

## Chapter 78 - ZONING

*Footnotes:**--- (1) ---*

**Cross reference**— Any ordinance adopting or amending a comprehensive plan saved from repeal, § 1-11(a)(9); any pertaining ordinances rezoning property saved from repeal, § 1-11(a)(15); buildings and building regulations, ch. 18; swimming pools, § 18-151 et seq.; address numbers on streets for relationship to zoning ordinance, § 18-348; environment, ch. 30; land divisions and other subdivision of land, ch. 42; planning, ch. 58; planning commission, § 58-31 et seq.; powers and duties of the planning commission for plats, procedure, effect, § 58-64; streets, sidewalks and other public places, ch. 60; telecommunications, ch. 62.

**State Law reference**— Township rural zoning act, MCL 125.271 et seq.

## ARTICLE I. - IN GENERAL

## Sec. 78-1. - Purpose.

This chapter is based upon the township comprehensive plan and is enacted pursuant to and designed to achieve the purposes set forth in the Zoning Enabling Act, as amended. This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

(Ord. No. O-042682-1, § 1.02, 4-26-1982)

## Sec. 78-2. - Scope and interpretation.

This chapter shall not repeal other ordinances except as set forth in section 78-31. Where this chapter imposes greater restrictions, limitations, or requirements upon any use or utilization of land than are imposed or required by other existing laws, ordinances, regulations, or private restrictive covenants, the provisions of this chapter shall control.

(Ord. No. O-042682-1, § 1.03, 4-26-1982)

## Sec. 78-3. - Reserved.

## Sec. 78-4. - Effect of chapter.

Zoning applies to every building and use. No building or land shall be used or occupied, and no building or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this chapter.

(Ord. No. O-042682-1, § 3.01, 4-26-1982)

## Sec. 78-5. - Zoning administrator.

The building inspector or such other persons as the township board shall appoint shall serve as the zoning administrator.

(Ord. No. O-042682-1, § 2.51, 4-26-1982)

## Sec. 78-6. - Continuation of nonconforming buildings and uses.

Nonconforming buildings and uses may be continued except as hereinafter provided in article XXIII of this chapter.

(Ord. No. O-042682-1, § 3.02, 4-26-1982)

## Sec. 78-7. - Restoration of unsafe buildings.

Subject to the provisions of article XXIII of this chapter, nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building which is unsafe.

(Ord. No. O-042682-1, § 3.03, 4-26-1982)

**Cross reference**— Buildings and building regulations, ch. 18.

## Sec. 78-8. - Height exceptions.

The following shall be exempt from height regulations in all zoning districts so long as they do not exceed 75 feet in height: parapet walls not exceeding three feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, church spires, penthouses housing necessary mechanical appurtenances, electrical transmission towers, television and radio reception and transmission antennas and towers (except satellite dish antennas), and farm buildings.

(Ord. No. O-042682-1, § 3.04, 4-26-1982; Ord. No. O-061383-1, 6-13-1983)

Sec. 78-9. - Essential services requirements.

Essential services as defined in section 78-51 are permitted in any zoning district, subject to the following conditions:

- (1) Electrical substations, gas regulator stations and any building associated with any essential services shall be subject to review and approval of a site plan by the planning commission, in accordance with article XXII of this chapter.
- (2) The design of electrical substations and gas regulator stations shall incorporate measures to minimize aesthetic impacts on the surrounding area, such as use of screen walls and enclosures, dense vegetative screening, earth berming and low profile and intensity of exterior lighting.

(Ord. No. O-042682-1, § 3.05, 4-26-1982; Ord. No. O-021296-1, § 3, 2-12-1996)

Sec. 78-10. - Principal building on a lot.

In the AGP, RP-1, RP 2, RR, R-1, R-2 and R-3 zoning districts, no more than one principal residential building shall be placed on a lot. In the R-4 zoning district no more than one principal single-family or one principal two-family residential building shall be placed on a lot. Multifamily buildings shall comply with the requirements of subsection 78-264(6).

(Ord. No. O-042682-1, § 3.06, 4-26-1982; Ord. No. O-021710-1, § 4, 2-17-2010)

Sec. 78-11. - Double frontage lots.

Buildings on double frontage lots shall comply with front yard requirements on both such streets.

(Ord. No. O-042682-1, § 3.07, 4-26-1982)

Sec. 78-12. - Clear vision corners.

On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially obstruct