT. The height, bulk, area, density, setback, use, and other similar characteristics of development.

INTERSECTION. The location where 2 or more roadways cross at grade without a bridge.

INTERSECTION SIGHT DISTANCE.

(1) The sight distance provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersection roadways to decide when to enter the intersection roadway or to cross it.

(2) The time required is the sum of the perception reaction time plus the time to accelerate and cross or enter the major roadway traffic stream.

INTERSTATE HIGHWAY. A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the federal government (Highway Advertising Act, as amended, Public Act 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*).

JUNKYARD. A place, structure, parcel, or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, and the like, 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 the sale, purchase, or storage of salvaged machinery and for the processing of used, discarded, or salvaged materials, for any 30 consecutive days.

JUNK VEHICLES, REPAIR OF. The following definitions shall apply in the interpretation and enforcement of this code.

(1) **COSTS.** The expense of removing, storing, or selling a junked vehicle.

(2) **HOBBY.** The repairing, reconditioning, or rebuilding of all vehicles, which is done for personal enjoyment or entertainment only, with no profits or compensation or reimbursements of any kind involved.

(3) **JUNK VEHICLE.** Any self-propelled vehicle designed for highway travel under its own power which is not capable of the travel in its existing mechanical condition, or any dismantled, partially dismantled, discarded, wrecked, demolished, or partially demolished vehicle; or any vehicle designed for highway travel not bearing a current license plate or license certificate.

(4) **VEHICLE.** A machine propelled by power other than human power designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings, or hulls and to transport persons or property or pull nonself-propelled vehicles or machinery and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped tractor, buggy and wagon.

(5) **FULLY ENCLOSED STRUCTURE.** Any commercial or residential garage and any other human-made or natural barrier, which effectively prevents viewing of the area screened and its contents from adjacent walkways, roadways, or alleys.

KENNEL.

(1) Any lot or premises on which 3 or more dogs 6 months of age or older are kept either permanently or temporarily for boarding as a primary use and not incidental to another primary use such as a veterinarian clinic or dog groomer.

(2) Providing that no more than 2 dogs 6 months of age or older shall be kept permanently or temporarily on any lot or premises located in a residential district.

LAND SPLITS/DIVISIONS.

(1) Actions that divide a parcel into additional smaller parcels.

(2) When acreage is involved, the reference is usually to part of the larger parcel for a building site; in subdivisions it refers to the division of a lot with parts attached to adjacent lots.

(3) See Land Division Act, as amended, Public Act 591 of 1996, being M.C.L.A. § 560.101, and Chapter 151 of this code.

LAND USE GUIDANCE ZONE. An area or zone in which certain types of land uses are recommended due to noise, vibrations, fumes, dust, fuel particles, and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating as an airport.

LEGISLATIVE BODY. The county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village.

LIGHT FIXTURES (SPACING AND HEIGHT).

(1) Spacing of standards shall be equal to approximately 4 times the height of the standard.

(2) The maximum height of standards shall not exceed the maximum building height permitted, or 25 feet, whichever is less.

(3) The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents.

LIGHT TRESPASS. The shining of light produced by a luminary beyond the boundaries of the property on which it is located

LOADING SPACE, OFF-STREET.

(1) Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to the vehicles when required off-street parking spaces are filled.

(2) Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOCAL UNIT OF GOVERNMENT. A county, township, city, or village.

LOT.

(1) A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide the yards and other open spaces as herein required.

(2) The lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds, a lot or portion thereof and a parcel described by metes and bounds, or 2 or more parcels described by metes and bounds which are combined into a single legal description and taxable entity.

(3) Provided further, that where a lot is made up of more than 1 lot, parcels, or combinations of lots and parcels no portion of the lot shall thereafter be sold or conveyed or any interest created therein if the remaining parcel is of insufficient size to meet the minimum zoning requirements for use, coverage, and area.

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

LOT CORNER. A parcel of land at the junction of and fronting or abutting on 2 or more intersecting streets.

LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. See Appendix A of this chapter.

LOT DEPTH. The depth of a lot shall be considered to be the distance between the midpoints of straight lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE.

(1) The front of a lot shall be construed to be the portion nearest the street.

(2) For purposes of front yard setback requirements for corner and through lots the front yards shall be determined by reference to the street faced by the structure on the lot or that portion of the lot abutting the legal address of the lot, and once the front yard is determined it shall remain the same thereafter.

(3) For the purpose of determining minimum lot width, the frontage of only 1 street shall be used.

(4) A lot abutting a lake, stream, river, or public body of water may at the election of the owner be considered to front on the water, and the election shall thereafter be binding on the owner and his or her heirs, successors, and assigns for purposes of determining setback requirements and lot frontage.

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

recorded in the office.

LOT, THROUGH OR DOUBLE FRONTAGE. An interior lot having frontage on 2 parallel or approximately parallel streets.

LOT WIDTH.

(1) The width of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth, provided that the line used to measure lot width shall be located as close as possible to the rear line of the required front yard, and provided further that no part of the measuring line shall not include any portion thereof in a street right-of-way or a street or drive easement.

(2) The frontage of a lot on a street right-of-way or a street or easement shall not be less than 80% of the required lot width, except in the case of lots on a turning circle of a cul-de-sac street.

(3) On a cul-de-sac, the front yard line shall be at the point where 80% of the required width is reached along a line measured parallel to the tangent to the deepest protrusion of the arc describing the road/street right-of-way through the front of the property.

(4) In no case shall the distance between the above described tangent and front yard line be less than the required front yard setback for the zoning district in question.

(5) The above described tangent may not be less than 30 feet in width at the road/street right-of-way line.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

MANUFACTURING. The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

MARGINAL ACCESS ROAD. A service roadway parallel to a feeder road/street; and which provides access to abutting properties and protection from through traffic.

MARIHUANA. That term as defined in § 7106 of the Michigan Public Health Code, 1978 PA 368, M.C.L.A. § 333.7106.

MASSAGE ESTABLISHMENT. Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices and shall also include any bathing establishment. See **ADULT ENTERTAINMENT - ADULT PHYSICAL CULTURE ESTABLISHMENT, BATHING ESTABLISHMENT** and **MASSAGE ESTABLISHMENT, AUXILIARY.**

MASSAGE ESTABLISHMENT, AUXILIARY. Any building or tenant space in which any person, firm, association, or corporation, or any person employed by the person, firm, association, or corporation, engages or is permitted to engage in the practice of massage as an accessory use customary and clearly incidental to a principal business and use, including but not limited to services offered by a hotel, health club or spa, or beauty salon. See **ADULT ENTERTAINMENT - ADULT PHYSICAL CULTURE ESTABLISHMENT, BATHING ESTABLISHMENT,** and **MASSAGE ESTABLISHMENT.**

MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by M.C.L.A. § 559.108.

MEDICAL MARIHUANA. That term as defined in M.C.L.A. § 333.26423.

MEDICAL MARIHUANA CAREGIVER GROW OPERATION. An establishment used by 1 registered primary caregiver for the purposes of the growing and dispensing of medical marihuana outside the privacy of a personal dwelling for up to 5 qualifying patients (as well as the caregiver if he or she is also a qualifying patient), but where there is no consumption of marihuana on the premises.

MEDICAL MARIHUANA HOME USE. A dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their own dwelling, and/or where a registered primary caregiver, serving not more than 1 qualifying patient who resides with the primary caregiver, grows or distributes medical marihuana for the qualifying patient in the privacy of the primary caregiver's own dwelling, and is allowed as a use by right wherever dwellings are permitted.

MEDIUM VOLTAGE CABLE. 34.5 kV lines which provide electricity to homes.

MEZZANINE. An intermediate floor in any story occupying not to exceed 1/3 of the floor area of the story.

METEOROLOGICAL TOWER (MET TOWER). Includes the tower, base plate, anchors, guy wires, equipment housing, and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

MICHIGAN MEDICAL MARIHUANA ACT (MMMA). The MMMA (M.C.L.A. §§ 333.26421 *et seq.*) is an initiation of legislation to allow under state law the medical use of marihuana; provide protections for the medical use of marihuana; and

provide for a system of registry identification cards for qualifying patients and primary caregivers. The MMMA is supplemented by administrative rules promulgated by the Michigan Department of Community Health (R 333.101 *et seq.*). The MMMA defines the following specific categories of people;

(1) **PRIMARY CAREGIVER.** An individual, as defined by the MMMA, and is authorized by and registered through the Michigan Department of Community Health (MDCH) to grow and distribute medical marihuana to qualified patients. The primary caregiver must have a valid registry card.

(2) **QUALIFYING PATIENT.** An individual, as defined by the MMMA, that has been diagnosed by a licensed physician, as defined by the MMMA, as having a medical condition alleviated by the use of medical marihuana, and who is registered through the Michigan Department of Community Health (MDCH) to grow and/or consume medical marihuana. The qualifying patient must have a valid registry card.

MIXED USE. A land use where more than 1 classification of land use (residential, commercial, and recreational) permitted within a zoning district is combined on a lot or within a structure.

MOBILE HOME or TRAILER COACH.

(1) A detached portable single-family dwelling prefabricated on its own chassis and intended for long-term occupancy.

(2) The unit contains sleeping accommodations, flush toilet, tub or shower, eating and living quarters.

(3) It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

MOBILE HOME PARK.

(1) Referred to also as **PARK** in this chapter.

(2) Any parcel of land intended and designed to accommodate more than 1 mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to the living use.

MOBILE HOME SITE. A plot of ground within a mobile home park designed for accommodation of a mobile home.

MOBILE HOME STAND. The part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

MOBILE HOME SUBDIVISION. A legally platted residential subdivision accommodating mobile homes.

MODIFICATION. Any change to a small wind energy system that materially alters the size, type or location of a small wind energy system. Like-kind replacements shall not be considered to be a modification.

NACELLE. The encasement which houses all of the generating components, gear box, drive train, and other equipment.

NET METERING. The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's wind energy system that is fed back into the electric distribution system over a billing period and is a special metering and billing agreement between the utility company and the customer.

NONCONFORMING BUILDING, STRUCTURE. A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

NONCONFORMING USE. A structure or use that is not permitted in the zoning district in which it is located, but which is permitted to continue with restrictions because the structure or use predates the designation of the zone.

NOTICE OF PROPOSED ACTION. The notice required by M.C.L.A. § 559.171, to be filed with Summit Township and other agencies.

NUISANCE.

(1) Anything that interferes with the use or enjoyment of property, or endangers personal health or safety.

(2) Zoning is generally intended to separate uses that constitute a nuisance to adjoining properties, but zoning law cannot be invoked to abate all nuisances.

OCCUPIED BUILDING. A residence, school, hospital, church, public library, business, or other building used for public gatherings.

OFFICE PARK. Groups of 2 or more buildings, on individual or 1 undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

OFFICES.

(1) Workplace for occupations of an executive, administrative, professional, or similar nature.

(2) Those occupations include, but are not limited to, architects, engineers, surveyors, lawyers, accountants, insurance providers, and real estate brokers.

OFF-STREET PARKING AREA. A land surface or facility providing vehicular parking spaces along with adequate drives

and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than 2 automobiles.

OPEN SPACE.

(1) Land area that has not been developed.

(2) Usually refers to land in the countryside but may be used to include parks, undeveloped areas in planned developments or other large projects.

OTHER ELIGIBLE LAND. Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

PARCEL. A piece or tract of land in single ownership.

PARKING SPACE.

(1) A unit of a parking area provided for the parking of 1 automobile.

(2) This space shall have an area of not less than 200 square feet, and shall be exclusive of curves, driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

PARKWAY.

(1) The area between the street or road right-of-way (ROW) and the pavement edge is called the parkway.

(2) Public sidewalks, where they exist, are located in this area.

PDR RIGHTS. A program under § 507 of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3507, for the purchase of development rights by a township.

PERFORMANCE STANDARD. A regulation that admits or denies a particular use in a zoning district on the basis of the proposed use's capability to meet noise, air pollution, vibration, heat, visual impact, or other standards, reference § 150.315*et seq.*

PERSON. A natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

PHOTOVOLTAICS (PV). A technology that converts light directly into electricity.

PLANNED DEVELOPMENT.

(1) A self-contained development, usually with a mixture of housing types, in which subdivision and zoning regulations apply to the entire project rather than to separate lots.

(2) A **PLANNED DEVELOPMENT** may also include mixed uses and can apply to commercial, office, or industrial developments.

POOL OR BILLIARD HALL. An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

POPULATION. The population according to the most recent federal decennial census or according to a special census conducted pursuant to § 7 of the Glenn Steill State Revenue Sharing Act of 1971, as amended, Public Act 140 of 1971, being M.C.L.A. § 141.907, whichever is the more recent.

POWER SWITCHYARD. The structure needed to tie the solar energy facilities to electric transmission lines.

PRIMARY CAREGIVER. A person qualified under M.C.L.A. § 333.26423(g) to assist with a patient's medical use of marijuana.

PRIMARY HIGHWAY. A highway, other than an interstate highway or freeway, officially designated as a part of the federal aid primary system as defined in 23 U.S.C. § 103, as amended by the Department of Transportation approved by the appropriate authority of the Federal government (Highway Advertising Act, as amended, Public Act 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*).

PRIVATE STREET/ROAD. As defined by §§ 90.01 *et seq.* and or the Jackson County Road Commission Standards for a Public Street.

PUBLIC UTILITY.

(1) Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm sewage facilities.

(2) Providing further that telecommunication facilities shall not be considered a public utility under this chapter.

(3) For the purposes of this chapter, telecommunication facilities shall not be considered a public utility, or essential service, and telecommunication towers, antennas, or monopolies shall be subject to all of the rules, regulations, and provisions of § 150.257.

QUALIFYING PATIENT. A **REGISTERED QUALIFYING PATIENT** or a **VISITING QUALIFYING PATIENT** as those terms are defined by M.C.L.A. § 333.26421, *et seq.*

QUARRY.

(1) Any pit, excavation, or mining operation for the purpose of searching for or removing for commercial use, any earth, 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 oil well or excavation preparatory to the construction of a building or structure.

(2) See § 150.257.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000.

(1) *General rule.* No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution:

- (a) Is in furtherance of a compelling governmental interest; and/or
- (b) Is the least restrictive means of furthering that compelling governmental interest.

(2) *Scope of application.* Applies in any case which:

(a) The substantial burden is imposed in a program or activity that receives federal financial assistance, even if the burden results from a rule of general applicability;

(b) The substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several states, or with Indian tribes, even if the burden results from a rule of general applicability; and/or

(c) The substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

RESORT. A resort shall mean a place providing recreation and entertainment, especially to vacationers and tourists, which may include lodging facilities.

RESTAURANT, COMMERCIAL/RECREATION.

(1) Any establishment, which provides as a principal use the combination of family-oriented recreation and on-premises dining, is clearly accessory or incidental to the operation of the other.

(2) For the purpose of this definition, **RECREATION** may include, but is not limited to: television and motion pictures; sound and sight systems; mechanical and/or electronic operated games; animated mechanical devices and/or rides; and live entertainment.

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

RIGHT TO FARM ACT. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices and if the farm or farm operation existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the farm land (Michigan Right to Farm Act, as amended, Public Act 93 of 1981, being M.C.L.A. §§ 286.471 - 286.474).

RIGHT-OF-WAY. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

ROADSIDE STAND. A temporary operation established in accordance with local ordinance and operated in compliance with Public Act 92 of 2000, the Michigan Food Law, where an individual farmer may transport and sell fruits, vegetables or other agricultural products to the public.

ROOMING HOUSE. A dwelling in which more than 3 persons either individually or as families are housed or lodged for hire without meals.

SCADA TOWER (SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM). See **MET TOWER.**

SCREEN.

(1) A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property.

(2) A **SCREEN** may also be a non-structure consisting of shrubs, or other growing materials.

SECONDHAND MERCHANDISE, RETAIL SALES.

(1) Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and sports/recreational equipment.

(2) This classification does not include secondhand motor vehicles, parts, or accessories.

(3) See §§ 110.01*et seq.*

SETBACK. The minimum distances that a building must be back from a lot line or right-of-way.

SHADOW FLICKER. An alternating change in light intensity which is caused by the moving blades of a wind turbine casting a shadow(s) on the ground and stationary objects such as windows of a dwelling.

SHOPPING CENTER.

(1) A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in 1 or more buildings, on a site that is planned, developed, and managed as 1 operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.

(2) See sign definitions § 150.191.

SITE BUILT. A structure constructed at the site but may include some pre-assembled parts.

SITE CONDOMINIUM. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

SITE PLAN. The documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SITE PLAN REVIEW.

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

(2) See §§ 150.270*et seq.*

SMALL SOLAR ENERGY FACILITY. Accessory to a principal residential or small business use and converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. The sale and distribution of excess available energy shall be incidental and not the primary purpose of the facility. For ground-mounted facilities, the total area covered by solar arrays shall not exceed 10,000 square feet.

SMALL STRUCTURE-MOUNTED WIND ENERGY SYSTEM. A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis) and associated control or conversion electronics which has a rated capacity of not more than 5 kW and is intended to primarily reduce on-site consumption of utility power.

SMALL TOWER-MOUNTED ON-SITE WIND ENERGY SYSTEM. A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kW and is intended to primarily reduce on-site consumption of utility power.

SOUND PRESSURE. Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL. The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

SPAS/TANNING SALONS. Facility offering indoor tanning and/or physical fitness.

SPECIAL USE. Use of a parcel approved by the designated municipal body (planning commission or legislative body) in a manner that conforms to specific standards for that use in the zoning district in which the parcel is located.

SPECIALLY DESIGNATED DISTRIBUTOR'S ESTABLISHMENT. A specially designated distributor's establishment is a retail establishment, consisting of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than 10% of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to distribute alcoholic liquor, other than wine under 20% alcohol by volume, and beer, in the original package for consumption off the premises.

SPECIALLY DESIGNATED MERCHANT'S ESTABLISHMENT. A specially designated merchant's establishment is a retail establishment consisting of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than 10% of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to sell beer and/or wine for consumption off the premises.

STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, as amended, Public Act 218 of 1979, being M.C.L.A. §§ 400.701 *et seq.*, or Child Care Organizations, as amended, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 - 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

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

STORY, ½. A story under the gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of the story and the floor area shall not exceed 2/3 of the area of the floor below.

STREET/ROAD. A public thoroughfare, which affords the principal means of access to abutting property having a right-of-way not less than 66 feet in width and meeting the standards set forth by the Jackson County Road Commission.

STREET LINE.

- (1) The dividing line between the street right-of-way and the lot.
- (2) When the right-of-way is not definable, a line shall be defined as 33 feet on either side of the center of the street.

STRIP CENTER.

(1) An attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores.

(2) Open canopies may connect the storefronts, but a **STRIP CENTER** does not have enclosed walkways linking the stores.

(3) A **STRIP CENTER** may be configured in a straight line, or have an “L” or “U” shape.

STRUCTURE. Anything artificially constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground, or constructed or placed below the surface of the ground, except fences, drives, paving, parking lots, and/or paved ramps.

TELECOMMUNICATION FACILITIES AND TOWERS.

(1) A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals.

(2) This may include, but shall not be limited to, communication services, (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services, which are licensed and marked to the general public, except preemptions as stated in the Federal Telecommunication Act of 1996, being 47 U.S.C. §§ 151 *et seq.*

(3) Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority.

(4) Notwithstanding any language contained in this chapter to the contrary, and in particular the definition of essential services, **TELECOMMUNICATION FACILITIES** shall not be deemed essential services and shall be subject to and governed by the provisions of § 150.257.

(5) No facility may hereafter be constructed or erected without satisfying the requirements of §150.257.

TELEPHONE SERVICE PROVIDER. A telephone service provider shall include wireless, non-wireless, digital, and analog services where a customer or subscriber's lines are joined or connected to switching equipment of connecting customers or subscribers to each other.

TELEWORK CENTER.

(1) Satellite work facility incorporating sufficient technology to permit employees to reduce their commute trip or to work closer to home.

(2) The goal of the centers is to reduce the distance traveled in a commute trip by at least half the distance.

TEMPORARY FACILITIES. A building or structure not meeting the definition for a permanent building or structure, at which merchandise is sold, including the following:

- (1) Retail stands;
- (2) Tents;
- (3) Canopies;
- (4) Membrane structures.

TOURIST HOMES. Considered or construed to be multiple dwelling, motel, hotel, boarding or rooming house.

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

UNDEVELOPED STATE.

(1) A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition.

(2) Land in an undeveloped state does not include a golf course but may include a recreation trail, picnic area; children's play area, greenway, or linear park.

(3) Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

USGS. Denotes the United States Geological Survey, which is responsible for mapping and remapping of the continental United States and its territories.

UTILITY GRID/ LARGE SOLAR ENERGY FACILITY (SOLAR FARM). A utility-scale facility that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. Any ground-mounted facility that covers more than 10,000 square feet is included in this definition.

UTILITY GRID/ LARGE WIND ENERGY FACILITY SYSTEM. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.

VARIANCE.

(1) A **VARIANCE** is a relaxation of the terms of this chapter where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

(2) As used in this chapter, a **VARIANCE** is authorized only for height, area, and size of yards and open spaces and parking space; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning division or districts.

VEHICLE REPAIR, MAJOR. Engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting and refinishing.

VEHICLE REPAIR, MINOR. Engine tune-ups; electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

VENDING. The act of offering merchandise for sale from a vehicle or from a fixed place in a tent, canopy or similar shelter, not including merchants offering merchandise for sale upon commercial premises permanently occupied by them. It is also the act of offering merchandise for immediate sale; sale by sample, description or otherwise for delivery or sale at a future time; or by going door to door, house to house, person to person, or car to car. It does not include the act of offering merchandise for wholesale to retailers or for resale to manufacturers for use in their process. Nor does it include regular route delivery persons delivering products.

WIND ENERGY FACILITY. A power generating facility consisting of 1 or more wind turbines, under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to the facility, whose main purpose is to supply electricity to off-site customers.

WIND SITE ASSESSMENT. An assessment to determine the wind speeds at a specific site and the feasibility of using that site for the construction of a wind facility.

WIND TURBINE GENERATOR. A wind energy conversion system which converts wind energy into electricity. All components for a system shall be designed and built by licensed and regulated engineering and manufacturing firms and facilities to insure that the safety and structural integrity of the towers and generators meet the standards of the International Electrical Commission including a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

(1) A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.

(2) A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or energy-producing device.

(3) A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND TURBINE GENERATOR TOTAL HEIGHT.

(1) **HORIZONTAL AXIS WIND TURBINE ROTORS.** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of a wind turbine generator.

(2) **VERTICAL AXIS WIND TURBINE.** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

YARD, FRONT. An open, unoccupied space extending the full width of the lot and situated between the street line and the front line of the building.

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

YARD, SIDE. An open, unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear

yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

ZONING BOARD OF APPEALS (ZBA).

- (1) The body required to consider appeals from administrative zoning decisions and other zoning actions.
- (2) The **ZBA** is authorized to make adjustments in how zoning standards are applied.

ZONING CLASSIFICATION. The name given to types of zones such as single-family residential, rural residential, agricultural, regional shopping, neighborhood shopping, office, industrial, and the like.

ZONING JURISDICTION.

(1) The area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages.

(2) The zoning jurisdiction of a county does not include the areas subject to township zoning by a township that has adopted a zoning ordinance under this act.

ZONING LOT. Provided that the owner(s) of any number of contiguous lots or contiguous portions of lots may have as many of said contiguous lots or contiguous portions of lots considered as a single lot for the purpose of this code as her or she so elects. In such case, the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof. This definition shall apply only to the siting of a utility grid, large solar energy facility (solar farm).

(Ord. -, Article IX, § 9, passed 9-12-2006; Am. Ord. passed - -; Am. Ord. passed - -; Am. Ord. passed 11-18-2014 ; Am. Ord. passed 1-12-2016; Am. Ord. 122, passed 5-9-2017; Am. Ord. passed 11-13-2018)

§ 150.007 CONFLICT WITH OTHER LAWS.

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

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

(3) 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 the easement, covenant, or other private agreement, the provision of this chapter shall govern.

(Ord. -, Article X, § 10.1, passed 9-12-2006)

§ 150.008 EFFECTIVE DATE.

This chapter was adopted by the Board of Summit Township, Jackson County, Michigan, at a meeting held on _____, and notice ordered published in _____, a newspaper having general circulation in Summit Township.

(Ord. -, Article X, § 10.5, passed 9-12-2006)

ESTABLISHMENTS OF ZONING DISTRICTS

§ 150.020 DISTRICTS ESTABLISHED.

The township is hereby divided into the following zoning districts:

- (1) AG-I Agricultural District;
- (2) RNF-1 Rural Non-Farm Residential District;
- (3) RS-1 Suburban Residential District I;
- (4) RS-2 Suburban Residential District II;
- (5) RU-1 Urban Residential District I;
- (6) RU-2 Urban Residential District II;
- (7) RM-1 Multiple-Family Residential District I;
- (8) RM-2 Multiple-Family Residential District II;
- (9) MH-1 Mobile Home Residential District;
- (10) O-1 Office District;
- (11) C-1 Local Commercial District;
- (12) C-2 General Commercial District;

- (13) C-3 Highway Service Commercial District;
- (14) I-1 Light Industrial District;
- (15) I-2 Heavy Industrial District;
- (16) Planned Development Districts;
- (17) PR-1 Planned Residential District;
- (18) PO-1 Planned Office District;
- (19) PC-1 Planned Commercial District; and
- (20) PI-2 Planned Industrial District;

(Ord. -, Article III, § 3.1, passed 9-12-2006)

§ 150.021 OFFICIAL ZONING MAP.

(A) The zoning districts as provided in §150.020 are bounded and defined on a map entitled, “Official Zoning Map, Summit Township, Jackson County, Michigan,” and dated. The zoning map, with all explanatory matter thereon, is hereby adopted as 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. -, Article III, § 3.2, passed 9-12-2006)

§ 150.022 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 center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-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 this chapter, as subsequently modified and designated as such boundary line.

(B) Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

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

(Ord. -, Article III, § 3.3, passed 9-12-2006)

ZONING DISTRICT REGULATIONS

§ 150.035 GENERALLY.

(A) The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in §§ 150.050*et seq.*, 150.065*et seq.*, 150.085*et seq.*, 150.100*et seq.*, 150.115*et seq.*, 150.130*et seq.*, and 150.145*et seq.*

(B) See § 150.146 for the table of Permitted and Conditional Uses and §150.147 for the table of Area, Yard, Height, and Bulk Regulations.

(Ord. -, Art. IV, passed 9-12-2006)

OPEN DISTRICTS

§ 150.050 GENERALLY.

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

(Ord. -, Article IV, § 4.1, passed 9-12-2006)

§ 150.051 AGRICULTURAL DISTRICT (AG-1).

(A) The intent of this District is to set aside land suitable for agricultural development and agriculture-related uses.

(B) Agricultural uses must conform with the Michigan Right to Farm Act, as amended, Public Act 93 of 1981, being M.C.L.A. §§ 286.471 - 286.474, including the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*

(Ord. -, Article IV, § 4.1.1, passed 9-12-2006)

RESIDENTIAL DISTRICTS

§ 150.065 GENERALLY.

(A) The Rural Non-Farm Residential District, Suburban Residential Districts, Urban Residential Districts, Multiple-Family Residential Districts, 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.

(B) 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.

(C) The purpose of each residential district is further stated below.

(Ord. -, Article IV, § 4.2, passed 9-12-2006)

§ 150.066 RURAL NON-FARM RESIDENTIAL DISTRICT (RNF-1).

This District is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly 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.

(Ord. -, Article IV, § 4.2.1, passed 9-12-2006)

§ 150.067 SUBURBAN RESIDENTIAL DISTRICTS (RS-1) AND (RS-2).

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

(Ord. -, Article IV, § 4.2.2, passed 9-12-2006)

§ 150.068 URBAN RESIDENTIAL DISTRICT (RU-1).

This District is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities are provided, including central sanitary sewerage and central water systems.

(Ord. -, Article IV, § 4.2.3, passed 9-12-2006)

§ 150.069 URBAN RESIDENTIAL DISTRICT (RU-2).

This District is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities are provided, including central sanitary sewerage and central water supply systems.

(Ord. -, Article IV, § 4.2.4, passed 9-12-2006)

§ 150.070 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-1).

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

(Ord. -, Article IV, § 4.2.5, passed 9-12-2006)

§ 150.071 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-2).

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

(Ord. -, Article IV, § 4.2.6, passed 9-12-2006)

§ 150.072 MOBILE HOME RESIDENTIAL DISTRICT (MH-1).

(A) This District is composed of those areas of the township whose principal use is or ought to be mobile home dwellings.

(B) The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to the other uses, buildings, structures, or amenities which support, complement, or serve the density and intensity.

(C) Mobile home parks as defined in § 2 of the Michigan Mobile Home Commission Act, as amended, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 - 125.2350, shall meet the standards established and referenced in that Act and the Manufacturing Housing Commission General Rules, R 125.1101 *et seq.*

(Ord. -, Article IV, § 4.2.7, passed 9-12-2006)

OFFICE DISTRICTS

§ 150.085 GENERALLY.

The Office District is designed principally for office use and those uses, which are customarily associated with offices.
(Ord. -, Article IV, § 4.3, passed 9-12-2006)

COMMERCIAL DISTRICTS

§ 150.100 GENERALLY.

(A) The Local Commercial District, General Commercial District, Highway Service Commercial District, and Planned Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking and utility service; advance public safety; and protect surrounding property.

(B) The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of the 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.

(C) The purpose of each commercial district is further stated below.

(Ord. -, Article IV, § 4.4, passed 9-12-2006)

§ 150.101 LOCAL COMMERCIAL DISTRICT (C-1).

(A) This District is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population.

(B) To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

(Ord. -, Article IV, § 4.4.1, passed 9-12-2006)

§ 150.102 GENERAL COMMERCIAL DISTRICT (C-2).

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

(Ord. -, Article IV, § 4.4.2, passed 9-12-2006)

§ 150.103 HIGHWAY SERVICE COMMERCIAL DISTRICT (C-3).

(A) This District is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic.

(B) These districts should be provided 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.

(Ord. -, Article IV, § 4.4.3, passed 9-12-2006)

INDUSTRIAL DISTRICTS

§ 150.115 GENERALLY.

(A) 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.

(B) In order that this value may be maintained and this use encouraged, this chapter has established 2 zoning districts designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of the use and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation.

(C) 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.

(D) The purpose of each industrial district is further stated below.

(Ord. -, Article IV, § 4.5, passed 9-12-2006)

§ 150.116 LIGHT INDUSTRIAL DISTRICT (I-1).

(A) This District is designed to provide suitable space for light industrial uses which operate in a safe, nonobjectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts.

(B) 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.

(Ord. -, Article IV, § 4.5.1, passed 9-12-2006)

§ 150.117 GENERAL INDUSTRIAL DISTRICT (I-2).

This District is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this chapter and can assure protection of the public interest and surrounding property and persons.

(Ord. -, Article IV, § 4.5.2, passed 9-12-2006)

PLANNED DEVELOPMENT DISTRICTS

§ 150.130 GENERALLY.

(A) General provisions.

(1) (a) Planned Development Districts are intended to provide flexible land use and design regulations for residential, office, commercial, and industrial development proposals and to permit a variety of development types, containing both individual building sites and common property which are planned and developed as a unit.

(b) This District encourages innovation in development to enable development demands to be met by a variety of types, designs, sitings, and through the conservation and more efficient use of land in the developments.

(2) When flexible design techniques are deemed appropriate through the re-zoning of land for a planned development district, the use and dimensional specifications elsewhere in this chapter are hereby replaced by an approval process in which an approved plan becomes a basis for continuing land use controls.

(B) Objectives that all Planned Development Districts must achieve.

(1) Promote maximum choice in the types of environment, lot sizes, and community facilities available to owners or tenants;

(2) Encourage more usable tracts of land for open spaces and recreational purposes and for common use;

(3) Preserve trees, outstanding natural topography and geologic features, and prevent soil erosion;

(4) Encourage creative use of land, which can be planned to relate to surrounding physical development;

(5) Attain more efficient use of land as a result of small networks of utilities and streets, and thereby lower costs;

(6) Achieve a development pattern in harmony with the objectives of the Comprehensive Plan;

(7) Provide an opportunity to locate necessary community facilities within neighborhoods; and

(8) Create a more desirable environment plan than would be possible through the application of strict zoning requirements applied in other sections of this chapter.

(C) General requirements for all Planned Development Districts.

(1) *Minimum area.* The minimum area required to qualify for a Planned Development District shall be not less than 10 contiguous acres of land.

(2) Ownership.

(a) The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of the application be deemed to be an owner of the land).

(b) In the case of multiple ownerships, the approved plan shall be binding on all owners.

(3) *Location of the Planned Development District.* This District shall be applicable to any area of the township where the applicant can demonstrate that the characteristics of his or her holdings will meet the objectives of the Planned Development District.

(4) Land use and density.

(a) Because land is used more efficiently in the PR-1 District, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts.

(b) The Township Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects.

(5) Common property in the Planned Development District.

(a) Common property in the Planned Development District consists of a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the planned development.

(b) When common property exists, the ownership of the common property may be either public or private.

(c) When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of the common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.

(6) *Regulation after initial construction and occupancy.*

(a) For the purposes of regulating land development and use of property after initial construction and occupancy, any changes other than use changes shall require approval by the Township Planning Commission.

(b) Use changes shall require Township Board approval following the recommendation of the Township Planning Commission.

(c) It shall be noted, however, that properties lying in Planned Development Districts are unique and shall be so considered by the Township Planning Commission and Township Board when evaluating these requests, and maintenance of the intent and function of the Planned Residential Unit shall be of primary importance.

(7) *Financial responsibility.* No building permits shall be issued for construction within a Planned Development District until public improvements are installed or performance bond posted in accordance with the Township Ordinance.

(8) *Site condominium projects.*

(a) All site condominium projects shall be subject to the provisions, rules, regulations, and procedures set forth in this chapter for a Planned Development District.

(b) The Planned Development District shall apply to any site condominium project regardless of the zoning district in which the condominium project is situated or located, provided, however, that site condominium projects shall not be subject to the minimum acreage requirements of the planned development district.

(c) This provision shall apply to all residential site projects subject to and constructed under the Condominium Act, as amended, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272).

(D) *Planned Development District application procedure and zoning approval process.* Whenever a Planned Development District is proposed, before any building permit for the erection of a permanent building on the site shall be granted, the developer or his or her authorized agent shall apply for and secure approval of the Planned Development District in accordance with the following procedures.

(1) *Generally.*

(a) The applicant shall file a Planned Development District application form; submit required data, exhibits, and information; and deposit the required fee as established by resolution of Summit Township Board, except that no fee shall be required of any governmental body or agency.

(b) No part of the fee shall be returnable to the applicant.

(2) *Staging.*

(a) If the applicant wishes to stage the development and has so indicated on the development plan, the development plan may be submitted with only those stages he or she wishes to develop at this time.

(b) Any plan which requires more than 24 months to be completed shall be required to be staged and staging plan shall be developed.

(3) *Review of the development plan.* The proposed Planned Unit Development must be reviewed according to the procedures and requirements outlined in §§ 150.330*et seq.*, procedure for evaluating development proposals and development plan requirements.

(4) *Zoning for Planned Development District.* The parcel must be rezoned to the appropriate Planned Development District before the proposal can be developed. All Planned Development Districts must be identified on the Official Zoning Map as follows:

(a) Planned Residential District = PR-1;

(b) Planned Office District = PO-1;

(c) Planned Commercial District = PC-1; and

(d) Planned Industrial District = PI-2.

(Ord. -, Article IV, § 4.6, passed 9-12-2006)

§ 150.131 PLANNED RESIDENTIAL DISTRICT (PR-1).

(A) *Generally.* This Planned Residential District (PR-1) is intended to permit small-to-large scale neighborhoods or portions thereof to be developed within the township that permit a variety of residential types.

(B) *Permitted uses.* All uses within an area designated as PR-1 District are determined by the provisions of this section and the approved plan for the project concerned.

(1) (a) Residences may be of a variety of types, including 1-family, 2-family, and multiple-family, but not including mobile homes.

(b) In developing a balanced community, the use of a variety of housing types shall be deemed desirable in keeping with the objectives of this District.

(2) Customary accessory or associated uses, such as private garages, storage spaces, recreational and community activities, churches and schools shall be permitted as appropriate to the Planned Residential District.

(3) Essential services and structures but not including telecommunication facilities, wastewater treatment facilities, water treatment facilities, maintenance depots, or warehouses.

(Ord. -, Article IV, § 4.6.1, passed 9-12-2006)

§ 150.132 PLANNED OFFICE DISTRICT (PO-1).

(A) *Generally.* This Planned Office District (PO-1) is intended to permit a variety of office types.

(B) *Permitted uses.*

(1) All uses within an area designated PO-1 District are determined by the provisions of this section and the approved plan of the project concerned.

(2) Offices may be of a variety of types and designs.

(Ord. -, Article IV, § 4.6.2, passed 9-12-2006)

§ 150.133 PLANNED COMMERCIAL DISTRICT (PC-1).

(A) *Generally.* This Planned Commercial District (PC-1) is intended to permit a regional commercial shopping center.

(B) *Permitted uses.* All uses within an area designated PC-1 District are determined by the provisions of this section and the approved plan of the project concerned, including any use permitted in the General Commercial District.

(Ord. -, Article IV, § 4.6.3, passed 9-12-2006)

§ 150.134 PLANNED INDUSTRIAL DISTRICT (PI-2).

(A) *Generally.* This Planned Industrial District (PI-2) is intended to permit a variety of industrial types.

(B) *Permitted uses.*

(1) All uses within an area designated PI-2 District are determined by the provisions of this section and the approved plan of the project concerned.

(2) Structures may be of a variety of types and designs.

(Ord. -, Article IV, § 4.6.4, passed 9-12-2006)

DISTRICT USE, AREA, YARD, HEIGHT, AND BULK REGULATIONS

§ 150.145 PERMITTED AND CONDITIONAL USES.

The following uses are permitted (P) or conditional (C) within the zoning districts. Conditional uses require approval by the Township Board according to the procedures in §§ 150.250*et seq.*

	<i>Permitted and Conditional Uses</i>	AG-1	RNF-1	RS-1	RS-2	RU-1	RU-2	RM-1	RM-2	MH-1	O-1	C-1	C-2	C-3	I-1	I-2	
	<i>Permitted and Conditional Uses</i>	AG-1	RNF-1	RS-1	RS-2	RU-1	RU-2	RM-1	RM-2	MH-1	O-1	C-1	C-2	C-3	I-1	I-2	
1	Accessory uses or structures	P	P	P	P	P	P	P	P	-	P	P	P	P	-	-	1
2	Adult day care and child care centers	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	2
3	Adult drive-in motion picture theater	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	3

4	Adult motion picture theater	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	4
5	Adult physical culture establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	5
6	Adult supply store	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	6
7	Airports	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7
8	Animal hospitals	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8
9	Animal parks, zoos, and aquariums (See § 150.257 for additional requirements)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9
10	Antique shops	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	10
11	Any use permitted in the light industrial district	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	11
12	Arcade	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	12
13	Artisan production shops	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	13
14	Artists studio	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	14
15	Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	15
16	Auto convenience market	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	16
17	Automatic teller machine (including stand alone)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	17
18	Automobile repair garages	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	18
19	Automobile service stations	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	19
	Reserved – 20-22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
23	Banks and credit unions	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	23
24	Banquet hall, reception hall, and convention center	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	24
25	Bathing establishments	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	25
26	Bed and breakfast/boarding house	-	-	C	C	-	-	-	-	-	-	P	P	P	-	-	-	26
27	Brew pub	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	27
28	Bulk oil storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	28
29	Business schools; including dance schools, music schools, and art schools	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	29

30	Business services; including banks, loan offices, real estate offices, and insurance offices	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	30
	Reserved – 31-33	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
34	Cabaret	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	34
35	Car wash	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	35
36	Cemeteries	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	36
37	Churches and other buildings for religious worship	C	C	C	C	C	C	C	C	-	-	C	C	C	-	-	37
38	Clubs and lodges	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	38
39	Coffee kiosk	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	39
40	Combined residential and office or business units (See § 150.257 for additional requirements)	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	40
41	Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	41
42	Contractors yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	42
43	Convenience store	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	43
44	Copy shop	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	44
45	Country clubs	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	45
46	Currency exchange	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	46
	Reserved – 47-49	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
50	Data center	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	50
51	Day camp	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	51
52	Dinner theater	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	52
53	Dog grooming	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	53
54	Donut shops	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	54
55	Drive-in business services	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	55
56	Drive-in retail and service establishments, except drive-in theaters	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	56
57	Drive-in theaters (See § 150.257 for additional requirements)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	57
	Reserved – 58-60	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
61	Eating and drinking establishments	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	61
62	Eating and drinking establishments, not including drive-ins	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	62

80	General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock in compliance with the standards set by the Michigan Right to Farm Act	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	80
81	General service and repair establishments, including dyeing, cleaning, or laundry works and upholstery or appliance repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	81
82	Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	82
83	Golf courses, but not including golf driving ranges	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	83
84	Golf driving ranges	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	84
85	Government- or community-owned buildings	-	C	C	C	C	C	C	C	-	-	C	C	C	-	-	-	85
86	Group or organized camps, camping grounds, and general or specialized resorts	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	86
	Reserved – 87-89	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
90	Home occupations; type 1 (see § 150.171)	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	90
91	Home occupations, type 2 (see §§ 150.171 and 150.257)	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	91
92	Hospitals, convalescent/nursing homes, sanitariums, and charitable institutions for human care	C	-	-	-	-	-	C	C	-	C	-	-	-	-	-	-	92
93	Hotels and motels	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	93
	Reserved – 94-96	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
97	Ice cream parlors and stores	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	97

98	Indoor and outdoor commercial amusements	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	98
99	Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice-skating rinks.	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	99
100	Indoor retail sales establishments	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	100
101	Industrial office buildings	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	101
102	Industrial uses not in conflict with any enacted state or local laws, or any provisions of this chapter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	102
	Reserved – 103-105	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
106	Junkyards (See § 150.257 for additional requirements)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	106
	Reserved – 107-109	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
110	Kennels	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	110
	Reserved – 111-113	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
114	Laboratories, dental or medical	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	114
115	Live theater	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	115
116	Lumber yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	116
	Reserved – 117-119	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
120	Massage establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	120
121	Massage establishment, auxiliary	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	121
122	Medical and dental clinics	-	-	-	-	-	-	C	C	-	P	-	-	-	-	-	-	122
123	Micro brewery	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	123
124	Mobile home parks	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	124
125	Mobile home subdivisions in accordance with the provisions of RS-2 (suburban residential district II)	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	125
126	Movie theater												C	C	C			126
127	Multiple-family dwellings	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	127
128	Medical marijuana caregiver grow operation (see § 150.180 for additional requirements)	P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	128
129	Medical marijuana home use (see § 150.180 for additional requirements)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	129

	Reserved – 130	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
131	Offices of an executive, administrative, professional, or similar nature	-	-	-	-	-	-	C	C	-	P	P	P	P	-	-	131
132	Off-site signs (see §§ 150.190 <i>et seq.</i>)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	132
133	On-site signs (see §§ 150.190 <i>et seq.</i>)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	133
134	Open space development of single-family dwellings as provided for in the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 <i>et seq.</i> , and the provisions of §§ 150.270 <i>et seq.</i> , site plan review and approval, and § 177, open space preservation developments	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	134
	Reserved – 135-137	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
138	Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, televisions, tanning salons, health clubs, and spas	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	138
139	Physical fitness centers	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	139
140	PC-1 – planned-commercial districts (see §§ 150.130 <i>et seq.</i>)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	140
141	PC-1 – planned Office Districts (see §§ 150.130 <i>et seq.</i>)	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	141
142	PI-2 – planned industrial districts (see §§ 150.130 <i>et seq.</i>)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	142
143	PR-1 – planned residential districts (see §§ 150.130 <i>et seq.</i>)	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	143
144	Printing establishments	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	144
145	Public and private nurseries, primary or secondary nonprofit schools, and colleges and universities	C	-	-	-	-	-	C	C	-	-	-	-	-	-	-	145
146	Public and private nurseries; primary and secondary schools, and colleges	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	146

190	Uses not specifically authorized as permitted uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	190
191	Utility grid, large wind energy facilities/systems with 10 acres or larger (see §150.257(K) for additional requirements)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	191
192	Utility grid, large solar energy facility (solar farm) (see §150.257(L) for additional requirements)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	192
	Reserved - 193-195	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
196	Vehicle repair garages, but not including auto junk yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	196
	Reserved - 197-199	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
200	Wholesale merchandising or storage warehouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	200

(Ord. -, Article IV, § 4.7.1, passed 9-12-2006; Am. Ord. passed - -; Am. Ord. passed - -; Am. Ord. passed 1-12-2016; Am. Ord. passed 11-13-2018)

§ 150.146 DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS.

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Max Bldg Height Requirements		Min Transition Strip Requirements	
		Min Lot Area	Min Lot Width	Max Lot Cov	Front	Side	Rear	Principal	Accessory		
Agricultural	AG-1	2 acres	200 feet	10%	60 feet	30 feet	50 feet	2.5 story or 35 feet	80 feet	n/a	Single-family detached dwelling units.
		3 acres									60 feet*
Rural Non-Farm Residential	RNF-1	1 acre	150 feet	20%	35 feet	20 feet	35 feet	2.5 story or 35 feet	14 feet	n/a	Single-family detached dwelling units.
		2 acres									35 feet*
Suburban Residential 1	RS-1	20,000 square feet	100 feet	30%	35 feet	10 feet min	20 feet	2.5 story or 35 feet	14 feet	n/a	Single-family detached dwelling units.
		1 acre									120 feet

Suburban Residential 2	RS-2	10,000 square feet	80 feet	30%	35 feet	10 feet min	20 feet	2.5 story or 35 feet	14 feet	n/a	Single-family detached dwelling units with central sewage and water systems.	
		15,000 square feet	100 feet			25 feet total					35 feet*	Single-family detached dwelling units without central sewage
		1 acre	120 feet									All other uses.
Urban Residential 1	RU-1	7,500 square feet	60 feet	30%	25 feet	10 feet	25 feet	2.5 story or 35 feet	14 feet	n/a	Single-family detached dwelling units.	
		20,000 square feet				25 feet					All other uses.	
Urban Residential 2	RU-2	7,500 square feet	60 feet	30%	25 feet	10 feet min	25 feet	2.5 story or 35 feet	14 feet	n/a	Single-family detached dwelling units.	
		10,000 square feet	80 feet								Two-family dwelling units.	
		20,000 square feet	120 feet								All other uses.	
Multi-Family Residential	RM-1	10,000 square feet	80 feet	25%	25 feet	10 feet min	25 feet	2.5 story or 35 feet	14 feet	n/a	Two-family dwelling units. 15,000 square feet for first 3 dwellings. Units plus 2,000 square feet for each additional dwelling unit.	
		15,000 square feet	120 feet									
		20,000 square feet	120 feet								All other uses.	
Multi-Family Residential	RM-2	10,000 square feet	80 feet	25%	25 feet	10 feet min	25 feet	2.5 story or 35 feet	14 feet	n/a	Two-family dwelling units. 15,000 square feet for first 3 dwellings. Units plus 4,000 square feet for each additional dwelling unit.	
		15,000 square feet	120 feet									
		20,000 square feet	120 feet								All other uses.	
Mobile Home Residential	MH-1	Min 10 acres	Michigan Mobile Home Commission Act, as amended, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 - 125.2350, and §150.072 of this code							n/a	Mobile home site within a mobile home park	
Office	O-1	10,000 square feet	80 feet	30%	25 feet	10 feet min	25 feet	2.5 story or 35 feet	25 feet	n/a	Uses with central sewage and water systems.	
		15,000 square feet	100 feet			25 feet total					Uses without central sewage.	
Local Commercial	C-1	10,000 square feet	75 feet	Revised 10-31-1992	35 feet	20 feet	35 feet	35 feet	n/a	15 feet wide and fence, wall, or hedge 4-6 feet if abutting a residential district, 20 feet wide, landscaped strip if fronting a public street.	Uses with central sewage and water systems.	
		15,000 square feet	100 feet	35%		35 feet*					Uses without central sewage.	
General Commercial	C-2	10,000 square feet	75 feet	Revised 10-31-1992	35 feet	20 feet	20 feet	35 feet	n/a	15 feet wide and fence, wall, or hedge 4-6 feet if abutting a residential district, 20 feet wide, landscaped strip if fronting a public street.	Uses with central sewage and water systems.	
		15,000 square feet	100 feet	35%		35 feet*					Uses without central sewage.	
Highway Service Commercial	C-3	15,000 square feet	100 feet	Revised 10-31-1992	35 feet	20 feet	20 feet	35 feet	n/a			
Light Industrial	I-1	20,000 square feet	80 feet	Revised 10-31-1992	35 feet	20 feet	35 feet	35 feet	n/a	25 feet wide and fence >4 feet but <6 feet high if abutting a residential district 20 feet		

Heavy Industrial	I-2	2 acres	200 feet	Revised 10-31-1992 35%	35 feet	20 feet 35 feet*	35 feet	35 feet	n/a	wide landscaped strip if fronting a public street	
NOTES TO TABLE: * Corner lot. *** In Central Business District, no lot requirements, yard requirements, or transition strips are required; only side yard and rear yard when abutting residential districts.											

(Ord. -, Article IV, §4.7.2, passed 9-12-2006)

§ 150.147 COMPLIANCE WITH REGULATIONS.

(A) No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.

(B) (1) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located.

(2) Yards or lots created after the effective date of this chapter 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.

(Ord. -, Article IV, § 4.7.3, passed 9-12-2006) Penalty, see § 150.999

§ 150.148 YARD MEASUREMENTS.

(A) Lots which abut on more than 1 street shall provide the required front yards along every street (except as noted in § 150.146).

(B) All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding 3 feet in length from the structure wall.

(Ord. -, Article IV, § 4.7.4, passed 9-12-2006) Penalty, see § 150.999

§ 150.149 LOT WIDTH.

(A) The width of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth.

(B) The line used to measure lot width shall be located as close as possible to the rear line of the required front yard.

(C) No part of the measuring line shall not include any portion thereof in a street right-of-way or a street or drive easement.

(D) The frontage of a lot on a street right-of-way or a street or easement shall not be less than 80% of the required lot width, except in the case of lots on a turning circle of a cul-de-sac street.

(E) On a cul-de-sac, the front yard line shall be at the point where 80% of the required width is reached along a line measured parallel to the tangent to the deepest protrusion of the arc describing the road right-of-way through the front of the property.

(F) In no case shall the distance between the above described tangent and front yard line be less than the required front yard setback for the zoning district in question.

(G) The above-described tangent may not be less than 30 feet in width at the road right-of-way line.

(Ord. -, Article IV, § 4.7.5, passed 9-12-2006) Penalty, see § 150.999

§ 150.150 HEIGHT EXEMPTIONS.

(A) *Generally.* Exceptions to the maximum height regulations for each district specified in this chapter may be permitted subject to the following provisions.

(B) *Specifically.*

(1) *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 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 provided all minimum front, side, and rear yard depths are increased 1 foot for each additional 1 foot of height and provided that adequate fire protection can be demonstrated. Accessory structures located in any single- and 2-family

residential districts may not be located in front of the primary structure.

(3) *Airport zoning plan.* The airport zoning plan (see §150.006) may place further limitations on the height of structures on land included in its study.

(Ord. -, Article IV, § 4.7.6, passed 9-12-2006; Am. Ord. passed 9-17-2019)

§ 150.151 ACCESSORY STRUCTURES.

(A) (1) No detached accessory building or structure shall be located closer than 10 feet to any other building or structure unless the accessory building or structure shall have rated firewalls as provided by the Michigan Construction Code, being M.C.L.A. §§ 125.1501 *et seq.*

(2) Detached structures with rated firewalls may be located within 3 feet of any other building or structure.

(B) All detached accessory structures in any single- and 2-family residential district shall be subject to the same dimensional requirements affecting the principal structure but may not be located in front of the primary structure. However, the accessory structure may be placed not less than 5 feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed 16 feet in height and shall not be located in any portion of the front yard setback.

(C) All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within the districts.

(D) (1) Packing or storage crates, parts or all of a semi-trailer, and similar converted structures shall not be used as accessory structures in any zoning district, except agricultural.

(2) Railroad cars shall not be used as accessory structures in any zoning district.

(Ord. -, Article IV, § 4.7.7, passed 9-12-2006; Am. Ord. passed 9-17-2019) Penalty, see §150.999

§ 150.152 DISTANCE BETWEEN GROUPED BUILDINGS.

(A) *Generally.* 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 each dwelling.

(B) *Specifically.*

(1) Where buildings are front-to-front or front to rear, 3 times the height of the taller building, but not less than 70 feet.

(2) Where buildings are side to side, 1 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, 2 times the height of the taller building but not less than 45 feet.

(Ord. -, Article IV, § 4.7.8, passed 9-12-2006) Penalty, see § 150.999

§ 150.153 PETS.

(A) In all residential zoning districts, dog houses, pens, kennels, and runways shall be placed not less than 5 feet from any rear or side lot line.

(B) (1) The keeping of wild or undomesticated animals is prohibited in all residential zoning districts, the animals to include but not to be limited to: opossum, raccoon, bears, deer, moose, elk, snakes, wild cats such as mountain lions, tigers, leopards, panthers, ocelots, wolves, elephants, and other such wild game.

(2) The keeping of farm animals is also prohibited in all residential districts, except that horses may be kept in rural non-farm residential districts on parcels of 10 or more acres.

(3) Refer to Chapter 92 for additional restrictions.

(C) *Chickens.*

(1) Chickens may be kept on a lot or premises zoned residential and greater than 1 acre in size except where prohibited by private restrictions on the use of the property. Private restrictions shall remain enforceable and take precedence. Private restrictions include, but are not limited to deed restrictions, neighborhood associations by-laws, master deed, and covenant deeds.

(2) Any person keeping chickens shall be required to file a Zoning and Building Application and be subject to any applicable fees.

(3) A person who keeps or houses chickens on his or her property shall comply with the following requirements:

(a) Keep no more than 6 chickens.

(b) The principal use of the person's property is for a single-family dwelling.

(c) No person shall keep any roosters.

(d) The chickens shall be provided a covered enclosure at all times. Fenced enclosures are subject to all provisions of § 150.172 of this chapter and shall require a permit.

(e) A person shall not keep chickens in any location on property other than the backyard and subject to the setback provisions of § 150.146. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot line.

(f) No covered enclosure or fenced enclosure shall be located closer than 100 feet to any residential structure on an adjacent property.

(g) The covered enclosure or fenced enclosure shall be kept in good repair.

(h) All feed and other items associated with the keeping of chickens that are likely to attract rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access.

(i) The keeping of chickens shall not cause a hazard or nuisance to neighboring properties.

(Ord. -, Article IV, § 4.7.9, passed 9-12-2006; Am. Ord. passed 3-28-2017) Penalty, see §150.999

SUPPLEMENTAL REGULATIONS

§ 150.165 PURPOSE OF SUPPLEMENTAL REGULATIONS.

It is the purpose of §§ 150.165*et seq.*, 150.190*et seq.*, 150.215*et seq.*, 150.235*et seq.*, 150.250*et seq.*, 150.270*et seq.*, 150.295*et seq.*, 150.315*et seq.*, and 150.330*et seq.* to provide regulations and requirements that supplement the provisions contained under the respective district regulations in §§ 150.035, 150.050*et seq.*, 150.065*et seq.*, 150.085, 150.100*et seq.*, 150.115*et seq.*, 150.130*et seq.*, and 150.145*et seq.*, and may or may not apply in all zoning districts.

(Ord. -, Article V, § 5.1, passed 9-12-2006)

§ 150.166 STORAGE OF MATERIALS.

(A) *Generally.* The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows.

(B) *Specifically.*

(1) On any lot in any agricultural district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store the materials within a completely enclosed building.

(2) On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store the materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least 7 feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in the districts.

(3) Nothing in this chapter shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

(Ord. -, Article V, § 5.9, passed 9-12-2006) Penalty, see § 150.999

§ 150.167 MOBILE HOME AND TRAVEL TRAILERS.

(A) A mobile home shall not be used or occupied other than as a single-family dwelling.

(B) (1) A travel trailer or motor home shall not be used or occupied as a dwelling except in a duly licensed travel trailer or motor home park.

(2) The Zoning Administrator is authorized to issue a permit for the use and occupancy of a travel trailer or motor home as a temporary dwelling for a period not to exceed 2 weeks, provided that the travel trailer or motor home is situated on a parcel of land which has access to water and sanitary facilities.

(Ord. -, Article V, § 5.10, passed 9-12-2006) Penalty, see § 150.999

§ 150.168 VISIBILITY AT INTERSECTIONS.

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of 2 feet and 8 feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the 2 street lines at points which are 30 feet distant from the point of intersection, measured along the street right-of-way line.

(Ord. -, Article V, § 5.11, passed 9-12-2006) Penalty, see § 150.999

§ 150.169 ACCESS TO PUBLIC STREETS.

(A) In any residential district, (except Rural Non-Farm (RNF-1), District 1), commercial district, and industrial district,

every use, building, or structure established after effective date of this chapter shall be on lot or parcel which adjoins a public street.

(B) In any agricultural (AG-1) and Rural Non-Farm (RNF-1) district, every use, building, or structure established after the effective date of this chapter shall be on lot or parcel, which adjoins a public or private easement of access to a public street.

(C) In any district where a private road/street, right-of-way, or easement serves as access to a public street/road and serves more than 1 and less than 5 one- and/or 2-family dwelling units whether or not separately held, the street/road shall meet the requirements of §§ 90.01*et seq.* as to composition, width, and other applicable requirements.

(D) In any district where a private road/street, right-of-way, or easement serves as access to a public street/road and serves more than 1 commercial or industrial use, business, activity or more than 4 one- and/or 2-family dwellings whether or not separately held, the street/road, easement, or right-of-way shall meet the Jackson County Road Commission standard for a public street/road as to composition, width, and other applicable requirements.

(E) Sections 90.01*et seq.* and or the Jackson County Road Commission Standards for a Public Street shall not apply to accessory structures in an Agricultural (AG-1) District.

(Ord. -, Article V, § 5.12, passed 9-12-2006) Penalty, see § 150.999

§ 150.170 FLOOD PLAINS.

(A) Structures built on land subject to periodic flooding shall be subject to applicable state and federal regulations and laws governing construction in flood plains and Chapter 153 of this code.

(B) Prior to the issuance of a building permit by the township, the owner or his or her agent of the flood plain property shall submit to the Township Building Coordinator evidence of receipt of any necessary approval or permit issued by the Michigan Department of Environmental Quality.

(C) The building of the structures shall be subject to the provisions of the State Construction Code as adopted and enforced by the township in addition to any state and federal rules, regulations, or statutes.

(D) The rules and regulations established by the State Construction Code shall be deemed to be minimum standards subject to more stringent standards that may be established by the state or federal government.

(E) The location and boundaries of property subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corp of Engineers, or other authority having jurisdiction to establish the location and boundaries of land subject to periodic flooding.

(Ord. -, Article V, § 5.13, passed 9-12-2006; Am. Ord. passed 1-12-2010) Penalty, see § 150.999

§ 150.171 HOME OCCUPATION.

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

(B) *Type 1 home occupation.* A type 1 home occupation, as defined by §150.006, must meet the following criteria in order to ensure that there will be no evidence that a business is being conducted from the premises.

(1) *Location and employees.* The home occupation shall be conducted solely within the dwelling unit by the resident of that unit.

(2) *Equipment or process.* No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal human senses beyond the exterior walls of the dwelling unit in which the home occupation is conducted.

(3) *Noise.* The home occupation shall not generate noise that is audible beyond the exterior walls of the dwelling.

(4) *Exterior alterations.*

(a) There shall be no exterior alteration in the residential character of the premises in connection with the home occupation and no more than 25% of the living area will be devoted to the home occupation.

(b) No signs shall be displayed identifying the home occupation.

(5) *Display of merchandise.* No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of the merchandise shall be displayed on the premises.

(6) *Storage.*

(a) All articles or materials used in connection with the home occupation shall be stored in the main and permitted accessory buildings.

(b) No outside storage is permitted.

(c) The storage of materials and merchandise shall not represent a safety hazard to the dwelling, dwelling occupants,

or adjoining properties and occupants, nor shall the storage result in a change to the fire rating of the dwelling and accessory building in which the storage may be conducted.

(7) *Traffic and parking.*

(a) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood.

(b) The home occupation shall not require any on or off street parking other than normally required for a residence.

(c) There shall be no more than 1 delivery per week to the residence by suppliers, except that delivery of mail and small packages by the United States Postal Service or by alternative private delivery services shall not be included as supplier deliveries.

(d) In no instance shall a delivery of any kind be made via a vehicle larger than a step-type van.

(8) *Sale of products.* There shall be no sale of products or services except as are produced on the premises by the home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

(C) *Type 2 home occupation.* A type 2 home occupation, as defined by §150.006, requires a conditional use permit including additional development requirements for certain uses listed in § 150.257.

(Ord. -, Article V, § 5.14, passed 9-12-2006)Penalty, see § 150.999

§ 150.172 FENCES.

(A) *Fence heights.*

(1) *Residential districts.*

(a) Fences in all residential districts, whether or not the same fully enclose a property, shall not exceed 6 feet in height as measured from ground level in side yards and backyards.

(b) Fencing in front yards shall not exceed 4 feet in height, as measured from ground level.

(c) Front yards, for the discussion of fencing, are defined as the property located between the street/road right-of-way and the front facade of the building.

(d) Yards bordering any street right-of-way shall be considered front yards.

(e) In all cases, ground level does not include berms, but would include any terracing needed to make a yard usable.

(2) *Other districts.*

(a) Fences in all other districts shall not exceed 6 feet in height, except as otherwise required by this chapter or the Planning Commission in the site plan review process.

(b) Fences in commercial, office, and industrial districts may be required to exceed 6 feet in height where the same abut office or residential districts.

(B) *Fencing material requirements.*

(a) In no case shall barbed wire be used in any residential, office, or commercial district and razor wire will only be used in those districts to secure essential services.

(b) Application can be made to the Zoning Board of Appeals for deviating from these requirements in the Rural Non-Farm District.

(c) In all cases, the fronts of fences shall face street rights-of-way and adjoining properties.

(C) *Fence permit requirements.*

(1) A fencing permit is required for the erection of all fences.

(2) A site plan with the location of the proposed fencing and its position in regards to street/road rights-of-way and the main structure on the site shall be submitted to the township using the building application.

(3) The fee for the permit shall be established by the Township Board.

(Ord. -, Article V, § 5.15, passed 9-12-2006) Penalty, see § 150.999

§ 150.173 TEMPORARY USE.

Circuses, carnivals, flea markets, organized special events or other transient enterprises may be permitted in any district upon written recommendation of the Zoning Administrator and approval of the Summit Township Board subject to the following:

(A) The applicant for this use or event shall submit a preliminary site plan, and in writing, describe the event or use, its

duration, proposed traffic flow, describe how refuse and sanitation will be handled, indicate parking requirements, identify any nuisances or public safety issues this may create and how it will be mitigated.

(B) If the use will require the assistance of the Summit Sheriff Detachment and/or Fire Department, or any other township services, the applicant must obtain a special event permit from the township for which there will be an appropriate charge.

(C) In the interest of ensuring compliance with the Zoning Ordinance provisions, protecting the natural resources and health, safety, and welfare of the residents, paying for township facilities and assistance, and returning the site to its original condition, the applicant may be required to deposit a performance guarantee in an amount determined by the Township Board.

(D) Proposed signage shall conform to the provisions of the district in which the use or event is located, as set forth in § 150.190 (Signs), except if the location of the use or event abuts a residential district or if the use or event is proposing promotional advertising beyond the location of the use or event, then the signage must comply with the individual sign location on a case-by-case basis.

(E) Any owner, possessor or occupier or any person, firm or corporation having charge of this use or event that violates any provision or shall fail to comply with any requirement of the Township Board shall be responsible for a penalty under § 150.999.

(Ord. -, Article V, § 5.16, passed 9-12-2006; Am. Ord. passed 3-28-2017) Penalty, see §150.999

§ 150.174 CURB CUTS AND DRIVEWAYS.

(A) Curb cuts and driveways may be located only upon approval by the Building Inspector and any other county and state authorities as required by law.

(B) The approval shall not be given where the curb cuts and driveways shall unnecessarily increase traffic hazards.

(Ord. -, Article V, § 5.17, passed 9-12-2006) Penalty, see § 150.999

§ 150.175 SWIMMING POOLS.

(A) *Generally.* Swimming pools in all districts are subject to the following conditions.

(B) *Conditions.*

(1) Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located, and shall not be located within any portion of a prescribed front yard.

(2) Swimming pools shall be subject to the provisions of the State Construction Code, being M.C.L.A. §§ 125.1501*et seq.*

(Ord. -, Article V, § 5.18, passed 9-12-2006) Penalty, see § 150.999

§ 150.176 POLES.

(A) Poles used for interior lighting, security, public address systems, or other similar purposes on a parcel of land which is located in an office, commercial or industrial district which pole or poles are not part of a public utility as defined in § 150.006 shall be subject to the height requirements for a principal structure in each district and a setback from all front, side and rear lot lines of 5 feet.

(B) Additionally, provision of §§ 150.315*et seq.* shall be observed.

(C) The Planning Commission may, as part of a site plan review, allow a pole for the above mentioned purposes to be located closer to a front, side, or rear lot line than otherwise provided in this chapter providing that no part of any such pole shall extend beyond the property line of the parcel.

(Ord. -, Article V, § 5.19, passed 9-12-2006) Penalty, see § 150.999

§ 150.177 OPEN SPACE PRESERVATION DEVELOPMENTS.

(A) Notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this chapter, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, as it applies to single-family residential development, on not more than 50% of the land, if all of the following apply.

(1) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

(2) Not less than 50% 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 provision 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.

(5) The development of land under this section is subject to all other applicable ordinances, laws, and rules, including, but not limited to the provisions of this chapter that are not in conflict with and preempted by the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*:

(a) The Land Division Act (formerly the Subdivision Control Act), as amended, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 - 560.293;

(b) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium;

(c) Rules relating to suitability of groundwater for on site water supply for land not served by public water;

(d) Rules relating to suitability of soils for on-site water supply for land not served by public water;

(e) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers; and

(f) A developer may develop the same number of units that would be allowed under existing zoning.

(B) (1) The developer must submit 2 preliminary development plans.

(2) The first plan should be a viable plan under the existing ordinance, which would then establish the number of units that could be developed in the open space preservation plan under the Site Plan and Planned Residential 1 (PR-1) rules, subject to the provisions of §§ 150.270 *et seq.*

(C) (1) All residential projects shall be subject to the provisions, rules, regulation, and procedures set forth in this chapter for Agricultural (AG-1), Rural Non-Farm (RNF-1), and Suburban Residential 1 (RS-1).

(2) The Planned Residential Development District shall apply to any residential projects of the zoning district in which the project is situated or located.

(3) The development projects shall be subject to the requirements of §§150.270 *et seq.*

(Ord. -, Article V, § 5.21, passed 9-12-2006) Penalty, see § 150.999

§ 150.178 LANDSCAPING REQUIREMENTS.

(A) The intent of this provision is to provide for the comfort, privacy, and well-being of adjacent homeowners or business personnel.

(B) Landscaping must be provided to eliminate obtrusive light and sound from carrying to the adjoining property as part of the site plan for the proposed facilities that will adjoin existing facilities.

(C) The screening shall be of sufficient size and foliage character that it will accomplish the intent of this provision within 1 year of completion.

(D) Unhealthy, dead, or otherwise objectionable trees and/or shrubs must be replaced in a timely manner.

(E) Screening shrubbery should be of the variety and size compatible with the surroundings and selected by a qualified landscaping professional.

(Ord. -, Article V, § 5.22, passed 9-12-2006) Penalty, see § 150.999

§ 150.179 NEW OR CONVERSIONS CONDOMINIUM PROJECTS.

Prior to approving a new or conversion condominium project, the Master Deed for such project shall contain a Hold Harmless Provision to the fullest extent permissible under state law, releasing the township from:

(A) Claims of defective on-site water and sanitary sewer service lines of the condominium project; and

(B) Claims for personal injury or property damage suffered as a result of either a water or sanitary sewer line failure resulting in flooding or a sewer back-up within the condominium development, through no fault of the township's water distribution or sanitary sewer collections systems.

(Ord. -, passed 10-12-2004)

Cross-reference:

For additional regulations on water and sewer, see Chapters 50 and 51

Site condominium projects, see § 150.130(C)(8)

§ 150.180 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN PERMITTED USES.

A certificate of occupancy will not be issued by the Zoning Administrator for the uses specified in this section unless they comply with the development requirements specified herein.

(A) *Medical marihuana caregiver grow operation.*

(1) An application for a medical marihuana facility certificate of occupancy shall be made in writing to the Township Clerk, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke the certificate of occupancy as set forth in this section. Applications shall be on forms supplied by and to be filed with the Township Clerk. The application shall be signed and dated by the applicant. This application and subsequent certificate of occupancy allows its holder to engage in the use, cultivation, or distribution of medical marihuana only to the extent it is lawful under state and federal law. The application shall contain the following information, plus any other information deemed necessary by the Township Clerk:

- (a) The name and any alias used, address, and telephone number of the applicant;
- (b) The location of the medical marihuana facility and a brief description of the amount of marihuana to be distributed, or number of plants to be grown on the premises, if any;
- (c) A copy of the medical marihuana registry card for each qualifying patient and the primary caregiver;
- (d) The applicant's criminal record, if any;
- (e) An authorization for the Sheriff Department, to carry out a background investigation on the applicant;
- (f) If the applicant is not the owner of the proposed location of the medical marihuana facility, a notarized statement from the owner of the property authorizing submission of the application;
- (g) An acknowledgment by the applicant that he or she, as well as his or her qualifying patients, may be subject to prosecution under federal and state laws relating to the possession and distribution of controlled substances, and that the township accepts no legal liability in connection with the approval and operation of the medical marihuana caregiver grow facility; and
- (h) A statement that the information provided is true and accurate and that, if a certificate of occupancy is granted, the applicant will abide by all applicable ordinances and statutes.

(2) The names and other identifying information of any qualifying patient or registered primary caregiver gathered for the purposes of this section shall be exempt from disclosure pursuant to the MMMA.

(3) All certificates of occupancy are subject to the following conditions, which shall be noted on the application form:

- (a) The applicant shall permit inspection of the premises and/or activity at reasonable times by any authorized representative of the township;
- (b) The applicant shall not operate a medical marihuana facility at any time after the certificate of occupancy is suspended or revoked; and
- (c) No certificate of occupancy shall be issued unless and until the applicant, if deemed necessary by the Sheriff Department, submits to being fingerprinted and photographed as part of the background investigation.

(4) Any person who has been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony within 5 years preceding the date of application shall be disqualified from receiving a certificate of occupancy to operate a medical marihuana caregiver facility.

(5) The Zoning Administrator shall issue a certificate of occupancy to the applicant if the applicant has met the requirements of this section and all applicable state and local laws, and the applicant has paid the certificate of occupancy fee.

(6) A certificate of occupancy issued pursuant to this section does not eliminate the need for the applicant to obtain other licenses and permits (e.g. building, mechanical, electrical, plumbing, water and sewer, and the like) required for the operation of a medical marihuana facility. The pertinent inspectors must provide a report confirming that all lights, plumbing, equipment, and all other means proposed to be used to cultivate marihuana plants are in accordance with applicable code(s).

(7) Medical marihuana caregiver grow operation shall not be permitted as home occupations.

(8) No medical marihuana caregiver grow operation may operate in close proximity to sites where children are regularly present or a residential zoned district. Such operations must adhere to the following minimum distances:

- (a) More than 1,000 feet from a daycare facility (see Public Act 110 of 2006);
- (b) More than 1,000 feet from a church, synagogue, mosque, or other religious institution;
- (c) More than 1,000 feet from a public park or community center, library, or township hall;
- (d) More than 1,000 feet from a public or private pre-school, elementary school, high school, community college,

including all other schools that have different name references but serve students of the same age;

- (e) More than 1,000 feet from an adult entertainment use as defined by this code;
- (f) More than 1,000 feet of another medical marihuana grow facility or a medical marihuana home use; and
- (g) More than 500 feet of a residential zoning district or another living unit in any district.

(9) The primary caregiver may cultivate up to 60 marihuana plants provided that not more than 12 marihuana plants are cultivated per qualifying patient, not including the caregiver. The primary caregiver may cultivate up to 12 additional marihuana plants if he or she is also a qualifying patient. The plants maintained for each qualifying patient must be kept in an enclosed locked facility, as defined by the MMMA.

(10) The primary caregiver may possess up to 12½ ounces of marihuana provided that not more than 2½ ounces are possessed per qualifying patient, not including the caregiver. The primary caregiver may possess up to 2½ ounces of additional marihuana if he or she is also a qualifying patient. An incidental amount of seeds, stalks, and roots may also be retained by the primary caregiver.

(11) Consumption of medical marihuana shall not be permitted on the site of a medical marihuana caregiver grow operation.

(12) No person under the age of 18 shall be permitted on the site of the medical marihuana caregiver grow operation unless the person is a registered qualifying patient.

(13) A caregiver grow operation shall not be permitted to have drive-through facilities.

(14) The operator of a medical marihuana caregiver grow operation shall keep a written record in English, on a township form, of all marihuana located on the premises and of all marihuana or marihuana products distributed and such other information designated on the form. Copies of registry cards for all current qualifying patients and the caregiver must be maintained with this record.

(15) There is no authorization for marihuana-related stores, dispensaries, cooperatives, or other businesses that do not meet the regulations set by this section for a medical marihuana caregiver grow facility or medical marihuana home use (see Michigan Attorney General Opinion No. 7259 of 2011).

(B) *Medical marihuana home use.*

(1) No person may engage in the activities of a primary caregiver in a residential district unless a qualifying patient also resides in the home. The primary caregiver may only grow plants for use by the qualifying patient and the primary caregiver if he or she is also a qualifying patient.

(2) A person engaging in the activities of a primary caregiver in a residential district may only grow marihuana plants in his or her primary residence.

(3) (a) No medical marihuana caregiver home use operation may operate in close proximity to sites where children are regularly present. The operations must adhere to the following minimum distances:

(b) More than 1,000 feet from a public or private pre-school, elementary school, high school, community college, including all other schools that have different name references but serve students of the same age.

(4) No more than 24 marihuana plants may be grown in a medical marihuana home use, this number being 12 plants for a registered qualifying patient, not including the caregiver, plus 12 plants if the primary caregiver is also a registered qualifying patient. The plants must be kept in an enclosed locked facility, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient.

(5) A primary caregiver, on behalf of a qualifying patient with whom the primary caregiver resides, may possess an amount of medical marihuana that does not exceed 2½ ounces of usable marihuana (and an additional 2½ ounces if the primary caregiver is also a qualifying patient), plus an incidental amount of seeds, stalks, and roots.

(6) The use of the dwelling unit for medical marihuana home use must be clearly incidental and subordinate to its use for residential purposes and no more than 20% of the gross floor area of the dwelling may be used in any way for the medical marihuana home use.

(7) No change may occur to the outside appearance of the dwelling and no signs may be posted on the dwelling or lot advertising the medical marihuana home use.

(8) Equipment not normally used for purely domestic or household purposes or any portion of the dwelling where energy use and heat generation resulting from the growth of marihuana exceed levels reasonably attributable to residential uses are permitted only if the Zoning Administrator, or his or her designee, approves this use. The Zoning Administrator must approve of this use if he or she is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within 300 feet of the dwelling and that any energy use and heat generation resulting from the growth of marihuana exceeding levels reasonably attributable to residential uses will not create a health and safety risk in the dwelling. In the course of making that determination the Zoning Administrator may find it necessary to order inspection by the appropriate township inspector(s) with applicable inspection fees.

(9) No activity related to the medical marihuana home use occurring on the premises may adversely impact the

surrounding neighborhood or the right of surrounding residents to quiet enjoyment of their property, including but not limited to, the creation of noise, vibrations, odors, heat, glare, unnatural light, or electrical interference.

(10) Storage and manufacture of medical marihuana shall only be permitted inside of an enclosed, locked facility such as a closet, room or other closed area equipped with locks or other security devices that only permit access by the qualifying patient or registered primary caregiver.

(11) Qualifying patients, and their primary caregivers, may be subject to prosecution under federal and state laws relating to the possession and distribution of controlled substances, and the township accepts no legal liability in connection with the approval and operation of the medical marihuana home use; and

(12) There is no authorization for marihuana-related store, dispensaries, cooperative, or other businesses that do not meet the regulations set by this section for a medical marihuana home use or medical marihuana caregiver grow facility (see Michigan Attorney General Opinion No. 7259 of 2011).

(C) *Prohibition of commercial medical marihuana facilities.*

(1) *Uses prohibited.* Commercial medical marihuana facilities defined in this section are prohibited from operating within the township, and no property within the township may be used for the operation of such facilities. No person shall operate, cause to be operated, or permit to be operated a commercial medical marihuana facility in the township.

(2) *Qualifying patients and primary caregivers.* Nothing in this section shall be construed to prohibit, regulate or otherwise impair the use or cultivation of medical marijuana by qualifying patients and primary caregivers in strict compliance with the Michigan Medical Marihuana Act, codified at M.C.L.A. § 333.26421 *et seq.*, or any rules or regulations promulgated thereunder. The operation of a dispensary, provisioning center, marihuana growing facility or similar business operation that allows or facilitates conduct not expressly permitted under the Michigan Medical Marihuana Act is prohibited, including but not limited to facilities allowing patient-to-patient transfers, multiple primary caregivers operating from a single facility, or a primary caregiver serving more than 5 qualifying patients.

(D) *Small solar energy facility.* Notwithstanding other provisions of this subsection, small roof-mounted or ground-mounted solar energy facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A small solar energy facility (as defined in § 150.006) shall be required to have appropriate building permits.

(1) All small solar energy facilities are subject to the following minimum requirements:

(a) A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

(b) A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Summit Township acknowledging and approving such connection.

(c) A roof-mounted facility may be mounted on a principal building or accessory building. A roof-mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.

(d) A ground-mounted facility shall not exceed a height of 12 feet.

(e) The surface area of the solar panels of a ground-mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

(f) A ground-mounted facility or roof-mounted facility attached to an accessory building shall not be located within the required front yard setback.

(g) The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district or the setback of the principal structure, whichever is greater.

(h) All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:

1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least 50% of plants must be evergreen. In lieu of a planting screen, a decorative fence that meets the requirements of § 150.172 and is at least 50% opaque may be used.

2. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.

3. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.

(i) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

(j) All power transmission lines from a ground-mounted small solar energy facility to any building or other structure shall be located underground.

(k) A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.

(l) 1. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.

2. All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Michigan.

(m) The small solar energy facility shall comply with all applicable township ordinances and codes so as to ensure the structural integrity of such facility.

(n) Before any construction can commence on any small solar energy facility the property owner must acknowledge that he or she is the responsible party for owning/leasing and maintaining the solar energy facility.

(2) If a ground-mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground-mounted facility shall be graded and reseeded.

(3) If a ground-mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of 180 consecutive days), is defective, or is deemed to be unsafe by the Building Official, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards or be removed by the property owner within the time period allowed by the Building Official. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the township may pursue a legal action to have the facility removed at the owner's expense.

(4) *Solar access.* The township makes no assurance of solar access other than the provisions contained within this subsection. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

(Ord. passed - -; Am. Ord. 122, passed 5-9-2017; Am. Ord. passed 11-13-2018) Penalty, see §150.999

SIGN REGULATIONS

§ 150.190 PURPOSE.

(A) The purpose of this subchapter is to regulate on-site and outdoor advertising to protect the public health, safety, and general welfare, to protect property values, and to protect the character of the various neighborhoods in the township.

(B) The principal features are the restriction of advertising to the use of the premises on which the sign is located and restrictions by zoning district of the total sign area and height.

(C) Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use.

(D) It is intended that the display of signs will be appropriate to the land, building, or use to which they are an accessory and be adequate, but not excessive, for the intended purpose of identification or advertisement.

(E) With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays.

(F) Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

(Ord. -, Article V, § 5.2.1, passed 9-12-2006; Am. Ord. passed - -)

§ 150.191 DEFINITIONS.

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

ABANDONED SIGN. A sign which no longer advertises or identifies a business, lesser, owner, or activity conducted upon or product available on the premises where the sign is displayed.

ANIMATED SIGN OR CHANGING MESSAGE SIGN. Any sign which includes action or motion, the optical illusion of action or motion, or color changes of all or any part of the sign facing, requires electrical energy or is set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show 2 or more pictures or messages in the copy area. An **ELECTRICAL MESSAGE SIGN** is 1 type of this sign.

ANNOUNCEMENT BULLETIN. A **CHANGING MESSAGE SIGN** used by a church, civic organization, public building, or

school, which may include an **ELECTRONIC MESSAGE SIGN**.

BILLBOARD. See **OUTDOOR ADVERTISING SIGN**.

BUSINESS CENTER. A group of 2 or more separate commercial establishments which:

(1) Although separated by walls, are under 1 common ownership or management, share a common parking area, or otherwise present an appearance of 1 continuous commercial area; or

(2) Have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form 1 continuous structure.

CANOPY OR MARQUEE SIGN. Any sign attached to or constructed within or on a canopy or marquee.

COMMUNITY WELCOME SIGN. An off-premises sign erected or authorized by the township for the purpose of displaying the names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses.

DIRECTIONAL SIGN. A sign containing only directional information and the identification of the activity about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious site, deemed to be in the interest of the traveling public.

DISTRICT. Zoning district as established by this chapter.

ELECTRONIC MESSAGE SIGN. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

(1) **FADE.** A mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(2) **DISSOLVE.** A mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

(3) **ANIMATED AND FLASHING SIGNS.** A sign that has moving, blinking, chasing, scrolling, or other animation effects, with the exception of fading and dissolving, either inside or outside a building and which are visible from a public right-of-way.

(4) **ELECTRONIC DISPLAY SCREEN.** A sign or a portion of a sign, that displays an electronic image or video, which may or may not include text. Electronic displays screens include television, plasma, digital, flat, LED screens, video boards, holographic displays, or other technologies of a similar nature.

(5) **ELECTRONIC MESSAGE CENTER.** A sign or portion of a sign that uses changing lights to form a message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

FREESTANDING SIGN. A sign supported by a structure independent of any other structure designed to identify to persons not on the premises, only the title of the business or profession conducted on the premises, and the information shall be supported by a structural frame independent of any other structure.

HEIGHT OF SIGN. The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

IDENTIFICATION SIGN.

(1) A sign which carries only the name of the firm, the major enterprise, or the principal product, or service offered for sale on the premises or a combination of these things only to identify location of the premises and not to advertise.

(2) The signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

OFFICIAL SIGNS AND NOTICES. An official sign or notice, including public utility signs and public service signs.

OFF-SITE SIGN (OFF-PREMISES SIGN). A sign other than an on-site sign, including **COMMUNITY WELCOME SIGNS**.

ON-SITE SIGN (ON-PREMISES SIGN). A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

OUTDOOR ADVERTISING SIGN.

(1) A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event, or facility located on other premises, and which is intended primarily for advertising purposes.

(2) Those signs are subject to the Highway Advertising Act of 1972, as amended, Public Act 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*

PORTABLE SIGN. Any sign not permanently attached to the ground or a building.

SIGN. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- (1) Signs not exceeding 1 square foot in area bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (2) Flags and insignias of any government except when displayed in connection with commercial connotations;
- (3) Legal notices, identification, information, or directional signs erected, or required by government bodies;
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and/or
- (5) Signs directing and guiding traffic and parking to private property, but bearing no advertising matter. Also see **OUTDOOR ADVERTISING SIGN** and **FREESTANDING IDENTIFICATION SIGN** and sign provisions.

TEMPORARY SIGN. A sign that is intended to be displayed for a limited period of time, as specified in §150.199.

WALL SIGN. A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

WINDOW SIGN.

- (1) A sign installed on or in a window for the purposes of viewing from outside the premises.
- (2) This term does not include merchandise located in a window.

(Ord. -, Article V, § 5.2.2, passed 9-12-2006; Am. Ord. passed - -)

§ 150.192 GENERAL SIGN REGULATIONS.

(A) *Generally.* The following regulations shall apply to all signs in Summit Township.

(B) *Specifically.*

(1) *Illuminated signs.*

(a) *Residential districts.* Only indirectly illuminated signs shall be allowed in any residential district, provided the sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

(b) *Commercial, wholesale-warehouse, office, research development, and industrial districts.* Indirectly or internally illuminated signs are permitted provided the signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

(c) *Writing or printing.*

1. No sign, including changing message signs, shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing or a traffic signal, except that movement showing date, time, message, and temperature exclusively shall be permitted.

2. An electronic information display shall not flash or animate static information.

3. The only movement permitted is the changing of information against the solid background.

4. Nothing contained in this chapter shall be construed as preventing use of lights or decorations related to religious and patriotic festivities.

5. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in § 150.199.

(d) *Signs and wiring.* All illuminated signs shall comply with the applicable National Electrical Code provisions concerning signs and wiring.

(2) *Measurement of sign area.* The area of a sign shall be computed as including the entire area within a regular geometric form or combination of the forms comprising all of the display area of the sign and including all of the elements of the matter displayed as measured 3 inches in from the outside border of the geometric form or combination of forms.

(3) *Height of sign.* No freestanding sign shall exceed a height of 35 feet.

(4) *Setback requirements for signs.*

(a) All signs shall be set back from the adjacent road by a distance of not less than ½ of the setback required for a structure on the parcel as provided for in the setback requirements of this chapter except that in office, commercial, and industrial districts where parcels adjoin a road right-of-way which is in excess of 80 feet the setback shall be not less than 1/4 of the required setback for a structure on the parcel.

(b) The Planning Commission may, as part of a site plan review, allow a sign in the above-mentioned exceptions to be closer to the road rights-of-way provided that no part of any sign extends beyond the subject parcel.

(5) *Business flags.* Business flags shall be permitted in commercial, office, wholesale and warehousing, research and development, and industrial zoning districts, subject to the following regulations.

(a) The flags shall be located on the same lot as the business building or use.

(b) Notwithstanding any other provision of this chapter, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.

(c) The area of each business flag shall not be included in the sign area that is permitted on a lot.

(d) All business flags shall be set back from adjacent road/street no less than ½ of the minimum setback required for a structure on the parcel as provided for in this chapter.

(6) *Official signs and notices.* A sign or notice erected and maintained by public officers or a public agency within their territorial or zoning jurisdiction is permitted pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. This includes a historical marker authorized by state law and erected by a state or local government agency or nonprofit historical society.

(Ord. -, Article V, § 5.2.3, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.193 PERMITTED SIGNS IN ALL DISTRICTS.

(A) *Generally.* Subject to the other conditions of this chapter, the following signs shall be permitted anywhere within the township.

(B) *Specifically.*

(1) *Community welcome signs.*

(a) Off-premises signs, as provided or authorized by the township, which bear names, information, and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted.

(b) Each sign shall be not more than 8 square feet in area, shall not exceed a height of 8 feet, and shall be set back a minimum of 10 feet from the property line.

(c) All signs shall be consolidated within a single-frame, if more than 1 sign is placed at 1 location.

(2) *Directional signs.*

(a) Signs which direct traffic movement onto or within a property, and which do not exceed 8 square feet in area for each sign, shall be permitted.

(b) Horizontal directional signs, on and flush with paved areas may exceed 8 square feet.

(c) Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.

(3) *Announcement bulletins.*

(a) One church, civic organization, public building, or school announcement bulletin, which may include an electronic messaging board, shall be permitted on any site that contains a church, civic organization, public building, or school regardless of the district in which it is located, provided that bulletin does not exceed 32 square feet in area where the speed limit is 45 mph or less, and 60 square feet in area where the speed limit is 46 mph or more and a height of 8 feet, and is set back from an adjacent road a minimum of ½ of the setback required for a structure on the parcel as provided in this chapter.

(b) When a church, civic organization, public building, or school has an identification sign as permitted elsewhere in this chapter, the combination of the signs shall not exceed an additional 8 square feet, allowing a total of 40 square feet if the speed limit is 45 mph or less or a total of 68 square feet if the speed limit is 46 mph or more.

(Ord. -, Article V, § 5.2.4, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.194 PROHIBITED SIGNS.

(A) *Miscellaneous signs and posters.*

(1) Tacking, pasting, or otherwise affixing signs or posters that are visible from a public way, and located on the walls of buildings, barns, sheds, or on trees, poles, posts, or fences shall be prohibited.

(2) Warning signs, such as “no trespassing” and “no hunting” and other postings required by law shall be exempt from this provision.

(B) *Banners.* Banners, pennants, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures shall be prohibited, except as provided in § 150.199.

(C) *Swinging signs.* Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment shall be prohibited.

(D) *Moving signs.* Except as otherwise provided in this section, any sign or any portion thereof that moves or assumes

any motion constituting a non-stationary or fixed condition shall be prohibited.

(E) *Parking of advertising vehicles.*

(1) No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity.

(2) Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product, which they deliver and/or the name and address of the owner shall be excluded from this provision.

(F) *Abandoned signs.* Signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located, shall be prohibited.

(G) *Flags.* Flags other than those of any nation, state or political subdivision, or business as otherwise provided in this chapter shall be prohibited except as permitted under § 150.199.

(H) *Portable signs.* Portable signs, except any temporary sign permitted in §150.199, shall be prohibited.

(I) *Unclassified signs.* The following signs are prohibited:

(1) Signs that imitate an official traffic sign or signal which contains the words stop, go slow, caution, danger, warning, or similar words except as otherwise provided in this section;

(2) Signs that are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection;

(3) Signs that contain statements, words, or pictures of an obscene, pornographic, or immoral character;

(4) Signs that are painted directly on to a wall or any other part of a building;

(5) Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except to identify a residence;

(6) Signs that emit audible sound, odor, or visible matter; and

(7) Roof signs that extend above the peak of the roof.

(Ord. -, Article V, § 5.2.5, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.195 PERMITTED SIGNS IN THE AGRICULTURAL DISTRICT.

(A) *Generally.* The regulations in this section are limited signs in the AG-1 District.

(B) *Farm product signs.*

(1) One on-site sign advertising the type of farm products grown on a farm premises.

(2) The sign shall not exceed 32 square feet in area.

(C) *Identification signs.*

(1) One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building, or other authorized use or lawful nonconforming use, except a home occupation.

(2) As permitted in § 150.193(B)(3), an 8 square foot identification sign is allowed as part of an announcement bulletin.

(3) Each sign shall not exceed 32 square feet in area.

(D) *Type 2 home occupation identification signs.*

(1) One identification sign shall be permitted for a type 2 home occupation.

(2) The sign shall not exceed 3 square feet in area and shall be attached flat against the front wall of the building.

(Ord. -, Article V, § 5.2.6, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.196 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS.

(A) *Generally.* The regulations in this section are limited signs in the RNF-1, RS-1, RS-2, RU-1, RU- 2, RM-1, RM-2, MH-1, and PR-1 Districts.

(B) *Identification signs for various developments.*

(1) One identification sign shall be permitted for each public street frontage of a subdivision, a multiple-family building development, or a manufactured housing community.

(2) Each sign shall not exceed 32 square feet in area.

(3) One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that the sign shall not exceed 3 square feet in area and is incorporated into the identification sign.

(4) Each sign shall be set back not less than 5 feet from the right-of-way line of any public street, and shall not exceed 4 feet in height.

(C) *General identification signs.*

(1) One identification sign shall be permitted for each public street frontage having a driveway for a school, church, public building, or other authorized use or lawful nonconforming use, except type 2 home occupations.

(2) Where an announcement bulletin as permitted in § 150.193 is combined, the identification sign shall not exceed 8 feet in height.

(D) *Type 2 home occupation identification signs.*

(1) One identification sign shall be permitted for a type 2 home occupation.

(2) The sign shall not exceed 3 square feet in area and shall be attached flat against the front wall of the building.

(Ord. -, Article V, § 5.2.7, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.197 PERMITTED SIGNS IN COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS.

(A) *Generally.*

(1) The regulations in this section are limited to signs in the O-1, C-1, C-2, C-3, I-1, I-2, PO-1, PC-1, and PI-2 Districts.

(2) On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial, office, and industrial districts subject to the following conditions.

(B) *Conditions.*

(1) Signs permitted for single buildings on developed lots or group of lots developed as 1 lot, not in a business center subject to division (B)(2) below:

(a) *Area.* Each developed lot shall be permitted at least 1 freestanding exterior sign and 1 exterior wall sign.

1. The area of freestanding exterior signs may be up to 80 square feet, except where the speed limit is 50 mph or greater, in which case the size of the sign may be up to 120 square feet on each street frontage.

2. The area of exterior wall signs permitted for each lot shall be determined as 2 square feet of sign area for each 1 linear foot of building length which faces 1 public street.

(b) *Number.*

1. Each developed lot shall be permitted 1 exterior freestanding on-site sign.

2. For every developed lot that has frontage on 2 collector or arterial streets, 2 exterior on-site signs shall be permitted.

3. Only 1 freestanding identification sign shall be permitted on any street frontage.

4. All businesses without ground floor frontage shall be permitted 1 combined exterior wall sign per road frontage, in addition to the number of signs allocated to the developed lot.

5. The total area of all exterior signs shall not exceed the total sign area permitted in division (B)(1)(a) above.

(2) Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings, not subject to division (B)(1) above:

(a) *Freestanding signs.*

1. Each business center shall be permitted 1 freestanding identification sign for each frontage on a public street.

2. Each sign shall state only the name of the business center and the major tenants located therein.

3. The maximum permitted sign area shall be determined as 1 square foot for each 1 linear foot of building, which faces 1 public street.

4. The maximum area for each freestanding sign shall be 200 square feet.

5. Tenants of a business center shall not permit individual freestanding identification signs.

(b) *Wall signs.*

1. Each business in a business center with ground floor frontage shall be permitted 1 exterior wall sign.

2. The sign area for such an exterior wall sign shall be computed as 2 square feet for each 1 linear foot of building

frontage occupied by the business. This area can be divided into another sign on another wall adjacent to a street.

3. All businesses without ground floor frontage shall be permitted 1 combined exterior wall sign not more than 24 square feet in area.

(c) *Office, commercial, and industrial park signs.*

1. A freestanding sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park.

2. Each parcel in a park will be allowed 1 available space on a park sign.

3. Each space shall be no larger than 8 inches x 48 inches.

4. Park signs shall be no higher than 6 feet above the height of the public road at the point of the centerline most closely adjacent to the sign.

5. No park sign shall be greater than 8 feet long.

6. All park signs shall be located no closer to an adjacent road than ½ of the minimum setback required for a structure on the parcel as provided in this chapter.

(3) A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed 10% of the total sign area and further provided that the total area of the sign does not exceed 30 square feet.

(4) *Canopy and marquee signs.*

(a) No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals.

(b) In granting the variance, the Board of Appeals shall assure that the requirements of §150.367 are complied with; that the minimum clearance of the sign is 8 feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.

(5) *Permitted automobile service station signs.*

(a) In addition to the provisions of divisions (B)(1) and (B)(2), an automobile service station may have 1 additional sign for each public street frontage having a driveway, for the purpose of advertising gasoline prices and other services provided on the premises.

(b) The sign shall be mounted on a freestanding structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed.

(c) The sign shall not exceed 8 square feet in area.

(6) *Prohibited automobile service station signs.*

(a) Notwithstanding any of the provisions of §§150.165*et seq.*, 150.190*et seq.*, 150.215*et seq.*, 150.235*et seq.*, 150.250*et seq.*, 150.270*et seq.*, 150.295*et seq.*, 150.315*et seq.*, and 150.330*et seq.*, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by state law or regulation.

(b) No signs shall be attached to light standards.

(c) No signs shall be attached to fuel pump canopies except those identifying self-service and full-service pumps or similar messages.

(Ord. -, Article V, § 5.2.8, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.198 OUTDOOR ADVERTISING SIGNS (OFF-SITE SIGNS).

(A) *Generally.* Outdoor advertising signs shall be permitted only in accordance with the following regulations.

(B) *Specifically.*

(1) Outdoor advertising signs shall be permitted only in agricultural districts (AG-1) on state or federal highways, and the C-3, I-1, I-2, PC-1, and PI-2 districts, subject to the Highway Advertising Act of 1972, as amended, Public Act 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*

(2) *Requirements for multiple signs.*

(a) Where 2 or more outdoor advertising signs are located along the frontage of a street or highway, they shall be not less than 1,000 feet apart.

(b) A double-face (back to back) of a V-type structure shall be considered a single sign, provided the interior angle of the signs does not exceed 20 degrees.

(3) *Requirements for single signs.*

(a) The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed 300 square feet.

(b) Signs may be single- or double-faced and shall contain no more than 2 faces, or panels.

(4) *Height requirements for signs.*

(a) Outdoor advertising signs shall not exceed 20 feet in height from ground level.

(b) The permitted height may be increased to 40 feet by the Zoning Administrator if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.

(5) Outdoor advertising signs shall not be erected on the roof of any building nor have 1 sign above another.

(Ord. -, Article V, § 5.2.9, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.199 TEMPORARY SIGNS.

(A) *Single-family and two-family real estate development signs.*

(1) In single-family and 2-family (RNF-1, RS-1, RS-2, RU-1, RU-2, and MH-1) districts, 1 sign for each public street frontage advertising a recorded subdivision or development shall be permitted.

(2) Each sign shall not exceed 64 square feet in area.

(3) Each sign shall be removed within 2 years after it is erected or when 75% of all lots or units within the subdivision or development are sold, whichever first occurs.

(B) *Multiple-family real estate development signs.*

(1) In multiple-family (RM-1 and RM-2) districts, 1 sign, not to exceed 64 square feet in area, shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale.

(2) Each sign shall be removed within 60 days of the initial rental or sale of 70% of the dwelling units within the development.

(C) *Building contractor signs.*

(1) One identification sign shall be permitted for all building contractors, 1 for all professional design firms and 1 for all lending institutions on sites under construction, each sign not to exceed 6 square feet in area, with not more than a total of 3 such signs permitted on 1 site.

(2) If all building contractors, professional design firms, and lending institutions join together in 1 identification sign, the sign shall not exceed 32 square feet in area, and not more than 1 sign shall be permitted on a site.

(3) Signs shall have a maximum height of 10 feet and shall be confined to the site of the construction, construction shed, or construction trailer and shall be removed within 14 days after the issuance of a certificate of occupancy.

(D) *Special event signs.*

(1) Temporary signs announcing any special sales, annual, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted on an annual basis.

(2) A single special event a year is allowed by permit.

(3) A special event may last up to 30 days.

(4) A permit must be in effect for at least 30 days prior to the special event.

(5) The date of the special event must be identified at the time of the application.

(6) Maximum sign area shall not exceed 32 square feet.

(7) If building-mounted, signs shall be flat wall signs and shall not project above the roofline.

(8) If ground-mounted, signs shall not exceed 6 feet in height.

(9) Signs shall be set back in accordance with §150.192.

(E) *Banners, pennants, searchlights, and balloons.*

(1) Banners, pennants, search lights, balloons, or other gas-filled figures are to be considered temporary signs and are therefore allowable during special events as defined in division (D) above.

(2) The signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.

(F) *Real estate open house direction signs.*

(1) Temporary real estate direction signs, not exceeding 3 square feet in area and 4 in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for the day of the

open house.

(2) Signs shall not exceed 3 feet in height.

(G) *Real estate signs.*

(1) In residential districts, 1 temporary real estate "For Sale," "For Rent," or "For Lease" sign, located on the property and not exceeding 6 square feet in area shall be permitted.

(2) In all other zoning districts, 1 sign of this type shall be permitted, provided it does not exceed 32 square feet in area and is set back in accordance with § 150.192.

(3) If the lot has multiple frontages, 1 additional sign not exceeding 6 square feet in area in residential districts or 32 square feet in area in all other districts shall be permitted.

(4) Under no circumstances shall more than 2 such signs be permitted on a lot.

(5) The signs shall be removed within 7 days following the sale, rent, or lease.

(6) In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.

(Ord. -, Article V, § 5.2.10, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.200 ELECTRONIC MESSAGE SIGNS.

(A) *Allowed as a permitted or conditional use.*

(1) Electronic message signs shall be allowed in O-1, PO-1, C-1, C-2, C-3, PC-1, I-1, I-2, and PI-1 Districts as permitted signs. The signs may be attached, detached, or low profile signs. The square footage of these signs shall be counted into the maximum sign area allowed for the district.

(2) Electronic message signs may be allowed as a conditional use in RM-1, RM-2 and PR-1 Districts, when parcels so zoned are located on a road or street where 1 or more adjacent properties are used and zoned for office, commercial or industrial purposes. The square footage of these signs shall be applied towards the maximum sign area allowed in the district.

(3) Electronic message signs may also be allowed as a conditional use for all announcement bulletins, to include schools, churches, civic organizations and public buildings in any district.

(B) All electronic signs that contain an electronic changeable copy module shall be subject to the following limitations in all districts:

(1) Electronic signs may not contain animation or any flashing, scrolling, or any type of video.

(2) Electronic signs shall contain static messages only, changed only through dissolve or fade transitions, but which may otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The change of messages using a dissolve or fade transition shall not exceed 3 seconds of time between each message displayed on the sign.

(3) Electronic message signs for all announcement bulletins that are detached shall not be located within 100 feet of any current or future residential single and 2 family use as zoned or designated in the master plan for the township, as measured from the base of the sign to the nearest point of the residential property. The announcement bulletin must also have frontage on a road or street as required for the district in which they are located.

(4) Messages displayed shall only direct attention to a business, product, service or entertainment conducted, sold or offered on the premises on which the sign is located including contiguous or adjacent property under the same ownership. Community emergency alerts such as inclement weather or Amber alerts, time and temperature, and public service announcements are exempt from this requirement.

(5) Electronic signs shall not cause glare or rapid blinking, not be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians, adjacent properties or is otherwise detrimental to the public health, safety or welfare. These signs shall have a minimum of 8 second intervals between screen changes.

(6) Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing.

(7) Electronic message signs operating between sunset and sunrise shall be set at not more than 40% of the maximum capable light output.

(8) Applications for sign permits containing an electronic display shall include the manufacture's specifications including the maximum capable light output.

(9) No more than 1 electronic sign is permitted per premises, regardless of the number of signs permitted or the number of uses. If a business use has frontage on 2 or more roads/streets 1 additional electronic message sign may be allowed as a conditional use.

(C) (1) All electronic signs that contain an electronic changeable copy module shall be subject to the following limitations

in all office, commercial and industrial districts:

(2) In the office, commercial and industrial districts the electronic message sign may be an attached sign, a low profile sign, or a detached sign not to exceed 20 feet in height.

(D) All electronic signs that contain an electronic changeable copy module shall be subject to the following limitations in the RM-1, RM-2 and PR-1 districts, and for announcement bulletins placed in any residential district:

(1) Electronic message signs shall be placed perpendicular to the street onto which it is constructed.

(2) Electronic message signs located within the RM-1, RM-2 and PR-1 districts may have a detached low profile sign, or an attached sign.

(Am. Ord. passed - -)

§ 150.201 EXEMPTED SIGNS.

(A) *Generally.* The following types of signs are exempted from all provisions of this chapter, except for construction and safety regulations and the following standards.

(B) *Noncommercial and public interest sign.*

(1) Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, official signs and notices, and informational signs; and

(2) Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

(C) *Political signs.*

(1) Political signs are exempt for a period of not more than 60 days before and 7 days after a general election or primary. However, the signs of a primary winner may remain throughout the general election.

(2) The signs are not permitted in public rights-of-way nor may they interfere with the vision of motorists.

(3) A total of 3 signs per property are allowed. The total square footage of all political signs shall not exceed 12 square feet in the RNF-1, RS-1, RS-2, RU-1, RU-2, MH-1, RM-1, RM-2, and PR-1 Districts and 32 square feet in the AG-1, RM-1, RM-2, O-1, C-1, C-2, C-3, I-1, I-2, PO-1, PC-1, and PI-2 Districts.

(4) The top of the sign shall not exceed 8 feet above ground level in all districts.

(Ord. -, Article V, § 5.2.11, passed 9-12-2006; Am. Ord. passed - -)

§ 150.202 NONCONFORMING SIGNS.

Nonconforming signs shall not:

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

(B) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign; and/or

(C) Be re-established after damage or destruction, if the estimated expense or reconstruction exceeds 50% of the replacement cost as determined by the Building Inspector.

(Ord. -, Article V, § 5.2.12, passed 9-12-2006; Am. Ord. passed - -)Penalty, see § 150.999

§ 150.203 PERMITS AND FEES.

(A) (1) A permit shall be required to erect or replace a sign, or to change the copy of a sign, that is regulated by §§ 150.193 and 150.195 through 150.199(E).

(2) The application shall be made by the owner of the property, or authorized agent thereof, to the Township Zoning Administrator by submitting the required forms, fees, exhibits, and information.

(3) Fees for sign permits shall be established by resolution of the Township Board.

(B) An application for a sign permit shall contain the following:

(1) The applicant's name and address in full, and a complete description of the relationship to the property owner;

(2) If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application;

(3) The address of the property;

(4) An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign; and

(5) A complete description and scale drawing of the sign, including all dimensions and the area in square feet.

(C) All signs shall be inspected by the Township Zoning Administrator for conformance to this chapter prior to placement on the site.

(D) (1) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

(2) The sign permit may be extended for a period of 30 days upon request by the applicant and approval of the Zoning Administrator.

(E) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

(F) Signs for which a permit is required shall be inspected periodically by the Zoning Administrator for the compliance with this chapter and other codes, requirements, and laws of the township, including, but not limited to, the National Electrical Code, State Construction Code, and State Mechanical Code.

(G) (1) The applicant is also responsible for getting any other federal, state, or locally required permission before erecting a sign.

(2) Other permissions may include, but are not limited to proposed signs that are visible to a state highway, which require permits via the Highway Advertising Act of 1972, as amended, Public Act 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*

(Ord. -, Article V, § 5.2.13, passed 9-12-2006; Am. Ord. passed - -) Penalty, see § 150.999

§ 150.204 REMOVAL OF SIGNS.

(A) (1) The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this chapter except for legal nonconforming signs.

(2) Thirty-days notice in writing shall be given to the owner of the sign or of the building, structure, or premises on which the sign is located to remove the sign or to comply with this chapter.

(3) The township may, after 30-days notice, remove the sign.

(4) The township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.

(5) Any cost of removal incurred by the township shall be assessed to the owner of the property on which the sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and the charge will be a lien on the property.

(B) (1) A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days after the business, which it advertises, is no longer conducted on the premises.

(2) If the owner or lessee fails to remove the sign, the township shall remove it in accordance with the provisions stated in division (A) above.

(3) These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this chapter.

(Ord. -, Article V, § 5.2.14, passed 9-12-2006: Am. Ord. passed - -)Penalty, see § 150.999

OFF-STREET PARKING REQUIREMENTS

§ 150.215 GENERALLY.

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

(B) The 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 the spaces are provided elsewhere in conformance with this chapter.

(Ord. -, Article V, § 5.3, passed 9-12-2006) Penalty, see § 150.999

§ 150.216 PLANS.

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

(Ord. -, Article V, § 5.3.1, passed 9-12-2006)

§ 150.217 LOCATION OF OFF-STREET PARKING AREAS.

(A) 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 this distance shall not exceed 150 feet for single-family and 2-family dwellings.

(B) This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that the facility is required to serve.

(Ord. -, Article V, § 5.3.2, passed 9-12-2006) Penalty, see § 150.999

§ 150.218 PARKING IN RESIDENTIAL DISTRICTS.

(A) (1) Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than 1 commercial vehicle of the light delivery type, not to exceed 1 ton gross vehicle weight (GVW) shall be permitted per dwelling unit.

(2) The parking of any other type of commercial or industrial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

(B) The parking of a passenger vehicle or vehicles on a driveway located on private property shall not be prohibited in any zoning district. All other vehicles and equipment shall be parked on a lot in accordance with the following provisions.

(1) These provision shall not apply to any vehicle or equipment stored or parked in an enclosed building.

(2) Motor vehicles, motor homes, travel trailers, campers, and similar equipment shall not be parked in the front yard setback of any residential district. The units may be parked indefinitely in the backyard or side yard of a parcel providing that the units are parked or stored in such a way as to conform to the rear and side line setback requirements for a dwelling in that zoning district.

(3) Boats, recreational vehicles, snowmobiles, trailers, and similar such units or equipment shall not be parked in the front yard. The units may be parked indefinitely in the backyard or side yard of a parcel, providing that the units are parked or stored in such a way as to conform to the rear and side line setback requirements for a dwelling in that zoning district.

(4) Temporary vehicles or structures such as motor homes, travel trailers, or campers shall not be used as living quarters or dwellings in any zoning district, except in accordance with the provisions of § 150.167.

(Ord. -, Article V, § 5.3.3, passed 9-12-2006) Penalty, see § 150.999

§ 150.219 OFF-STREET PARKING AREA DESIGN.

(A) (1) Each off-street parking space for automobiles shall be not less than 200 square feet in area, exclusive of access drives or aisles.

(2) The standard dimensions of a parking space shall be 10 feet x 20 feet, but in any case parking spaces shall be of usable shape and condition.

(3) The applicant will also be required to provide the number of accessible parking spaces, with the mandated dimensions for the parking spaces and access aisles, mandated by Michigan's Barrier Free Code, being M.C.L.A. §§ 125.1501 *et seq.*

(B) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of the aisles shall be:

(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; and

(4) For parallel parking, the aisle shall not be less than 10 feet in width.

(C) (1) There shall be provided a minimum access drive of 10 feet in width for 1-way traffic and 20 feet in width for 2-way traffic.

(2) Where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

(D) All off-street parking spaces shall not be closer than 5 feet to any property line, including the parkway.

(E) All off-street parking areas shall be drained so as to prevent drainage to abutting properties. to erosion.

(F) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

(G) (1) Any off-street parking area providing space for 5 or more vehicles shall be effectively screened on any side, which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than 4 feet in height.

(2) Plantings shall be maintained in good condition and not encroach on adjoining property.

(H) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of 1- or 2-family dwellings.

(I) (1) Any off-street parking area providing space for 5 or more vehicles shall be effectively screened from the street or an adjacent residentially zoned property by a wall, fence, or compact planting not less than 3 feet in height.

(2) Plantings shall be maintained in good condition and not encroach on adjoining property.

(J) All parking lots, maneuvering lanes, driveways, or loading areas required for uses other than single- or two-family residences shall be hard-surfaced with asphalt, concrete. Porous asphalt or concrete may be used if storm water run-off can be minimized or is recommended by the Jackson County Drain Commissioner allowing the reduction in area of retention or detention ponds. The Planning Commission shall have the discretion of waving certain hard surface paving requirements allowing the use of millings or gravel provided the following conditions are met:

(1) The proposed driveways, loading, turn-around areas will receive only limited use and are not used for employee parking, customer parking, or primary access.

(2) Millings or gravel surfacing and potential problems arising from dust or scattered gravel shall not impact neighboring properties.

(3) Hard surfacing will significantly increase storm water run-off and create potential flooding and/or soil erosion.

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

(L) *Truck and recreational vehicle parking.* In addition to parking required for passenger vehicles, set forth in §150.222, off-street parking for buses, trucks, and recreational vehicles at restaurants, service stations, and similar establishments, shall be of sufficient size to adequately serve such space and shall not be less than 10 feet in width and 55 feet in length. Upon review of the site plan, the Planning Commission shall determine if separate truck and recreational vehicle parking is required for the proposed use.

(M) All parking spaces shall be delineated with visible striping/markings of the parking spaces with paint or other acceptable materials. Temporary parking for uses allowed in § 150.173 Temporary Uses may be waived by the Township Board if requested by an applicant for such use. The requirements for striping may be waived by the Planning Commission under provisions of § 150.219(H).

(Ord. -, Article V, § 5.3.4, passed 9-12-2006; Am. Ord. passed 3-28-2017) Penalty, see §150.999

§ 150.220 COLLECTIVE PARKING.

Requirements for the provision of parking facilities with respect to 2 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.

(Ord. -, Article V, § 5.3.5, passed 9-12-2006)

§ 150.221 DETERMINING REQUIREMENTS.

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

(B) *Specifically.*

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

(2) *Places of assembly.*

(a) In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of the seating facilities shall be counted as 1 seat.

(b) 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.

(3) *Fractions.* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including ½ shall be disregarded and fractions over ½ shall require 1 parking space.

(Ord. -, Article V, § 5.3.6, passed 9-12-2006) Penalty, see § 150.999

§ 150.222 SCHEDULE OF OFF-STREET PARKING SPACES.

(A) The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking

Spaces.

(B) Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<i>Use</i>	<i>Parking Space Requirements</i>
<i>Use</i>	<i>Parking Space Requirements</i>
Automobile or Machinery Sales and Service Garages	One space for each 200 square feet of showroom floor area plus 2 spaces for each service bay plus 1 space for each 2 employees on maximum shift.
Bank, Business, and Professional Offices	One space for each 200 square feet of gross floor area.
Barber Shops and Beauty Parlors	One space for each chair plus 1 space for each employee on maximum shift.
Bowling Alleys	Seven spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than schools.	One space for each 4 seats.
Dwelling Unit	Two spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four 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, Appliance Stores, Household Equipment floor and Furniture Repair Shops area.	One space for each 400 square feet of floor area
Hospitals	One space for each bed excluding bassinets plus 1 space for each 2 employees on maximum shift.
Hotels, Motels, Lodging Houses, Boarding Homes	One space for each living unit plus 1 space for each 2 employees.
Automobile, Service Stations	One space for each 800 square feet of floor area plus 1 space for each 4 employees on maximum shift.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories.	One space for each 2 employees on maximum shift.
Medical and Dental Clinics	One space for each 200 square feet of floor area plus 1 space for each employee on maximum shift
Restaurants, Beer Parlors, Taverns, and Night Clubs	One space for each 3 patrons of maximum seating capacity plus one (1) space for each two (2) employees on maximum shift.
Banquet, reception, and convention facilities where Food and beverages may be served	One space for each 3 patrons of maximum seating capacity plus 1 space for each 2 employees on maximum shift.
Self-service Laundry or Dry Cleaning Stores	One space for each 2 washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One space for each employee normally engaged in or about the building or grounds plus 1 space for each 30 students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One space for each employee in or about the building or grounds plus 1 space for each 4 students enrolled.
Super Market, Self-service Food and Discount Stores	One space for each 200 square feet of floor area plus 1 space for each 2 employees on maximum shift.
Wholesale Establishments and Warehouses	One space for each 400 square feet of floor area plus 1 space for each 2 employees on maximum shift.

(Ord. -, Article V, § 5.3.7, passed 9-12-2006) Penalty, see § 150.999

§ 150.223 EXCEPTION.

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

(B) (1) The Planning Commission may in its discretion depending on the nature of the use being proposed and the layout of the site plan reduce by no more than 25% the required parking spaces on an individual case basis.

(2) Any such reduction shall be made only if requested by the applicant, and upon a showing by the applicant that the parking spaces set forth in this chapter exceed the parking spaces necessary to the proposed use or to be reasonably used by persons frequenting the proposed use.

(Ord. -, Article V, § 5.3.8, passed 9-12-2006)

§ 150.224 OFF-STREET PARKING IN RESIDENTIAL AREAS.

Off-street parking and parking lots for office, commercial, or industrial purposes shall be located only in office, commercial, or industrial districts.

(Ord. -, Article V, § 5.3.9, passed 9-12-2006) Penalty, see § 150.999

OFF-STREET LOADING AND UNLOADING REQUIREMENTS

§ 150.235 GENERALLY.

In connection with every building, structure, or use hereafter erected, except single- and 2-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with the buildings, off-street loading and unloading space.

(Ord. -, Article V, § 5.4, passed 9-12-2006) Penalty, see § 150.999

§ 150.236 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 Administrator for review at the time of application for a zoning compliance permit.

(Ord. -, Article V, § 5.4.1, passed 9-12-2006)

§ 150.237 OFF-STREET LOADING AREA DESIGN.

(A) Each off-street loading and unloading space shall not be less than 10 feet in width and 55 feet in length with not less than 15 feet in height clearance.

(B) Any loading and 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 sides by a wall, fence, or compact planting not less than 6 feet in height.

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

(Ord. -, Article V, § 5.4.2, passed 9-12-2006) Penalty, see § 150.999

§ 150.238 OFF-STREET LOADING AREA SPACE REQUIREMENTS.

(A) In the case of mixed uses on 1 lot or parcel, the total requirements for off-street loading and 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 1 off-street loading and unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, 1 additional loading and unloading space.

(C) All industrial and wholesale commercial land uses shall provide 1 loading and unloading space for each 10,000 square feet of floor space, with a minimum of not less than 2 loading and unloading spaces.

(Ord. -, Article V, § 5.4.3, passed 9-12-2006) Penalty, see § 150.999

CONDITIONAL USES

§ 150.250 GENERALLY.

(A) 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.

(B) In addition to the permitted compatible uses however, there are certain other uses, which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the township.

(C) The uses, on account of their peculiar occasional 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.

(Ord. -, Article V, § 5.5, passed 9-12-2006)

§ 150.251 AUTHORITY TO GRANT PERMITS.

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

(Ord. -, Article V, § 5.5.1, passed 9-12-2006)

§ 150.252 CONDITIONAL USE PERMIT APPLICATION PROCEDURE AND APPROVAL PROCESS.

(A) Whenever any conditional use permit for a property is proposed, before any building permit for the erection of a permanent building on the site shall be granted, the developer or his or her authorized agent shall apply for and secure approval of the conditional use permit in accordance with the following procedures.

(1) *Generally.*

(a) The applicant shall file an official conditional use permit application form; submit required data, exhibits, and information; and deposit the required fee as established by resolution of Summit Township Board, except that no fee shall be required of any governmental body or agency.

(b) No part of the fee shall be returnable to the applicant.

(2) *Staging.*

(a) If the applicant wishes to stage the conditional use and has so indicated on the development plan, the development plan may be submitted with only those stages he or she wishes to develop at this time.

(b) Any plan which requires more than 24 months to be completed shall be required to be staged and staging plan shall be developed.

(3) *Review of the development plan.* The proposed conditional use must be reviewed according to the procedures and requirements outlined in §§ 150.330*et seq.*

(4) *Public hearing requirements.* Public hearings held in accordance with §150.348 shall take place before the Planning Commission and Township Board consider approval of the conditional use permit.

(B) The Planning Commission must provide a written statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision and any conditions imposed.

(Ord. -, Article V, § 5.5.2, passed 9-12-2006)

§ 150.253 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.

(A) *Generally.* The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements.

(B) *Specifically.*

(1) Will be harmonious with and in accordance with the general objectives, intent, and purposes of this chapter;

(2) Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity;

(3) Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

(4) Will not be hazardous or disturbing to existing or future neighboring uses; and

(5) Will not create excessive additional requirements at public costs for public facilities and services.

(Ord. -, Article V, § 5.5.3, passed 9-12-2006)

§ 150.254 DETERMINATION AND IMPOSITION OF CONDITIONS.

(A) If the facts in the case do not reasonably establish that the findings and standards set forth in this chapter will apply to the proposed use, the Planning Commission shall not recommend to the Summit Township Board that the Summit Township Board should grant a conditional use permit.

(B) In recommending that a conditional use permit should be granted by the Summit Township Board, the Planning Commission shall recommend the conditions of use as it deems necessary to protect the best interest of the township and the surrounding property, and to achieve the objectives of this chapter.

(Ord. -, Article V, § 5.5.4, passed 9-12-2006)

§ 150.255 APPROVAL OF THE PERMIT.

(A) Upon holding a public hearing and the finding that the requirements of §§150.252 through 150.256 have been satisfactorily met by the applicant, the Planning Commission shall within 30 days recommend approval or disapproval to the Summit Township Board.

(B) When the Summit Township Board gives final approval, a conditional use permit shall be issued for use only at the requested location.

(C) In all cases where conditional use permits are granted in residential districts, if the structure on the premises is also used for a dwelling unit then it shall be a requirement of the conditional use permit that the owner of the premises resides in the structure for which the conditional use permit is granted.

(D) This requirement shall not apply to conditional use permits granted for offices or clinics.

(E) The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Administrator, and Planning Commission.

(F) The Zoning Administrator shall not issue a zoning compliance permit until he or she has received a copy of the conditional use permit approved by the Summit Township Board.

(Ord. -, Article V, § 5.5.5, passed 9-12-2006)

§ 150.256 VOIDING OF CONDITIONAL USE PERMIT.

(A) Any conditional use permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use is commenced within 210 days and completed within 575 days of the date of issuance.

(B) A violation of a requirement, condition, or safeguard shall be considered a violation of this chapter and ground for the Planning Commission to terminate and cancel the conditional use permit.

(Ord. -, Article V, § 5.5.6, passed 9-12-2006)

§ 150.257 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES.

A conditional use permit shall not be issued for the uses specified in this section unless complying with the site development requirements as herein specified. The Planning Commission 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 1 entranceway from a public road/street to the lot for each 500 feet of front lot line.

(2) The removal, processing, transportation, and activities relating to storage such as stock piling 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.

(4) On the lot, all road/streets, 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 adjoining lots and public roads/streets the nuisance caused by wind-borne 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 the 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/street.

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

(7) The 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, that the removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that the removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this division (A) (7), 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 that in the event the zoning classification of any land within 500 feet of the equipment or machinery shall be changed to residential subsequent to the operation of the equipment or machinery, the operation of the equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line.

(9) (a) There shall be erected a fence not less than 6 feet in height around the periphery of the development.

(b) 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 entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

(11) (a) The operator shall file with the Planning Commission and the Zoning Administrator 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 5 feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future road/streets, drives, drainage courses, and/or other improvements contemplated.

(b) The plans shall be subject to review and modification from time to time by the Planning Commission.

(c) The anticipated cost of carrying out the plans of restoration shall be included with the plans.

(12) (a) The operator shall file with the Summit Township Board a performance bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan.

(b) The Summit Township Board shall fix the amount of the required bond, which will reflect the anticipated cost of restoration.

(c) The bond shall be released upon written certification of the Zoning Administrator 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 5 years and shall be renewable only upon reapplication, a re-determination by the Planning Commission and a filing of a performance bond, the re-determination to be made in accordance with the requirements of this chapter 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) (a) It is recognized by this chapter that the location of the materials in an open area included in this chapter's definition of "junkyard" will cause the reduction of the value of adjoining property.

(b) To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least 7 feet in height, and not less than the height of the materials on the lot on which a junkyard shall be operated, shall be located on the lot no closer to the lot lines than the yard requirements for buildings permitted in this district.

(c) All gates, doors, and access ways through the fence or wall shall be of solid, unpierced material.

(d) In no event shall any materials included in this chapter's definition of "junkyard" 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 and egress shall be on major streets, and there shall be not more than 1 entranceway to the lot on which a junk yard shall be operated from each public road/street on which the lot abuts.

(3) All roads/streets, 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 adjoining lots and public roads/streets the nuisance caused by wind-borne 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 7 feet in height. Fences shall be of sound construction, 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 property line.

(3) (a) 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.

(b) All points of entrance to the exit of motor vehicles shall be located no closer than 200 feet from the intersection of any 2 streets or highways.

(D) *Combined residential and office or business units.* In addition to and as an integral part of development, the following provisions shall apply.

(1) The principal use of the property must be office or commercial, and the residential use only incidental to the office

or commercial use.

(2) The residential use shall be subject to the following regulations, excluding height and setback requirements:

(a) Minimum living area of 750 feet or 1- or 2-bedroom dwelling; 150 square feet of additional living area for each additional bedroom; and a minimum floor-to-ceiling height of 7.5 feet;

(b) The living unit shall be connected to a public sewer and water supply or to private sewer and water supply facilities approved by the Jackson County Health Department before issuance of a certificate of occupancy;

(c) The storage areas within the dwelling unit, in the aggregate, shall be equal to at least 15% of the minimum square foot dwelling area requirements; and

(d) There shall be 2 parking spaces for each dwelling unit and limited to passenger vehicles only.

(3) (a) The residential use shall not be restricted to the owner of the unit or the business located in the unit.

(b) The residential use may be a rental use or occupied solely by non-family members of the owner of the building or the business.

(4) The residential unit must be designed and constructed as part of the office or commercial use.

(E) *Animal parks, zoos, and aquariums.* An animal park, zoo, or aquarium is defined as the temporary or permanent housing, or keeping for display of non-domestic birds, fish, and/or animals. An animal park, zoo, or aquarium is an operation that is open to the public, whether free or for admission, and may be part of a larger park or common area used for other purposes. The nature of animal parks, zoos and aquariums is such that each project must be reviewed individually, and certain conditions imposed on the use so as not to endanger the life of residents in the area, or adversely affect the value of properties in the area. Prior to issuing a conditional use for an animal park, zoo, or aquarium, the Planning Commission shall consider the following in making its recommendation to the Township Board:

(1) Whether the public roads/streets are sufficient to handle the increased traffic expected to be generated by such a project;

(2) Whether the project is located so closely to surrounding residential property that the traffic and noise generated from the project will adversely impact and affect the peace and quiet of surrounding residents;

(3) Whether there is adequate parking proposed by the applicant;

(4) Whether the proposed fencing of the project will be adequate to prevent animals from within the project from escaping and being a danger to surrounding residents;

(5) Whether the applicant has submitted a plan showing sufficient personnel to maintain the quality of life of the animals within the project, order among the visitors to the project, and crowd control within the project;

(6) Whether the proposed landscaping is adequate to create an attractive appearance, and to shield the activities from surrounding residential neighborhoods;

(7) Whether the applicant has received all applicable federal and state licenses. An applicant who has been denied a federal or state license shall not be approved by the Planning Commission. An applicant who violates a state or federal license, guideline, or regulation shall be deemed to violate the conditional use permit granted under this section, and if a permit has been issued it shall be subject to revocation by the Township Board for the violation;

(8) Whether the animal park, zoo, or aquarium will place an undue burden on public services such as police, fire, water, sewer, or any other public service provided by the municipality;

(9) Liability insurance of no less than \$1,000,000 per person and \$2,000,000 per incident to protect the public and persons using the park zoo or aquarium from monetary loss and compensate for damages to property or persons caused by the park or zoo, or the other amount as may be required by the Township Board if dangerous or exotic animals are kept on the premises;

(10) Whether the nature of the operation is sufficiently removed from residences so as not to cause a nuisance by reason of odors, dust, trash, or noise;

(11) In determining any application for a park, zoo, or aquarium, the Planning Commission shall consider the appropriateness of the applicant posting a bond to assure compliance with the conditional use permit with respect to odors, dust, trash, or noise and restoration of the property if the enterprise is closed. The necessity of the bond would protect the township by allowing the township to use the proceeds from the bond to defray costs incurred in the event that the township was required to remedy a nuisance on the property;

(12) In considering such a conditional use, the Planning Commission may make recommendations concerning lighting, hours of operation, parking, landscaping, buffer zones, and any other conditions reasonably calculated to maintain the integrity of the value of surrounding properties and the peace and tranquility of the residents in and about the proposed project;

(13) That a conditional use authorized under this section preempts any contrary provisions in this chapter, and in particular the prohibition against keeping exotic animals in residential areas. This section shall take precedence over any

other section of this chapter.

(F) *Telecommunication facilities and towers.* A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemption's as stated in the Federal Telecommunications Act of 1996, being U.S.C. §§ 151 *et seq.* Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority.

(1) *Applicant.* The applicant for a permit to erect a commercial telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication towers or antennas shall be the owner, tenant, lessee, or agent of 1 of the foregoing.

(2) *Application.* The application shall be submitted to the township 45 days prior to submission of the application to the Planning Commission for approval and shall contain, in addition to any other information requested by the Planning Commission, the following information:

(a) A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the tower is 60 feet or more in height;

(b) A diagram of the proposed site;

(c) A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. The buffering shall include, but not be limited to, the planting of evergreen trees, a fence no less than 6 feet tall, and the material out of which the fence shall be erected. See additional requirements in division (F)(3)(e) of this section;

(d) The proposed height of the telecommunication facility;

(e) The location and size of all accessory buildings;

(f) The type of construction of telecommunication facility;

(g) Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the telecommunication facility height and design, including a cross-section of the structure; the report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design; and

(h) The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. The demonstration shall be evidenced by a study comparing other potential host sites. Reasons for excluding a site for consideration include but are not limited to:

1. Unwillingness of the owner to entertain a telecommunication facility proposal;

2. Topographical limitations of the site;

3. Adjacent impediments that would obstruct adequate telecommunication transmission;

4. Physical site constraints that would preclude this construction of a telecommunication facility;

5. Technical limitations of the telecommunication system;

6. A legal description of the property;

7. The application shall be accompanied by a statement from a Michigan licensed professional engineer certifying that the tower is in compliance with all applicable federal, state, and local laws, codes, regulations, and ordinances;

8. The base of the telecommunication tower shall be determined by the setback requirements of this chapter. In no case shall the base of the tower intrude into the minimum setback requirements;

9. Minimum spacing between telecommunication facility locations shall be 1 mile in order to prevent a concentration of towers in 1 area;

10. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this chapter. Each application shall undergo a full and thorough site plan review together with meeting all of the requirements of this division (F).

(3) *Minimum standards.*

(a) Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be separated from residential dwellings by a distance of no less than 200 feet or the height of the tower plus 10%, whichever is greater. The setback distance shall be measured from the base of the tower to the lot line.

(b) All communication towers shall be inspected annually by a competent or licensed inspector to insure the structural

integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Building Inspector on or before August 1 of each year.

(c) All telecommunication facilities shall be sited to have the least possible practical visual effect on the surrounding neighborhood.

(d) Telecommunication facilities shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state, or local authority.

(e) There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least 5 feet in height within 2 years of planting, and a row of trees at least 8 feet in height at the time of placement with 10-foot centers and a minimum mature height of 35 feet.

(f) 1. Minimum property line setbacks shall be 30 feet plus the height of the telecommunication facility plus 10% of the height of the tower, or 100 feet, whichever is greater.

2. Notwithstanding the foregoing language, no tower shall be located closer than 200 feet from the property line when the property is being used for residential purpose.

3. Providing further, that where a proposed tower will be located on a parcel of land surrounded on all 4 sides by commercially, agriculturally, and/or industrial zoned property the Planning Commission may in its discretion reduce the minimum sideline setback requirements of this chapter upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this chapter, but in no event shall the setback be less than that required for structures erected in the zoning district in which the tower is located.

4. The setback distance shall be measured from the base of the tower to the lot line.

(g) 1. The telecommunication facility shall conform to the ANSI standards for radio frequency (RF) exposure.

2. The telecommunication shall be upgraded to meet any change in the ANSI standards.

3. The owner or applicant shall provide proof of compliance with the ANSI standards.

(h) 1. The total square footage of accessory buildings shall not exceed 400 square feet per user of the tower.

2. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography, and scale of buildings.

(i) 1. Fuel tanks shall be buried or screened with landscaping, fencing, or berms.

2. Trash areas must be screened.

3. Alternative fuel supplies shall meet applicable state law.

(j) 1. The noise impacts of cooling and other types of equipment shall be minimized through location and screening.

2. Noise may not exceed state or local noise standards, and shall conform to recommended decibels standards adopted by the appropriate federal agency.

(k) Metal towers shall be constructed of or treated with corrosive resistant material.

(l) Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards, and codes.

(m) There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any tower, except the identification as may be required for emergency purposes.

(n) All parking and drive areas must be paved.

(4) *Abandonment.*

(a) In the event the use of any telecommunication facility has been discontinued for a period of 180 days, the telecommunication facility shall be deemed to be abandoned.

(b) Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 180 days within which to re-activate the telecommunication facility or dismantle and remove the telecommunication facility.

(5) *Federal, state, and local rules, and the like.*

(a) The owner or applicant of the commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be required to adhere to all federal, state, and local rules, regulations, statutes, and ordinances.

(b) A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

(6) *Tower space and tower rights.* The applicant shall provide to Summit Township tower space and tower rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior

to construction of the tower or space is available at the time of the request by the township.

(7) *Necessary conditions.*

(a) Telecommunication facilities shall be subject to the provisions of this division (F) regardless of whether the facilities are designated as a conditional or a permitted use in any zoning district.

(b) The conditions are necessary to preserve the safety, health, and welfare of the residents because of the nature of the activity.

(8) *Bonds.*

(a) The owner of a telecommunication facility or tower shall post a bond with the township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days.

(b) The bond shall be with a reputable insurance or guarantee company.

(c) The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication tower.

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

(10) Any applicant who makes a false statement on an application shall be guilty of a civil infraction, which is detailed in Chapter 30.

(11) The application shall include the name back haul provider, if applicable.

(12) (a) The Planning Commission may require camouflage or innovative design for a telecommunication facility providing that the same is not cost prohibitive and/or does not create an undue hardship on the applicant.

(b) The design requirements may include, but not be limited to, camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring the facility be so designed as to blend into the existing environs and background to the facility.

(13) The towers shall meet all regulations of the local airport zoning ordinance (if applicable) and the Federal Communications Commission.

(14) *Commercial wireless telecommunication towers.* All commercial wireless telecommunication towers erected, constructed, or located within the township shall also comply with the following requirements.

(a) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a 1-mile search radius of the proposed tower due to 1 or more of the following reasons.

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.

4. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(b) 1. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for a minimum of 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower is over 60 feet in height.

2. Towers must be designed to allow future rearrangement of antennas upon the tower to accept antennas mounted at varying heights.

(G) *Sales of mobile home.* Sales of mobile homes provided that the sales operation is clearly subordinate and incidental to the use of the area for mobile home dwellings. The following conditions shall also apply.

(1) No more than 1 sales area for mobile homes shall be located in the mobile home park or subdivision and the sales area shall be a Mobile Home Residential (MH-1) zone, single separated designated section within.

(2) (a) No more than 1 mobile home for sale purposes per 10 mobile homes located in the mobile home park or subdivision for residential purposes shall be permitted.

(b) The total number of mobile homes for sale shall not exceed 10.

(3) Sales shall be limited to mobile homes.

(4) The sales operation shall have frontage on a dedicated street or road and have access to the street or road.

(5) The minimum yard requirements for the Mobile Home Residential (MH-1) zone shall also apply to the portion of the mobile home park or subdivision utilized for sales purposes.

(6) Parking space shall be provided in the designated sales area in accordance with the requirements for the residential area of the Mobile Home Residential (MH-1) zone.

(H) *New and used vehicle dealers.*

(1) The premises must contain a permanently enclosed building or structure either owned, leased, or rented by a dealer, which is not a residence, tent, temporary stand, or any temporary quarters;

(2) The building or structure is required to be continuously occupied for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles;

(3) All books, records, and files necessary to conduct the business of a class (a) or class (b) dealer must be maintained in the building or structure;

(4) A building or structure housing an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license;

(5) Land space of no less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. The display and customer parking areas must be adequately surfaced and well lit during business hours;

(6) An exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from a highway identifies the premises;

(7) Conspicuous posting of the dealer's regular hours of operation. The posted hours must be not less than 30 hours per week; and

(8) The premises must contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location not to exceed 10-miles distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement must be conspicuously posted in the office.

(I) *Type 2 home occupations.* Requests for type 2 home occupations, as defined by §150.006, shall be processed by the Planning Commission under the provisions of this chapter.

(1) *Location.* The home occupation shall be carried on within the dwelling or within a building accessory thereto.

(2) *Employees and volunteers.* No more than 1 person (employee or volunteer) may be employed who is not a resident of the premises. Off-street parking shall be provided for the employee or volunteer on the premises to which the home occupation is conducted.

(3) *Impact on commercial districts.* In addition to meeting the conditional use standards for approval, it shall be demonstrated that the home business will not be detrimental to the commercial viability of the township's commercially zoned districts.

(4) *Hours of operation.* As set by the conditional use permit.

(5) *Clients or customers.* No more than 2 clients or customers shall be received at any 1 time.

(6) *Sign.* One non-illuminated sign, not to exceed 3 square feet, may be erected. The sign shall be attached to the residence or may be placed in a window.

(7) *Noise.* The home occupation shall not generate noise, which is audible beyond the property lines of the dwelling.

(8) *Equipment or process.* No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal human senses beyond the property lines of the dwelling in which the home occupation is conducted.

(9) *Exterior alterations.* There shall be no exterior alteration in the residential character of the premises in connection with the home occupation and no more than 30% of the living area of the dwelling shall be devoted to the home occupation.

(10) *Display of merchandise.* No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of the merchandise shall be displayed on the premises.

(11) *Storage.*

(a) All articles or materials used in connection with the home occupation shall be stored in the main and permitted accessory buildings.

(b) No outside storage is permitted.

(c) The storage of materials and merchandise shall not represent a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, nor shall the storage result in a change to the fire rating of the dwelling and accessory building in which the storage may be conducted.

(12) *Traffic and parking.*

(a) Customers shall not generate excessive traffic or monopolize on-street parking.

(b) There shall be no more than 2 deliveries per week to the residence by suppliers, except that delivery of mail and small packages by the United States Postal Service or by alternative private delivery services shall not be included as supplier deliveries.

(13) *Sale of products.* There shall be no sale of products or services except as are produced on the premises by the home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

(14) *Exemptions from home occupations.*

(a) *Garage and yard sales.*

1. Garage sales and the sale of produce grown on the premises are not classified as home occupations.
2. These uses are exempt from the provisions of this section.
3. However, the uses are subject to other applicable sections of this chapter.
4. Garage and yard sales are also regulated under §110.40.

(b) *Home occupations prohibited in all residential districts.* The following shall not be classified as a home occupation:

1. Outdoor automobile, truck, and heavy equipment repair;
2. Auto bodywork;
3. Auto body painting;
4. Parking and storage of heavy equipment.

(J) *Small on-site wind energy systems.* The following site development standards shall apply to all small on-site wind energy systems in the township and shall be subject to all applicable requirements of the Site Plan Article and sections of this chapter including § 150.257(K).

(1) *Blade/ground clearance.* The lowest extension of any blade or other exposed moving component shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human use, such as decks, balconies or roof gardens, that are located below the small tower or structure mounted wind energy system.

(2) *Guy wires.* If the small on-site wind tower mounted energy system is supported by guy wires, the wires shall be covered with a high visibility material or fenced so as to make them visible at a height of at least 6 feet above the ground.

(3) *Setbacks tower mounted wind energy system.* Shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator plus 10%, however, no part of the wind turbine generator, including guy wire anchors, may extend closer to the property line or waterfront than the required setback for the district in which the unit is located. A small wind energy system shall be located in the rear yard and shall have a setback of 20 feet from all occupied buildings on the applicant's parcel. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site.

(4) *Setbacks structure mounted wind energy system.* Shall be set back a minimum of 15 feet from the property line, public or private right-of-way, easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If affixed by any extension to the side, roof, or other elevated surface then the setback from the property line, public or private right-of-way or easement shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.

(5) *Noise.* Small on-site wind energy systems shall not cause a sound pressure level in excess of 55 dB(A) as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

(6) *Vibration.* Small on-site wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

(7) *Reception/signal interference.* Small on-site wind energy systems shall not cause interference with communication systems such as, but not limited to, television, microwave, satellite emergency communications, wireless phone, navigational or radio reception to neighboring areas.

(8) *Shadow flicker.* Small on-site wind energy systems shall not cause shadow flicker upon any structure on a

neighboring property. The wind turbine generator owner may obtain written agreements which allow shadow flicker to cross an occupied structure.

(9) *Potential ice throw.* Ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

(10) *Safety.* Small on-site wind energy systems shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speed, and excessive pressure on the tower or building structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

(11) *Signs.* Small on-site wind energy systems shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for the identification of the turbine manufacture, a clearly visible warning sign regarding voltage shall be placed at the base of a tower or structure mounted system, or any other required information (e.g. Underwriters Laboratory (UL) label, emergency contact phone number) this sign shall not exceed 3 square feet.

(12) *Visual appearance.* Small on-site wind energy systems including accessory structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the system and any ancillary facilities shall be maintained throughout the life of the system.

(13) *Lighting.* Small on-site wind energy systems shall not be artificially lighted, except to the extent required by law or other applicable authority, or otherwise for the reasonable safety and security thereof.

(14) *Utility connection.* If the small on-site wind energy system is connected to a public utility (Consumers Energy) for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the utility.

(15) *Other regulations.* On-site wind energy systems shall comply with all applicable state construction and electrical codes, regulations contained in the Jackson County Airport - Reynolds Field Airport Zoning Manual, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (Public Act 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

(K) *Utility grid, large wind energy facilities/systems.*

(1) *Site development standards.* Shall apply to all utility grid large wind energy facilities/systems including any applicable provisions of small on-site wind energy systems in the township and shall be subject to all applicable requirements of the Site Plan Article and sections of this chapter including the following:

(2) *Wind energy facilities and anemometer towers.* Anemometer towers and wind energy facilities consisting of 1 or more wind turbines whose main purpose is to supply electricity to off-site customers may be allowed as a special land use and shall adhere to the following requirements in addition to the requirements contained in this chapter:

(a) *Principal or accessory use.* A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of the facility on the parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) *Avian analysis and wildlife impact.* An applicant shall submit an avian study to assess the potential impact of a proposed wind energy facility upon bird and bat species. The avian study shall at a minimum report a literature survey for threatened and endangered species, and any information on critical flyways. The analysis shall also include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.

(c) *State or federal requirements.* Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special land use approval is approved.

(d) *Sufficient wind resources.* The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site. The township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval. All costs for the study shall be at the applicant expense.

(e) *Minimum site area.* The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall meet required setbacks and any other standards of this chapter.

(f) *Setbacks.* Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

1. *Setback from property line.* Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than 100 feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than 1 parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. The data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed 55 decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

2. *Setback from road.* In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height plus 10% as defined in this chapter.

3. *Setback from structures.* Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than 1 ½ times the total height of the wind turbine generator.

4. *Setback from communication and power lines.* Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than 400 feet or 1 ½ times the total tower height, whichever is greater, determined from the existing power or communications lines.

5. *Building setbacks.* Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

(g) *Height.* Regarding wind turbine height, the applicant shall demonstrate compliance with the Michigan Tall Structures Act (Public Act 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

(h) *Tower separation.* Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics such as prevailing wind and topography, of the particular site location. At a minimum, there shall be a separation between the towers of not less than 3 times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.

(i) *Minimum ground clearance.* The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than 20 feet.

(j) *Maximum noise levels.* The sound pressure level generated by the wind energy system shall not exceed 55 dB(A) measured at neighboring property lines. This level may be exceeded during short-term events such as utility outages and severe wind storms.

(k) *Maximum vibrations.* Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

(l) *Potential ice throw.* Ice throw or ice shedding for a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

(m) *Signal interference.* No wind turbine generator shall be installed in any location where proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, emergency communication systems, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

(n) *Visual impact, lighting, power lines.*

1. Wind turbines shall be mounted on tubular or lattice towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered Michigan licensed engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.

2. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation. The landscaping requirements section of the Zoning Ordinance shall be complied with and addressed in the site plan.

3. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:

a. Shall be the intensity required under state or federal regulations.

b. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. The intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.

c. May be a red top light that does not pulsate or blink.

d. All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.

4. Wind turbines shall not be used to display any advertising (including flags, streamers, or decorative items), except the reasonable identification of the manufacturer or operator of the wind energy facility.

5. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

(o) *Shadow flicker.*

1. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.

2. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems. All costs for the analysis shall be at the applicant expense.

(p) *Safety.*

1. All collection system wiring shall comply with all applicable safety and stray voltage standards.

2. Wind turbine towers shall not be climbable up to 15 feet above ground surfaces.

3. All access doors to wind turbine towers and electrical equipment shall be lockable and/or fenced as appropriate, to prevent entry by non-authorized person(s).

4. Each wind turbine tower shall have 1 sign, not to exceed 3 square feet posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:

a. Warning high voltage;

b. Manufacturer's and owner/operators name; and

c. Emergency contact numbers (list more than 1 number).

5. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator and be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speed, and excessive pressure on the tower or building structure, rotor blades and other wind energy components.

6. The structural integrity of the tower(s) shall conform to the design standards of the International Electrical Commission, specifically "Wind Turbine Safety and Design," "Wind Turbine Certification," and "Blade Structural Testing," or similar successor standards.

(q) *Hazard planning.* An application for a wind turbine generator shall be accompanied by a hazard prevention plan. The plan shall contain:

1. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard or any life safety hazard.

2. Location of landscaping is to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site. The landscaping shall be maintained to prevent the creation of life safety hazards (fire, emergency access, electrical contact). In addition to the above all landscaping shall comply with the provisions of the landscaping requirements of the Zoning Ordinance.

3. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS). All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.

4. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.

5. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

6. All towers shall be inspected annually by a certified registered Michigan licensed engineer and authorized factory representative to insure the structural integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A report shall be provided to the township Building Inspector on or before August 1 of each year.

(r) *Approvals.* All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.

(s) *Decommissioning/removal of wind turbine generators.*

1. The applicant shall submit a decommissioning plan. The plan shall include:

a. The anticipated life of the project.

b. The estimated decommissioning costs in current dollars. The costs shall not include credit for salvageable value of any materials.

c. The method of ensuring that funds will be available for decommissioning and restoration shall be as required by the Planning Commission.

d. The anticipated manner in which the project will be decommissioned and the site restored.

2. Any wind turbine generator or anemometer tower that is not operational for a continuous period of 12 months shall be considered abandoned, and the owner of the wind turbine generator or anemometer tower shall remove the same within 180 days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the 180 day period provided in this division shall be grounds for the township to remove the wind turbine generator or anemometer tower at the owner's expense.

3. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of 5 feet below the final grade and site vegetation shall be restored.

4. The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of 5 feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every 5 years. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township.

(t) *Equipment replacement.* Major components of the wind turbine generator may be replaced without a modification of the special use permit provided all regulations contained herein are adhered to.

(L) *Utility grid, large solar energy facility (solar farm).* The purpose of this subsection is to establish minimum requirements and regulations for the siting, installation, operation, repair, decommissioning, and removal of utility grid, large solar energy facilities (hereafter referred to as solar farms), as defined in § 150.006, while promoting the safe, effective, and efficient use of such energy facilities as a conditional use in specified zoning districts. The following requirements shall apply to all solar farms:

(1) *Location.* All solar farms are limited to the Agricultural (AG-1), Light Industrial (L-1), and General Industrial (I-2) districts.

(2) *Regulations and design standards.* All solar farms shall comply with the following minimum regulations and design standards.

(a) *Design standards.*

1. *Minimum lot size.* No solar farm shall be erected on any zoning lot less than 20 acres in size (as defined in § 150.006).

2. *Maximum height.* The maximum height for a solar panel shall be 14 feet. The maximum height of a power switchyard (as defined in § 150.006) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the solar farm is located, as listed in § 150.146. The height of required lightning rods attached to the power switchyard or solar farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the power switchyard and solar farm equipment from lightning.

3. *Setbacks.* Solar farm facilities and related structures and components shall be set back a minimum of 30 feet from all lot lines. In addition, solar farm solar arrays and other structures must be located at least 300 feet from the road right-of-way along US-127 and M-50; 150 feet from the road right-of-way along all other roadways, public and private; and 150 feet from any lot line adjacent to all existing Rural Non-Farm Residential (RNF-1), Suburban Residential (RS-1 and RS-2), Urban Residential (RU-1 and RU-2), Multiple-Family Residential (RM-1 and RM-2), and Mobile Home Residential (MH-1) district land; and any lot line adjacent to an existing residence at the time the solar farm is granted conditional use approval,

unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts or to provide for designated road or utility corridors, as identified through the review process.

4. *Safety/access.*

a. Security fencing shall be installed around the solar farm as follows: fencing to be a minimum of 6 feet and a maximum of 8 feet in height; fencing to be located inside the perimeter of screening, if any. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

b. Appropriate warning signage shall be placed at the entrance and perimeter of the solar farm.

5. *Noise.* No component of any solar farm shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations:

a. 50 dBA, as measured at the property line of any adjacent Rural Non-Farm Residential (RNF-1), Suburban Residential (RS-1 and RS-2), Urban Residential (RU-1 and RU-2), Multiple-Family Residential (RM-1 and RM-2), and Mobile Home Residential (MH-1) district zoned land in existence at the time the solar farm is granted conditional use approval;

b. 45 dBA, as measured at any neighboring residence in existence at the time the solar farm is granted conditional use approval, between the hours of 9:00 p.m. and 7:00 a.m.; and

c. 60 dBA, as measured at the lot lines of the project boundary.

6. *Visual appearance.*

a. Solar farm buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the solar farm into the existing environment.

b. The perimeter of solar farm facilities shall also be screened and buffered by installing evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the solar farm's entire lot perimeter from adjacent parcels, subject to the following requirements:

i. Unless screened and buffered at all times by natural forest vegetation having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this subsection, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all solar farms.

ii. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of 6 feet in height. The evergreen trees or shrubs shall be spaced no more than 10 feet apart on center (from the central trunk of 1 plant to the central trunk of the next plant). Within 5 years of planting, required evergreen vegetative screening shall be no less than 15 feet tall.

iii. Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this code and sufficient grounds for revocation of any conditional use permit previously granted.

iv. An alternate screening method may be considered for approval by the Planning Commission as long as it has a substantially similar obscuring effect of an evergreen buffer.

v. If the solar farm is not visible from any road and if the solar farm is not visible from any existing residence, the screening requirements may be modified at the discretion of the Planning Commission.

c. Lighting of the solar farm shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the solar farm. A photometric study may be used to make this determination.

d. No solar farm shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Zoning Administrator or such other person designated by the Township Board to the owners of the solar farm that glare from the solar farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the solar farm shall have a reasonable time (not to exceed 180 consecutive days) from the date of such notice to remediate such glare.

7. *Medium voltage cable.* All medium voltage cable (as defined in § 150.006) within the project boundary shall be installed underground unless determined otherwise by the Planning Commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power switchyards (as defined in § 150.006) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

(b) *Local, state and federal permits.* A solar farm shall be required to obtain all necessary permits from the Michigan Department of Environmental Quality (see § 150.257(L)(4)(b)) and any applicable municipal, county, state, or federal permits.

(c) *Agreements/easements.* If the zoning lot (as defined in §150.006) on which the project is proposed is to be leased, rather than owned, by the owner of the solar farm, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the owner of the solar farm and property owners must be in

place prior to commencing construction, unless specified otherwise by the conditional use permit.

(3) *Permit applications.*

(a) An application for a conditional use permit to establish a solar farm must include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in § 150.257(L)(2)(a) will be met. Supporting documentation for addressing the review criteria of § 150.257(L)(4) is also to be provided. The Planning Commission and Township Board may require any information reasonably necessary to determine compliance with this code. The application must also be accompanied by detailed site plans drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All lot lines and dimensions, including a legal description of each lot or parcel comprising the solar farm;
2. Names of owners of each lot or parcel within Summit Township that is proposed to be within the solar farm;
3. Vicinity map showing the location of all surrounding land uses;
4. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a solar farm;
5. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property;
6. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the solar farm and within 1,000 feet of the outside perimeter of the solar farm;
7. Proposed setbacks from the solar array(s) to all existing and proposed structures within the solar farm;
8. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the solar farm;
9. Access driveways within and to the solar farm, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation approval, and shall be planned so as to minimize the use of lands for that purpose;
10. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the solar farm;
11. A written description of the maintenance program to be used for the solar array(s) and other components of the solar farm, including decommissioning and removal when determined by the township to be obsolete, uneconomic, or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the solar farm becomes obsolete, uneconomic or abandoned;
12. A copy of the manufacturer's safety measures;
13. Planned lighting protection measures; and
14. Additional detail(s) and information as required by the conditional use permit requirements of the Zoning Code, or as required by the Planning Commission.

(b) It is preferred that any related conditional use permit applications for substations or new transmission lines be considered in conjunction with the conditional use permit application for the solar farm; however, if the details of those improvements are not available at the time of application for the solar farm, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the solar farm.

(c) Due to the complexity of solar farm projects, the township may require a development agreement or other appropriate instrument to address taxing, property assessment, decommissioning bond, and other related issues not addressed by this subsection. A development agreement may be required as a condition of the permit, and must be approved by the Township Board prior to commencing construction.

(4) *Provisions for conditional use permit review.* In addition to the standards set forth for conditional use approval in § 150.253, additional consideration shall be given to the following:

(a) *Project rationale.* Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.

(b) *Siting considerations.* Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as areas of environmental concern, parks, trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic view sheds; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.

(c) *Wildlife habitat areas and migration patterns.* Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist

in the area, consultation with the Michigan Departments of Natural Resources and Environmental Quality will be necessary.

(d) *Environmental analysis.* The Planning Commission may require an analysis of impacts to historic, cultural and archaeological resources; soil erosion (water and wind); flora; and water quality and water supply in the area when there is reason to believe that adverse impacts to such may occur.

(e) *Hazardous waste.* As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.

(f) *Transportation plan for construction and operation phases.* Proof of an agreement with the Jackson County Department of Transportation and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.

(g) *Public safety.* Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, and the like that may be created by the project.

(h) *Decommissioning plan.* Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (i.e., township, any lessor or property owner, etc.) that ensure proper final reclamation of the solar farm. Among other things, revegetation and road repair activities should be addressed in the plan. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. The ground must be restored to its original condition within 180 consecutive days.

(5) *Application escrow account.* An escrow account shall be deposited with the township by the applicant when the applicant applies for a conditional use permit for a solar farm. The monetary amount deposited by the applicant in escrow with the township shall be the amount estimated by the township to cover all reasonable costs and expenses associated with the conditional use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the review process, the township may require that the applicant place additional funds into escrow with the township if the existing escrow amount deposited by the applicant is deemed insufficient by the township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the review process shall cease unless and until the applicant makes the required additional escrow deposit.

(6) *Decommissioning escrow account.* If a conditional use permit is approved pursuant to this subsection, the township shall require security in the form of a cash deposit, or surety bond acceptable to the township, which will be furnished to the township in order to ensure full compliance with this subsection and all conditions of approval. When determining the amount of each required security, the township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use permit has been approved but before construction commences on the solar farm. At a minimum, the financial security shall be in an amount determined by the township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the solar farm. Such financial security shall be kept in full force and effect during the entire time that the solar farm exists or is in place, and such financial security shall be irrevocable and non-cancelable.

(7) *Code compliance.* Construction of a solar farm shall comply with the National Electric Safety Code and any applicable Michigan construction codes as a condition of any conditional use permit under this subsection.

(8) *Certified solar array components.* Components of a solar farm shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (EIL), or other similar certification organization acceptable to the township.

(9) *Solar access.* The township makes no assurance of solar access other than the provisions contained within this subsection. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar farm.

(Ord. -, Article V, § 5.5.7, passed 9-12-2006; Am. Ord. passed - -; Am. Ord. passed 11-13-2018) Penalty, see §50.999

SITE PLAN REVIEW AND APPROVAL

§ 150.270 GENERALLY.

(A) It is the purpose of this subchapter to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, and adjacent parcels and land uses, and on the character of future development.

(B) It is further the purpose of this subchapter to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources.

(C) It is further the intent of this subchapter to delegate certain aspects of site plan review authority to the Township Planning Commission, within the standards and requirements set forth in this subchapter.

(Ord. -, Article V, § 5.6, passed 9-12-2006)

§ 150.271 USES REQUIRING SITE PLAN REVIEW AND APPROVAL.

(A) The following buildings, structures, and uses require site plan approval:

- (1) A multiple-family building;
- (2) More than 1 multiple-family building on a lot or parcel of land, or on a combination of lots under 1 ownership;
- (3) A mobile home park, as provided for by the State of Michigan Mobile Home Park Regulations;
- (4) Any building or structure in a commercial, office, or industrial district;
- (5) Any addition to an existing building or structure in a commercial, office, or industrial district, except as provided in § 150.279;
- (6) More than 1 building or structure, except a sign, on a lot or parcel, or combination of lots under 1 ownership, in any commercial, office, or industrial district;
- (7) A use permitted in any commercial and industrial district which does not involve a building, such as, but not limited to, outdoor sales, outdoor displays, or storage of wrecked vehicles;
- (8) Any principal nonresidential building or structure permitted in residential districts and any principal building or structure, except farm buildings permitted in recreation-conservation and agriculture district;
- (9) Public utility buildings and structures, including poles, towers, and telephone repeater buildings;
- (10) Any project undertaken under the authority of the Michigan Condominium Act, as amended, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 - 559.272;
- (11) Commercial telecommunication facilities and associated structures (providing further, that site plan review of the projects may not be waived by the Township Building Inspector or Zoning Administrator); and
- (12) Open space developments in AG-1, RNF-1, and RS-1 under Public Act 177 of 2001.

(B) Major projects include:

- (1) All developments greater than 25,000 square feet of structure or larger than 2 acres of size; and
- (2) Open space developments.

(C) The Zoning Administrator shall not issue a zoning compliance permit for construction of, or an addition to, any of the above listed buildings or developments, until a final site plan has been reviewed by the Township Planning Commission and approved by the Township Board.

(D) No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development, which requires site plan approval, until a final site plan is approved and is in effect.

(Ord. -, Article V, § 5.6.1, passed 9-12-2006) Penalty, see § 150.999

§ 150.272 PROCEDURES FOR SUBMISSION AND REVIEW OF SITE PLANS.

(A) *Generally.* Whenever any site plan approval for a property is requested, before any building permit for the erection of a permanent building on the site shall be granted, the developer or his or her authorized agent shall apply for and secure approval of the site plan in accordance with the following procedures.

(B) *Specifically.*

(1) *Application; fee.*

(a) The applicant shall file an official site plan approval application form; submit required data, exhibits, and information; and deposit the required fee as established by resolution of Summit Township Board, except that no fee shall be required of any governmental body or agency.

(b) No part of the fee shall be returnable to the applicant.

(2) *Staging.*

(a) If the applicant wishes to stage the site plan and has so indicated on the development plan, the development plan may be submitted with only those stages he or she wishes to develop at this time.

(b) Any plan which requires more than 24 months to be completed shall be required to be staged and staging plan shall be developed.

(3) *Review of the development plan.* The proposed site plan must be reviewed according to the procedures and requirements outlined in §§ 150.330 *et seq.*, procedure for evaluating development proposals and development plan requirements.

(Ord. -, Article V, § 5.6.2, passed 9-12-2006)

§ 150.273 CRITERIA OF SITE PLAN REVIEW.

(A) Plans submitted for site plan review shall be approved upon a finding that the following criteria are met.

(1) The proposed use will not be injurious to the general health, safety, and welfare of the township and surrounding neighborhood.

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

(3) The design of storm sewers, storm water facilities, roads/streets, parking lots, driveways, water mains, sanitary sewers and other site improvements meets the design and construction standards of the township and other appropriate agencies.

(4) (a) Proper access to all portions of the site and all sides of any structure is provided.

(b) All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

(c) Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.

(5) Site planning and design of specified improvements will accomplish, to the extent reasonably feasible, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, flood plains, steep slopes, ground water, trees and wooded areas.

(6) Waste water treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or ground water quality.

(7) Sites which include storage of hazardous materials waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the air or to the ground, ground water or nearby water bodies, with a specific plan to achieve the objectives being incorporated as part of the site plan.

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

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

(10) (a) The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site.

(b) In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design of access points, and utilization of acceleration, deceleration and passing lanes and approaches.

(c) The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.

(11) The site plan complies with all township ordinances.

(B) The Planning Commission may include conditions along with a recommendation for approval that will further compliance with the criteria listed above.

(Ord. -, Article V, § 5.6.3, passed 9-12-2006)

§ 150.274 ADMINISTRATIVE REVIEW.

(A) *Generally.* In the following cases, the township has designated the Zoning Administrator to approve, based on policy, a site plan without submission to the Planning Commission, but subject to all of the above criteria, requirements, and standards.

(B) *Cases.*

(1) Accessory uses incidental to a conforming existing use where the use does not require any variance or further site modification;

(2) Provision for additional loading and unloading spaces and landscape improvements as required by ordinance; and

(3) The Zoning Administrator, in his or her discretion, shall decide whether a site plan review is necessary to carry out the spirit and intent of this chapter, providing, however, that the plan must be approved as if it were submitted for a building permit.

(Ord. -, Article V, § 5.6.4, passed 9-12-2006)

§ 150.275 UTILITIES.

(A) Utility plans for a particular site which involves township provided sewer or water shall be submitted to the Township Department of Public Works for review and approval.

(B) Proposed utilities shall conform to township approved standards.

(Ord. -, Article V, § 5.6.5, passed 9-12-2006)

§ 150.276 AMENDMENT OF APPROVED SITE PLAN.

(A) (1) A site plan may be amended upon application and in accordance with provisions and the procedures provided in § 150.273 for a final site plan.

(2) Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Summit Township, are subject to the provisions of this chapter.

(3) The Township Zoning Administrator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

(B) Minor changes of an approved final site plan may be incorporated without amendment to the approved preliminary site plan at the discretion of the Planning Commission.

(C) (1) No deed recorded pursuant to an approved site plan may be changed, altered, or amended, nor shall any document recorded pursuant to an approved site plan deviate from the site plan submitted to the Planning Commission by the alteration or changing of the area, size, dimensions, or lot lines of any lot or unit.

(2) All the changes must be re-submitted to the Planning Commission upon application and in accordance with the provisions and the procedures provided in § 150.273 for site plan review, and subject to the costs provided in §150.281.

(3) Notwithstanding the foregoing, the Zoning Administrator, at his or her sound discretion, may approve an amendment to an approved site plan which alters, or changes, the area, size, dimensions, or lot lines of a lot or unit but only in the following circumstances:

(a) No lots or units in the development have been sold to a third party by the developer;

(b) The proposed alterations or changes may only be approved if the resulting lots or units comply in every respect with the requirements of all statutes and ordinances which apply, including, but not limited to, ordinance requirements which pertain to width, frontage, area, access, setback, and the like; and

(c) In consideration whether to exercise the discretion granted the Zoning Administrator pursuant to this sub-section to approve a proposed change without Planning Commission approval, the Zoning Administrator shall specifically determine that the granting of administrative approval is consistent with the spirit and intent and will not be injurious to the general health, safety and welfare of the township and surrounding neighborhood.

(d) To the extent that the Zoning Administrator exercises discretion granted under §150.276 the Zoning Administrator will file a report with the Township Board.

(Ord. -, Article V, § 5.6.6, passed 9-12-2006; Am. Ord. passed 3-28-2017)

§ 150.277 EXEMPT BUILDINGS, STRUCTURES, AND USES.

(A) Except as provided herein, this subchapter shall not apply to the replacement, repair of, the adding of an addition which does not exceed 10,000 square feet or 50% of original structure, whichever is less, or the alteration of buildings, structures, or parking lots on commercial, industrial, or office structures and uses where the proposed improvement meets all of the requirements of this chapter, the Summit Township Building Code, the Summit Township Electrical Code, and the Summit Township Plumbing Code, and where the existing use is not materially changed in nature or character.

(B) (1) In those cases, the Zoning Administrator may authorize a zoning compliance permit for the construction of the improvement without a site plan review.

(2) In the event that the proposed improvement requires additional property, a conditional use, a variance, or substantially and materially changes the existing use, then the Zoning Administrator shall refer the proposed improvement to the Planning Commission for a site plan review subject to all of the criteria set forth in this subchapter.

(3) The Zoning Administrator at his or her discretion shall decide whether a site plan review is necessary to carry out the spirit and intent of this chapter, providing, however, that the plan must be approved as if it were submitted for a building permit.

(4) There is no exemption, however, from the Site Plan Checklist, the State and County Environmental Check List, or the Administrative Review set forth in § 150.274.

(Ord. -, Article V, § 5.6.7, passed 9-12-2006)

§ 150.278 MODIFICATION DURING CONSTRUCTION.

(A) All improvements shall conform to the approved final site plan.

(B) If the applicant chooses to make any changes in the development in relation to the approved final site plan, he or she shall do so at his or her own risk, without any assurance that the Township Planning Commission will approve the changes.

(C) It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any such changes.

(D) The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

(Ord. -, Article V, § 5.6.8, passed 9-12-2006)

§ 150.279 PHASING OF DEVELOPMENT.

(A) An applicant may divide a proposed development into 2 or more phases with the approval of the Planning Commission and the Township Board.

(B) The phasing shall be in conformance with §150.273(A)(6).

(C) Future development beyond approved phases shall not appear on the approved final site plan.

(D) A phase development shall not be developed in phases exceeding a total of 5 years for all of the phases.

(Ord. -, Article V, § 5.6.9, passed 9-12-2006)

§ 150.280 INSPECTION.

(A) All sub-grade improvements such as utilities; sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the township and approved prior to covering.

(B) The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan.

(C) The applicant shall be responsible for requesting the necessary inspections.

(D) The Zoning Administrator shall notify the Township Board, the Building Administrator, and the Planning Commission, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan.

(E) The Zoning Administrator shall notify the Building Inspector, the Township Board, and the Planning Commission, in writing, of any development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Board and Commission of steps taken to achieve compliance.

(F) In that case, the Zoning Administrator shall periodically notify the Township Board and Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved.

(G) An occupancy permit may be issued by the Zoning Administrator prior to completion of the site improvement subject to the conditions and bond as may be imposed by the Township Board.

(Ord. -, Article V, § 5.6.10, passed 9-12-2006)

§ 150.281 FEES.

Fees for the review of site plans and inspections as required by this subchapter shall be established, and may be amended, by resolution of the Township Board.

(Ord. -, Article V, § 5.6.11, passed 9-12-2006)

§ 150.282 VIOLATIONS.

(A) The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan unless the Planning Commission approves changes as provided in this subchapter.

(B) Any violation of this subchapter, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this chapter as provided in § 150.352, and shall be subjected to the penalties therein.

(Ord. -, Article V, § 5.6.12, passed 9-12-2006)

NONCONFORMITIES

§ 150.295 GENERALLY.

(A) Where within the districts established by this chapter, or by amendments, there exists lots, structures, and uses of land and structures which were lawful before this chapter was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this chapter, or future amendment; it is the intent of this chapter to permit these

nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival.

(B) These nonconformities are declared by this chapter to be incompatible with the lots, structures, and uses permitted by this chapter in certain districts.

(C) It is further the intent of this chapter that the nonconformities shall not be enlarged, expanded, or extended except as provided herein; nor be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

(Ord. -, Article V, § 5.7, passed 9-12-2006)

§ 150.296 NONCONFORMING USES OF LAND.

(A) *Generally.* Where, on the date of adoption or amendment of this chapter, a lawful use of land exists that is no longer permissible under the provisions of this chapter, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

(B) *Specifically.*

(1) No nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter; and no accessory use or structure shall be established therewith.

(2) No nonconforming use of land shall be moved in whole or in part to any other portion of the land not occupied on the effective date or adoption of amendment of this chapter.

(3) If nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, the subsequent use of the land shall conform to the regulations and provisions set by this chapter for the district in which the land is located.

(Ord. -, Article V, § 5.7.1, passed 9-12-2006) Penalty, see § 150.999

§ 150.297 NONCONFORMING STRUCTURES.

(A) *Generally.* Where, on the effective date of adoption or amendment of 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 the structure or its location upon a lot, the structure may be continued so long as it remains otherwise lawful subject to the following provisions.

(B) *Specifically.*

(1) No structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.

(2) (a) Should any structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(b) This division (B)(2) shall not apply to any structure used as a dwelling unit in an office district (O-1), local commercial district (C-1), general commercial district (C-2), or highway service commercial district (C-3), and the structures may be reconstructed for use as dwelling units in these zoning districts.

(3) Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(Ord. -, Article V, § 5.7.2, passed 9-12-2006) Penalty, see § 150.999

§ 150.298 NONCONFORMING USES OF STRUCTURES.

(A) *Generally.* Where, on the date of adoption or amendment of this chapter, a lawful use of a structure exists that is no longer permissible under the regulations of this chapter, the use may be continued so long as it remains otherwise lawful subject to the following provisions.

(B) *Specifically.*

(1) No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of the structure to a use permitted in the district in which the structure is located.

(2) 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.

(3) (a) 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 10% of the then current replacement value of the structure, provided that the volume of the structure or the number of families housed therein as it existed on the date of adoption or amendment of this chapter shall not be increased.

(b) Nothing in this chapter shall be deemed to prevent the strengthening of the part thereof declared to be unsafe by an official charged with protecting the public safety upon order of the official.

(4) 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.

(5) (a) 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% 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.

(b) This division (B)(5) shall not apply to any structure used as a dwelling unit in an office district (O-1), local commercial district (C-1), general commercial district (C-2), or highway service commercial district (C-3) and the structures may be reconstructed for use as dwelling units in these zoning districts.

(Ord. -, Article V, § 5.7.3, passed 9-12-2006) Penalty, see § 150.999

§ 150.299 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 the nonconforming use, building, or structure.

(Ord. -, Article V, § 5.7.4, passed 9-12-2006)

§ 150.300 NONCONFORMING LOT OF RECORD.

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, provided that yard dimensions and other requirements, not involving area width, of the lot shall conform to the regulations for the district in which the lot is located.

(B) Any variance of yard requirements from the above provisions shall be obtained only through action of the Zoning Board of Appeals.

(Ord. -, Article V, § 5.7.5, passed 9-12-2006)

PERFORMANCE STANDARDS

§ 150.315 REQUIREMENTS.

(A) *Generally.*

(1) No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises.

(2) Uses in all districts, where permitted, shall comply with the following performance requirements, excepting those uses exempted by the Michigan Right to Farm Act, being M.C.L.A. §§ 286.471 *et seq.*

(B) *Specifically.*

(1) *Noise.*

(a) Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines.

(b) Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. (See §§ 91.01 *et seq.*)

(2) *Vibration.* No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

(3) *Smoke.* Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of 10 minutes duration of 1 per hour when a density of not more than No. 2 is permitted.

(4) *Odor.* No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

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

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

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

(Ord. -, Article V, § 5.8.1, passed 9-12-2006) Penalty, see § 150.999

§ 150.316 PLANS.

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

(Ord. -, Article V, § 5.8.2, passed 9-12-2006)

§ 150.317 ENFORCEMENT.

(A) The Zoning Administrator may refer the application to 1 or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

(B) The costs of the services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Summit Township Board.

(Ord. -, Article V, § 5.8.3, passed 9-12-2006)

PROCEDURES FOR EVALUATING DEVELOPMENT PROPOSALS AND DEVELOPMENT PLAN REQUIREMENTS

§ 150.330 GENERALLY.

See Appendix B of this chapter.

(Ord. -, Article V, § 5.20, passed 9-12-2006)

§ 150.331 PROCEDURE FOR SUBMISSION AND REVIEW OF A DEVELOPMENT PROPOSAL APPLICATION.

(A) *Generally.*

(1) Projects requiring site plan review or a conditional use permit and proposed planned development districts must undergo the following procedure.

(2) Development plans will be reviewed using the information provided on them (as required by §150.332) as well as the criteria established for the type of development plan under consideration.

(3) (Please see §§ 150.130*et seq.* for planned development districts, §§ 150.250*et seq.* for conditional use permits, or §§ 150.270*et seq.* for site plan review).

(B) *Pre-application meeting.*

(1) (a) Prior to formally applying, the applicant may request a review of its preliminary development plan (developed to the requirements of § 150.332) at a meeting with the Township's Public Works Director, Assessor, Zoning Administrator, Building Inspector, Fire Chief, and any other inspectors and officials as are desired by the township, to determine whether it meets all of the requirements of this chapter.

(b) The applicant must submit a completed application form and copies of the preliminary development plan at least 5 business days prior to the meeting.

(c) The applicant may be represented at the meeting, and may bring (if not previously provided) any other exhibits, plans, or documentation that may help to establish that the proposal meets the requirements of this chapter.

(2) The pre-application reviewers shall review the preliminary plan and its related documents, and shall present the following to the applicant:

- (a) Provide any concerns they may have with the proposal;
- (b) Indicate where more detail is needed on the proposal; and
- (c) Supply a general consensus on the viability of the proposal.

(C) *Review of preliminary development plans.*

(1) (a) Major projects (as defined by §150.271) requiring site plan approval, conditional use permit requests, and planned development district requests must undergo a formal review of the preliminary plan (developed to the requirements of § 150.332).

(b) The purpose of the preliminary review is to confirm compliance with township standards, policies, and relationship to the land use plan, as well as to suggest changes necessary, if any, for the final plan approval.

(2) The Planning Commission is the reviewer of preliminary development plan and its related documents. The Commission must render either a favorable or unfavorable recommendation.

(a) A favorable recommendation shall include a report to the applicant that he or she may proceed with initiation of the rezoning request. It shall be based on the following findings which shall be included as part of the recommendation:

1. The proposal conforms to the Comprehensive Plan;

2. The proposal meets the intent, objectives, and general requirements expressed in this chapter;

3. The proposal is conceptually sound in that it meets a community need and conforms to accepted design principals in the proposed functional roadway system, land use configuration, open space system, and drainage system; and

4. There are adequate services and utilities available or proposed to be made available in the construction of the development.

(b) 1. 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.

2. Within 10 days after receiving an unfavorable recommendation, the applicant may, if he or she wishes, initiate a final development plan review, which would be accompanied by an unfavorable recommendation from the Township Planning Commission.

(c) 1. The Zoning Administrator shall certify when all of the necessary application material has been presented, and the Zoning Administrator shall submit its report to the applicant within 30 days of the certification.

2. If no report has been rendered after 30 days, the applicant may proceed as if a favorable report was given.

(D) *Review of final development plans.* The Planning Commission and the Township Board review final development plans.

(1) *Planning Commission action.* All final development plans shall be considered within 60 days of placement on the first available Planning Commission agenda. The Planning Commission shall review the final development plan and its related documents, and shall render 1 of the following recommendations to the Township Board.

(a) *Approval.* Upon finding that the application and final development plan meet the criteria in the appropriate ordinance section, the Planning Commission shall recommend approval:

1. Sections 150.130*et seq.* for planned development districts;
2. Sections 150.253 and possibly 150.257 for conditional uses; and
3. Section 150.273 for site plan review.

(b) *Approval with minor revisions.* Upon finding the application and final development plan meet the criteria in the appropriate ordinance section, except for minor revisions, the Planning Commission may recommend approval conditioned upon the revisions being made by the applicant and reviewed by appropriate township staff and/or consultants.

(c) *Tabling.* Upon finding that the application and final development plan do not, but could, meet the criteria in the appropriate ordinance section, upon making the revisions, the Planning Commission may table its recommendation for a specified period of time not to exceed 90 days, until the revised plan is resubmitted to the Planning Commission.

(d) *Denial.* Upon finding that the application and final development plan do not meet 1 or more of the criteria in the appropriate ordinance section, and those revisions necessary to meet the criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall recommend denial.

(2) *Township Board action.*

(a) All final development plans shall be considered after action is taken by the Planning Commission and within 60 days of placement on the first available Township Board agenda. The Township Board shall review the final development plan and its related documents, and shall render 1 of the following decisions.

1. *Approval.* Upon finding that the application and final development plan meet the criteria in the appropriate ordinance section, the Township Board shall approve the site plan.

2. *Approval with minor revisions.* Upon finding that the application and final development plan meet the criteria in the appropriate ordinance section, except for minor revisions, the Township Board may approve the final development plan conditioned upon the revisions being made by the applicant and reviewed by appropriate township staff and/or consultants.

3. *Tabling.* Upon finding that the application and final development plan do not, but could, meet the criteria in the appropriate ordinance section, upon the making of revisions, the Township Board may table action until the revised plan is re-submitted.

4. *Denial.* Upon finding that the application and final development plan do not meet 1 or more of the criteria in the appropriate ordinance section, and those revisions necessary to meet the criteria are so extensive as to require the preparation of a new site plan, the Township Board shall deny the site plan.

(b) Notwithstanding any language contained in division (D)(1) above, no final development plan approval for a site condominium project shall be final until the time as the applicant records a master deed for the project with the Jackson County Register of Deeds office and a copy of the recorded deed and a legible 24 inches x 36 inches map with the Township Assessing Department.

(Ord. -, Article V, § 5.20.1, passed 9-12-2006)

§ 150.332 INFORMATION REQUIRED FOR DEVELOPMENT PLANS.

(A) *Generally.*

(1) A development plan submitted for review and approval shall contain all of the following data prior to its submission to the township.

(2) Development plans shall consist of an overall plan for the entire development drawn to a scale of not less than 1 inch equals 50 feet for property less than 3 acres in size or 1 inch equals 200 feet for property 3 or more acres in size.

(3) The applicant shall submit 3 copies of the overall plan for the entire development on paper sized 24 inches x 36 inches.

(4) The applicant shall also submit 16 eleven-inch x 17-inch copies and an electronic copy, in PDF format, of the development plan.

(5) Included on the development plan shall be all dimensions and the following.

(B) *Preliminary development plans.* The preliminary development plan shall clearly show the following information:

(1) 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 areas and approximate percentage allocation by unit type;

(6) The interior open space system;

(7) The overall drainage system;

(8) If grades exceed 3%, 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 2 feet of elevation shall be provided along with an overlay outlining the above susceptible soil;

(9) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal;

(10) 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;

(12) Evidence that the proposal is compatible with the objectives of the official Comprehensive Plan;

(13) General statement as to how common open space is to be owned and maintained; and

(14) 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 preliminary development plan of this section shall show the intended total project.

(C) *Final development plans.* The final development plan shall clearly show the following information.

(1) *General information.*

(a) Proprietors', applicants', and owners' names, addresses and telephone numbers as well as a letter of authority from the owners if the applicant is not owner;

(b) Date (month, day, year), including revisions;

(c) A stake survey of the property by a registered surveyor (if required by the Zoning Administrator);

(d) A detailed drawing of the site together with adjacent structures (if required by the Zoning Administrator);

(e) A detailed drawing setting forth the size, location, and type of construction of any signs to be placed on the parcel (if required by the Zoning Administrator);

(f) Location map drawn at a scale of 1 inch equals 2,000 feet with north point indicated (if required by the Zoning Administrator);

(g) Architect, engineer, surveyor, landscape architect, or planner's seal;

(h) Existing lot lines, building lines, structures, parking areas, and the like, on the parcel and within 100 feet of the site;

(i) Proposed lot lines, property lines and all structures, parking areas, and the like, on the parcel and within 100 feet of the site;

- (j) Centerline and existing proposed right-of-way lines of any street;
- (k) Zoning classification of petitioner's parcel and all abutting parcels;
- (l) Gross acreage figure and percentage of parcel coverage;
- (m) Proximity to major thoroughfares and section corners; and
- (n) Pictures from all sides of the property.

(2) *Physical features.*

- (a) Acceleration, deceleration, and passing lanes and approaches;
- (b) Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use;
- (c) Location of existing and proposed service facilities above and below ground, including:
 - 1. Well sites;
 - 2. Septic systems and other waste water treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished;
 - 3. Chemical and fuel storage tanks and containers;
 - 4. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels;
 - 5. Water mains, hydrants, pump houses, standpipes, and building services and sizes;
 - 6. Sanitary sewers and pumping stations;
 - 7. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes;
 - 8. Location of all easements; and
 - 9. All structures with dimensioned floor plans, setback and yard dimensions, and typical elevation views.
- (d) Parking space calculations and dimensions, drives, and the proposed method of surfacing;
- (e) Exterior lighting locations and illumination patterns;
- (f) Location and description of all existing and proposed landscaping berms, fencing, and walls;
- (g) Trash receptacle pad location and method of screening;
- (h) Transformer pad location and method of screening;
- (i) Dedicated road/street or service drive locations;
- (j) Entrance details including sign locations and size;
- (k) Designation of fire lanes;
- (l) A report from the Jackson County Road Commission as to the traffic capacity of the public roads/streets adjacent to the site together with a statement from the Road Commission indicating current traffic volume on the road/street; and
- (m) Any other pertinent physical features. (Please note that proposed public road rights-of-way shall meet Jackson County Commission standards and public road construction shall equal Road Commission specifications. Private roads/streets shall comply with §§ 90.01 *et seq.*

(3) *Natural features.*

- (a)
 - 1. On parcels of more than 1 acre, existing topography with a maximum contour interval of 2 feet.
 - 2. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated.
 - 3. Grading plan, showing finished contours at a maximum interval of 2 feet correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
- (b) Location of existing drainage courses and associated bodies of water, on- and off-site, and their elevations;
- (c) Location of existing wetlands;
- (d) Location of natural resource features, including woodlands and areas with slopes greater than 10%; 1 foot of vertical elevation for every 10 feet of horizontal distance;
- (e) A wetlands permit from the Michigan Department of Environmental Quality if one is required by the state;
- (f) A storm water management system and facility approved by the Jackson County Drain Commissioner that will not substantially reduce or increase the natural retention or storage capacity of any water body, or cause alterations that could

increase flooding or water pollution on or off the site; and

(g) The owner shall present the plan and be accompanied by an engineer, architect, or contractor to fully explain the plan unless the requirement for one of the professionals is waived by the Zoning Administrator.

(4) *Additional requirements.*

(a) *Multiple-family developments.*

1. Density calculations by type of unit by bedroom counts;
2. Designation of units by type and number of units in each building;
3. Carport locations and details where proposed;
4. Specific amount and location of recreation spaces;
5. Type of recreation facilities to be provided in recreation space; and
6. Details of community building and fencing of swimming pool if proposed.

(b) *Commercial and industrial developments.*

1. Presentation of the site plan must be by an owner with an architect, engineer, or contractor present unless waived by Zoning Administrator;
2. Loading and unloading areas;
3. Total and usable floor area; and
4. Number of employees in peak usage.

(Ord. -, Article V, § 5.20.2, passed 9-12-2006)

ADMINISTRATION

§ 150.345 PURPOSE.

It is the purpose of this subchapter 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. -, Article VI, § 6.1, passed 9-12-2006)

§ 150.346 ADMINISTRATION; GENERALLY.

Except when herein otherwise stated, the provisions of this chapter shall be administered by the Zoning Administrator or by the deputies of his or her department as the Township Board may designate to enforce the provisions of this chapter.

(Ord. -, Article VI, § 6.2, passed 9-12-2006)

§ 150.347 DUTIES OF ZONING ADMINISTRATOR.

(A) (1) The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter.

(2) It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected the plans in detail and found them to conform to this chapter, nor shall the Zoning Administrator vary or change any terms of this chapter.

(B) (1) If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he or she shall notify, in writing, the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

(2) He or she shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(C) (1) The Zoning Administrator, as may be required, shall submit to the Planning Commission and the Township Board report(s) 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, building, and structures.

(2) The Building Department shall maintain a record of all zoning compliance permits and certificates of occupancy.

(Ord. -, Article VI, § 6.3, passed 9-12-2006)

§ 150.348 PUBLIC NOTICING REQUIREMENTS.

(A) *Public notification.* All applications for development approval requiring a public hearing shall comply with the

Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, and the other provisions of this division (A) with regard to public notification.

(1) *Responsibility.* When the provisions of this chapter or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Summit Township and mailed or delivered as provided in this division (A).

(2) *Content.* All mail, personal and newspaper notices for public hearings shall:

(a) *Nature of the request.* Identify whether the request is for a rezoning, text amendment, conditional use permit, planned development, variance, appeal, ordinance interpretation, or other purpose;

(b) *Location.*

1. Indicate the property that is the subject of the request.

2. The notice shall include a listing of all existing street addresses within the subject property.

3. Street addresses do not need to be created and listed if no such addresses currently exist within the property.

4. If there are no street addresses, other means of identification may be used such as a tax identification number, identifying the nearest cross street, or including a map showing the location of the property.

5. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

(c) *When and where.* Indicate the date, time, and place of the public hearings at which the request will be considered;

(d) *Written comments.* Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel; and

(e) *Handicap access.* Provide information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

(3) *Personal and mailed notice.*

(a) *Generally.* When the provisions of this chapter or state law require that personal or mailed notice be provided, notice shall be provided to:

1. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property;

2. All occupants of and persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Summit Township, except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure whom shall be requested to post the notice at the primary entrance to the structure;

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to division (B) below; and

4. Other governmental units or infrastructure agencies within 1 mile of the property involved in the application.

(b) *Notice by mail/affidavit.* Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

(4) *Timing of notice.*

(a) Unless otherwise provided in the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, or this chapter where applicable, notice of public hearing shall be provided not less than 15 days before the date the application will be considered for approval for a public hearing on an application for a rezoning, text amendment, conditional use, planned unit development, variance, appeal, or ordinance interpretation.

(b) This means it must be published in a newspaper of general circulation and for those receiving personal notice, received by mail or personal notice, not less than 15 days before the hearing.

(B) *Registration to receive notice by mail.*

(1) *Generally.*

(a) Any neighborhood organization, public utility company, railroad, or any other person may register with Zoning

Administrator to receive written notice of all applications for development approval pursuant to division (A)(3)(a)3. above, or written notice of all applications for development approval within the zoning district in which they are located.

(b) The Zoning Administrator shall be responsible for providing this notification.

(c) Fees may be assessed for provision of this notice, as established by the legislative body.

(2) *Requirements.*

(a) The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made.

(b) All registered persons must register bi-annually to continue to receive notification pursuant to this division (B).

(Ord. -, Article VI, § 6.4, passed 9-12-2006)

§ 150.349 ZONING COMPLIANCE PERMITS.

(A) *Issuance of zoning compliance permits.*

(1) (a) 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 Administrator for the building, structure, or land.

(b) A zoning compliance application shall be filled out and submitted to the Zoning Administrator.

(2) The Zoning Administrator 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 as incorporated in the township building permit application:

(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.

(3) (a) A copy of the issued building permit shall be proof of approval or disapproved, and attested to same by the Zoning Administrator's signature on the building permit application.

(b) The approved minutes of the Zoning Board of Appeals, Planning Commission, or Township Board shall be the compliance permit.

(B) *Voiding of zoning compliance permit.*

(1) Any zoning compliance permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use completed within 545 days of the date of issuance.

(2) 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. -, Article VI, § 6.5, passed 9-12-2006)

§ 150.350 CERTIFICATE OF OCCUPANCY; FINAL INSPECTION.

(A) *Issuance of certificate of occupancy.*

(1) (a) No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this chapter unless and until a certificate of occupancy shall have been issued for the use.

(b) The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator 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 Township's Building Department, in concurrence with the Zoning Administrator, within 5 days after receipt of the application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this chapter.

(B) *Voiding of certificate of occupancy.*

(1) Any certificate of occupancy granted under this chapter shall become null and void if the use, buildings, or structure for which the certificate was issued are found by the Zoning Administrator to be in violation of this chapter.

(2) The Zoning Administrator upon finding the violation shall immediately notify the Township Board of the violation and void the certificate of occupancy.

(Ord. -, Article VI, § 6.6, passed 9-12-2006)

§ 150.351 FEES, CHARGES, AND EXPENSES.

(A) 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.

(B) The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Township Board.

(C) No permit, certificate, conditional use approval, or variance shall be issued unless or until the costs, charges, fees, or expenses listed in this chapter have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. -, Article VI, § 6.7, passed 9-12-2006)

§ 150.352 VIOLATIONS; NUISANCE PER SE; ABATEMENT.

(A) *Notice of violation.*

(1) The Zoning Administrator shall serve a notice of violation or order the person responsible for the erection, construction, alteration, extension, repair, use, or occupancy of a structure or lot in violation of this chapter, or in violation of a certificate of zoning compliance issued hereunder.

(2) The order shall direct the discontinuance of the illegal action or condition, and abatement of the violation.

(B) *Stop-work order.*

(1) Upon notice from the Zoning Administrator that work on any structure or premises is being performed contrary to other provisions of this chapter, the work shall be immediately stopped.

(2) The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which the work may be resumed.

(3) Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except the work as the person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in division (C) below.

(C) *Nuisance per se.*

(1) Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changes after the effective date of this chapter, in violation of any of the provisions herein, is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction providing further, that any use of land or dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed, or converted in violation of any provision of this chapter is hereby declared to be a nuisance per se.

(2) The court shall order the nuisance abated and the owners and/or agent in charge of the dwelling, structure; tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

(Ord. -, Article VI, § 6.8, passed 9-12-2006)

ZONING BOARD OF APPEALS

§ 150.365 ESTABLISHED.

(A) *Generally.* There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *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.

(B) *Regular members.*

(1) The Zoning Board of Appeals shall be composed of 7 regular members appointed by the Township Board.

(2) A member of the Township Board and a member of the Planning Commission shall also serve as regular members of the Zoning Board of Appeals, although the Township Board member cannot serve as the Chair of the Zoning Board of Appeals.

(3) The Township Board will appoint the remaining regular members from the electors of Summit Township.

(4) A vacancy on the Zoning Board of Appeals must be filled within 1 month of the resignation or removal of a member of the Board.

(C) *Alternate members.*

(1) The Township Board may also appoint 2 alternate members to the Zoning Board of Appeals from the electors of Summit Township.

(2) An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals if a regular member is unable to attend 1 or more meetings or must abstain for reasons of a conflict of interest.

(3) The alternate member must serve on the case until it is decided.

(Ord. -, Article VII, § 7.1, passed 9-12-2006)

§ 150.366 DUTIES OF THE ZONING BOARD OF APPEALS.

(A) The Zoning Board of Appeals shall hear and decide only the matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this chapter.

(B) The Zoning Board of Appeals shall not have the power to alter or change the zoning districts classification of any property (i.e., use variances); nor to make any changes in the terms of this chapter; but does have the power to authorize a nonuse (i.e., dimensional) 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. -, Article VII, § 7.2, passed 9-12-2006)

§ 150.367 VARIANCE.

(A) (1) The Zoning Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this chapter or by reason of exceptional conditions of the property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of the property.

(2) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Board of Appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

(3) The Board of Appeals may impose conditions with an affirmative decision pursuant to § 604(7) of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3604(7).

(4) 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.

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

(B) A variance from the terms of this chapter shall not be granted by the Zoning Board of Appeals unless and until:

(1) A written application for a variance is submitted, demonstrating that the special conditions and circumstances do not result from the actions of the applicant, and 1 or more of the following:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(b) That 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) That the special conditions and circumstances do not result from the actions of the applicant; and/or

(d) That 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.

(2) The Zoning Board of Appeals shall determine that the requirements of this chapter have been met by the applicant for a variance;

(3) The Zoning Board of Appeals shall determine, by consideration of competent material, and substantial evidence, set forth in the application and on the record as a whole, and the granting of the variance is justified, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(4) The Zoning Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

(5) In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter;

(6) Each variance granted under the provisions of this chapter shall become null and void unless:

(a) The construction authorized by the variance or permit has been commenced within 180 days after the granting of the variance and pursued diligently to completion; or

(b) The occupancy of land or buildings authorized by the variance has taken place within 180 days after the granting of the variance.

(7) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of 365 days from the denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid;

(8) An application for a variance shall be filed at the township office by the record owner of the property in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required. The township shall transmit copies of the application and information to the Zoning Administrator within 7 days of the filing date. The Zoning Administrator shall transmit a copy of the application to each member of the Zoning Board of Appeals no less than 7 days prior to the hearing set in the matter;

(9) The following information shall be required:

(a) The applicant's name, address, and telephone number;

(b) The names and addresses of all known owners of record and known owners and proof of ownership;

(c) The applicant's interest in the property, and if the applicant is not the fee simple owner, the owner's signed authorization for the application;

(d) Recorded legal description, address, and tax parcel number of the property;

(e) An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; lot area and all calculations necessary to show compliance and/or noncompliance with the regulations of this chapter. A drawing prepared by a registered surveyor or registered engineer and the staking of the property are not required unless deemed necessary by the Zoning Administrator to determine the lot lines or to accurately describe the nature of the variance being requested by the applicant; and

(f) A detailed description of the proposed use. The proposed variance shall be physically marked on the site so that the Board of Appeals may make an on-site review of the proposed variance.

(10) The fee shall be paid to the township at the time of filing and shall be deposited in the township's general fund.

(Ord. -, Article VII, § 7.3, passed 9-12-2006)

§ 150.368 INTERPRETATION OF ZONING ORDINANCE.

The Zoning 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 Administrator or any other administrative official in carrying out or enforcing any provisions of this chapter including interpretations of the Zoning Map.

(Ord. -, Article VII, § 7.4, passed 9-12-2006)

§ 150.369 APPEALS TO THE ZONING BOARD OF APPEALS.

(A) *Appeals; how taken.*

(1) All questions concerning administrative decisions under this chapter shall first be presented to the applicable township official or agency.

(2) The questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the applicable township official or agency.

(3) Appeals may be taken from any administrative zoning decision, except conditional uses and planned developments, expansions of nonconforming buildings and structures, but including questions concerning the interpretation of any provision of this chapter, decisions regarding certificates of zoning compliance, and decisions concerning the validity of a purported grandfathered use.

(4) Appeals shall be filed within 60 days of the decision in question at the township office.

(5) The Clerk shall transmit a copy of the appeal and relate the information to the Zoning Administrator within 7 days of the filing date.

(6) The Appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal.

(7) The appellant may be required to submit additional information to clarify the appeal.

(8) The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed was taken 7 days prior to the next Zoning Board of Appeals meeting.

(B) *Who may appeal.* Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the township, village, city, county, or state.

(C) *Fee for appeal.* A fee prescribed by the Township Board shall be paid to the Zoning Board of Appeals at the time of filing the notice of appeal which the Zoning Board of Appeals shall pay over, within 30 days after deciding any appeal, to the General Fund of the Township Board.

(D) *Effect of appeal; restraining order.* An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Zoning 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 or her opinion cause imminent peril to life or

property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

(E) *Notice of hearing.* When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Administrator or Summit Township Clerk shall immediately place the request for appeal upon the calendar for hearing, which shall be at least 30 days prior to the next meeting as determined by the annually published hearing dates, and in accordance with § 150.348.

(F) *Representation of hearing.* Upon the hearing, any party or parties may appear in person or by agent or by attorney.

(G) *Decisions of the Board of Appeals and appeals to the circuit court.* The Zoning Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Township Board from whom the appeal is taken. The Zoning Board of Appeals' decision of the appeals shall be in the form of a resolution, shall be committed, albeit effective upon passage and shall contain a full record of the findings and determination of the Zoning Board of Appeals in each particular case. Any person or party aggrieved by the resolution shall have the right to appeal to the circuit court within 30 days of the decision or question of law and fact.

(Ord. -, Article VII, § 7.5, passed 9-12-2006)

AMENDMENT PROCEDURES

§ 150.380 INITIATING AMENDMENTS AND FEE.

The Township Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require the amendment. The amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of 1 or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

(Ord. -, Article VIII, § 8.1, passed 9-12-2006)

§ 150.381 AMENDMENT PROCEDURES; GENERALLY.

(A) *Generally.* Amendments or supplements to this chapter shall be made in the manner described in the following divisions.

(B) *Public hearing and notice.* Before submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under § 150.348 for any rezonings or text amendments.

(C) *Criteria for considering rezoning requests.* In reviewing an application for the rezoning of land, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following.

(1) Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan?

(2) Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?

(3) Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?

(4) Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?

(Ord. -, Article VIII, § 8.2, passed 9-12-2006)

§ 150.382 CONDITIONAL REZONINGS.

(A) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of § 405 of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3405, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(B) *Application and offer of conditions.*

(1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a

later time during the rezoning process.

(2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.

(3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(4) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

(5) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for the use or development is ultimately granted in accordance with the provisions of this chapter.

(6) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for the use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter.

(7) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for the use or development is ultimately granted in accordance with the provisions of this chapter.

(8) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if the withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(C) *Planning Commission review.* The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in § 150.381, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(D) *Township Board review.* After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in § 150.381. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if the contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with § 308 of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3308, refer the amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with the statute to deny or approve the conditional rezoning with or without amendments.

(E) *Approval.*

(1) If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

(2) The statement of conditions shall:

(a) Be in a form recordable with the Register of Deeds of the county in which the subject land is located or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the Township Board;

(b) Contain a legal description of the land to which it pertains;

(c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land;

(d) Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined;

(e) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the township with the Register of Deeds of the county in which the land referenced in the statement of conditions is located; and

(f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

(3) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along

with a designation that the land was rezoned with a statement of conditions. The Township Clerk shall maintain a listing of all lands rezoned with a statement of conditions.

(4) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.

(5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

(F) *Compliance with conditions.*

(1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter and be actionable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(2) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.

(G) *Performance bond requirement.* Before a building permit is issued, the applicant shall furnish a performance bond, irrevocable letter of credit, or a cash bond deposited with the township. The amount and terms of the performance bond, irrevocable letter of credit, or cash bond shall be established and approved by the Township Board or its designee. The purpose of the requirements set forth in this division (G) is to permit the property to be restored to its original state in the event of a default on the part of the applicant in completing the project according to the terms of the site plan, the contract agreement, and this chapter. The requirements set forth in this division (G) shall become effective upon the issuance of a building permit with respect to each and every one of the development phases which are part of an approved site plan, or amended site plan. The requirements will not extend beyond a period of 5 years from the date on which a site plan, or amended site plan, is approved by the Township Board. The requirements set forth herein shall cease and terminate upon the first of the following to occur:

(1) The expiration of the 5-year period mentioned above; or

(2) Upon a final-occupancy permit having been signed and issued by all departments required to sign the permit with respect to each and every phase of the development.

(H) *Time period for establishing development or use.* Unless another time period is specified in this chapter rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if:

(1) It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and

(2) The Township Board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(I) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under division (H) above, then the land shall revert to its former zoning classification as set forth in § 405 of the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. § 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

(J) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to division (I) above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the county in which the land is located a notice that the statement of conditions is no longer in effect.

(K) *Amendment of conditions.*

(1) During the time period for commencement of an approved development or use specified pursuant to division (H) above or during any extension thereof granted by the Township Board, the township shall not add to or alter the conditions in the statement of conditions.

(2) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.

(L) *Township right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*

(M) *Failure to offer conditions.* The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

(Ord. -, Article VIII, § 8.3, passed 9-12-2006)

§ 150.383 CONFORMANCE TO COURT DECREE.

An amendment for the purpose of conforming a provision of this chapter to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under the Michigan Zoning Enabling Act, as amended, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*

(Ord. -, Article VIII, § 8.4, passed 9-12-2006)

§ 150.384 RE-APPLICATION PROCEDURES.

No petition to amend this chapter or effect a zoning change shall be considered by the Planning Commission on a property for a period of 365 days from an earlier final action by the Township Board, except in a case where significant new evidence or proof of substantially changed conditions is found to exist by the Planning Commission.

(Ord. -, Article VIII, § 8.5, passed 9-12-2006)

PLANNING COMMISSION

§ 150.395 SCOPE, PURPOSE, AND INTENT.

(A) This subchapter is adopted pursuant to the authority granted to the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L.A. §§ 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, M.C.L.A. §§ 125.3101, *et seq.*, to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this subchapter and any future amendments to this subchapter.

(B) The purpose of this subchapter is to provide that the Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L.A. §§ 125.3801, *et seq.*, of the Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, M.C.L.A. §§ 125.321, *et seq.*, to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

(Ord 121.00, passed 1-13-2009)

§ 150.396 ESTABLISHMENT.

The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L.A. §§ 125.3801, *et seq.*, of the Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, M.C.L.A. §§ 125.321, *et seq.*, The Township Planning Commission shall have 9 members. Members of the Township Planning Commission as of the effective date of this subchapter shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L.A. §§ 125.3801, *et seq.*

(Ord 121.00, passed 1-13-2009)

§ 150.397 APPOINTMENTS AND TERMS.

(A) The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member.

(B) The Planning Commission members, other than an ex officio member, shall serve for terms of 3 years each.

(C) A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

(D) Planning Commission members shall be qualified electors of the township, except that 1 Planning Commission member may be an individual who is not a qualified elector of the township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

(E) One member of the Township Board shall be appointed to the Planning Commission as an ex officio member.

(F) An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the Township Board.

(G) No other elected officer or employee of the township is eligible to be a member of the Planning Commission.

(Ord. 121.00, passed 1-13-2009)

§ 150.398 REMOVAL.

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

(Ord. 121.00, passed 1-13-2009)

§ 150.399 CONFLICT OF INTEREST.

(A) Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subchapter constitutes malfeasance in office.

(B) For the purposes of this section, **CONFLICT OF INTEREST** is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

(1) An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.

(2) The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.

(3) The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request.

(4) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

(Ord. 121.00, passed 1-13-2009)

§ 150.400 COMPENSATION.

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

(Ord. 121.00, passed 1-13-2009)

§ 150.401 OFFICERS AND COMMITTEES.

(A) The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission bylaws.

(B) The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

(Ord. 121.00, passed 1-13-2009)

§ 150.402 BYLAWS, MEETINGS AND RECORDS.

(A) The Planning Commission shall adopt bylaws for the transaction of business.

(B) The Planning Commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

(C) Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

(D) The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, M.C.L.A. §§ 15.261, *et seq.*

(E) The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A

writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, M.C.L.A. §§ 15.231, *et seq.*

(Ord. 121.00, passed 1-13-2009)

§ 150.403 ANNUAL REPORTS.

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

(Ord. 121.00, passed 1-13-2009)

§ 150.404 AUTHORITY TO MAKE MASTER PLAN.

(A) Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L.A. §§ 125.3801 *et seq.*, and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the township's planning jurisdiction.

(B) Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

(C) Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, M.C.L.A. §§ 125.321, *et seq.*, need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L.A. §§ 125.3801, *et seq.*

(Ord. 121.00, passed 1-13-2009)

§ 150.405 ZONING POWERS.

(A) The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, M.C.L.A. §§ 125.271, *et seq.*; the Michigan Zoning Enabling Act, Public Act 110 of 2006, M.C.L.A. §§ 125.3101, *et seq.*; or other applicable zoning statutes to the Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, M.C.L.A. §§ 125.321, *et seq.*

(B) Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

(Ord. 121.00, passed 1-13-2009)

§ 150.406 CAPITAL IMPROVEMENTS PROGRAM.

To further the desirable future development of the township under the master plan, the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared master plan, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The Planning Commission is hereby exempted from preparing a capital improvements plan.

(Ord. 121.00, passed 1-13-2009)

§ 150.407 SUBDIVISION AND LAND DIVISION RECOMMENDATIONS.

(A) The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

(B) The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, M.C.L.A. §§ 560.101, *et seq.* Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(Ord. 121.00, passed 1-13-2009)

§ 150.999 PENALTY.

(A) Any person who shall violate any provision of this chapter or shall fail to comply with any of its requirements, or who erect, construct, alter, or repair a structure in violation of an approved plan or directive of the Zoning Administrator, or of a certificate or permit issued under this chapter, shall be guilty of a civil infraction, which is detailed in Chapter 30. Each day a

violation occurs shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter. A person found to be in violation shall also be subject to such additional sanctions and judicial orders as are authorized under state law. The term **PERSON** shall be deemed to include partnerships, limited liability companies, corporations, and other legal entities.

(B) *Penalties and consequences for violation of § 150.180(C)*. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

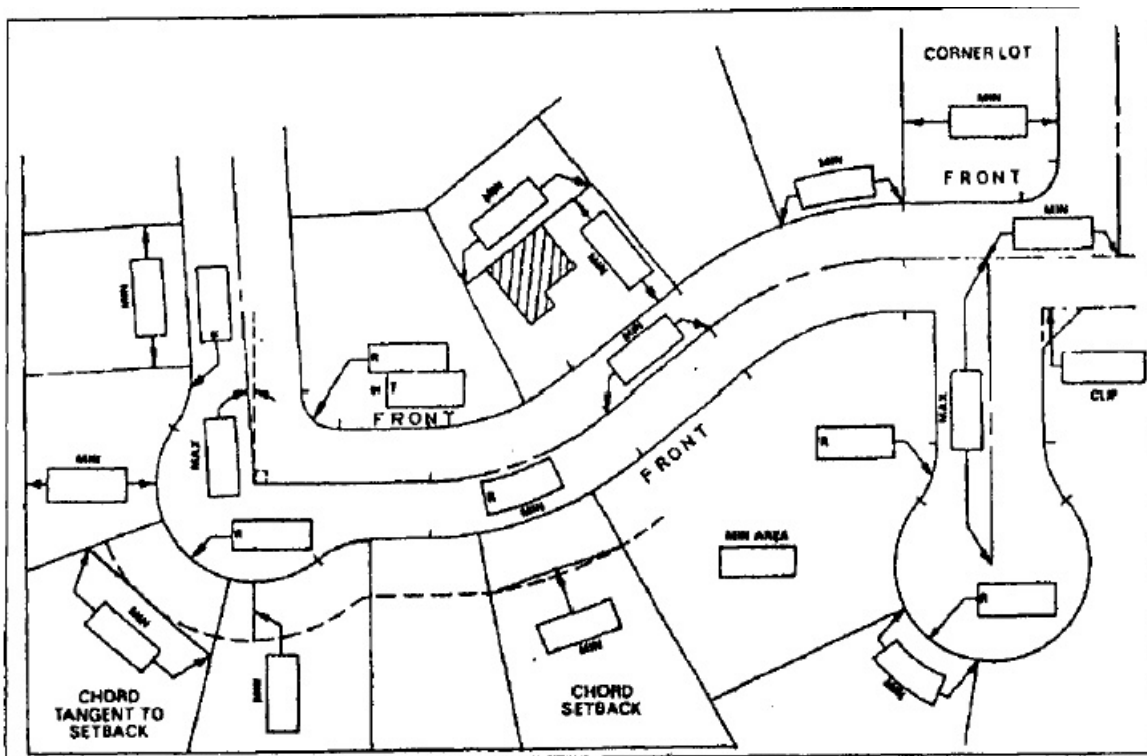
(1) Violations of the provisions of § 150.180(C) or failure to comply with any of the requirements of § 150.180(C) may be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be \$500 plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to M.C.L.A. § 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

(2) The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in divisions (B)(1) and (2) of this section, except as excluded from responsibility by state law.

(3) In addition to any other remedies, the township may institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of § 150.180(C). The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of § 150.180(C).

(Am. Ord. 122, passed 5-9-2017)

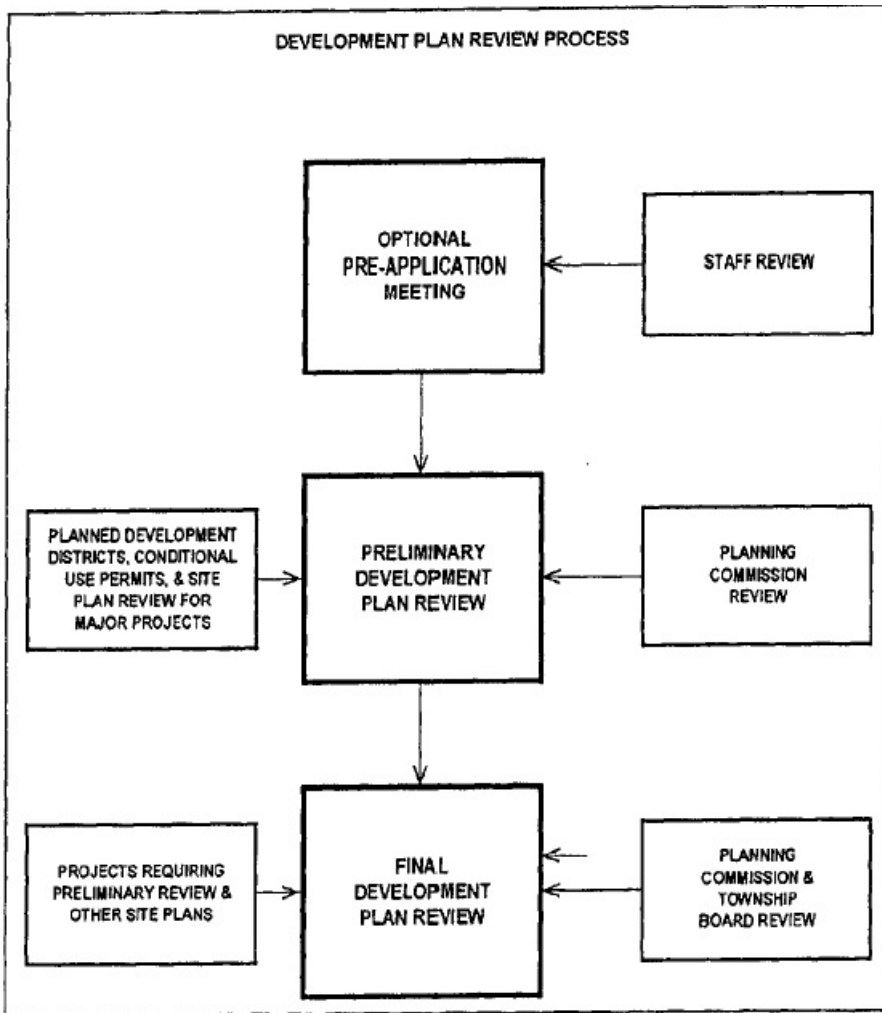
APPENDIX A: LOT COVERAGE



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(Ord. -, Article IX, § 9, passed 9-12-2006)

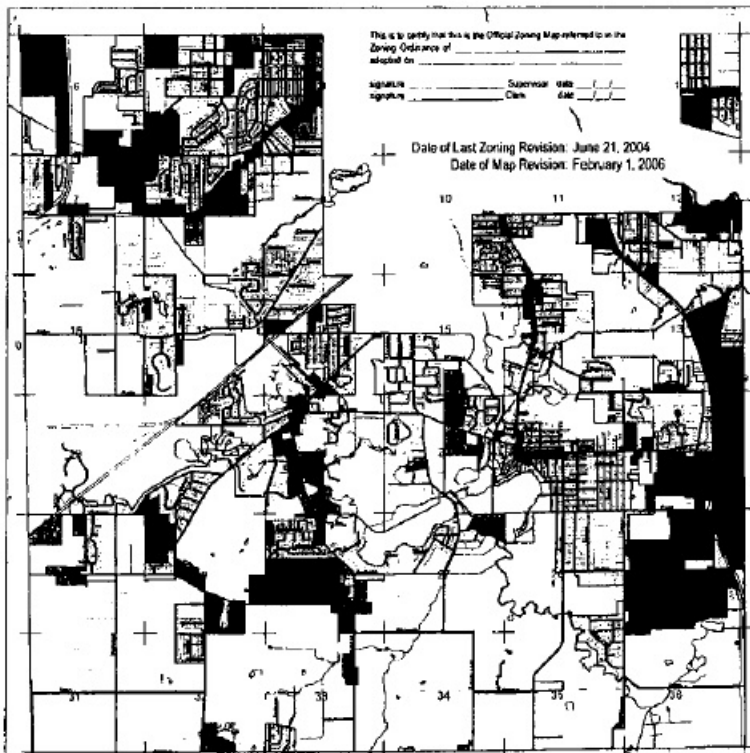
APPENDIX B: DEVELOPMENT PLAN REVIEW PROCESS



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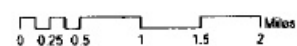
(Ord. -, Article V, § 5.20, passed 9-12-2006)

APPENDIX C: ZONING MAP



**Summit Township
Jackson County, Michigan
Zoning Map**

- Zoning Districts**
- AG-1** Agricultural District
 - RS-1** Rural Non-Farm Residential District
 - RS-1** Suburban Residential District
 - RS-2** Suburban Residential District
 - RU-1** Urban Residential District
 - RU-1** Urban Residential District
 - MR-1** Multiple Family Residential District
 - MR-2** Multiple Family Residential District
 - PR-1** Planned Residential District
 - MHR-1** Mobile Home Residential District
 - OF-1** Office District
 - PO-1** Planned Office District
 - LC-1** Local Commercial District
 - GC-1** General Commercial District
 - CS-1** Highway Service Commercial District
 - PC-1** Planned Commercial District
 - I-1** Light Industrial District
 - I-2** Heavy Industrial District
 - PI-1** Planned Industrial District
- Water Resources**
- Lakes
 - Rivers



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(Ord. -, passed 9-12-2006)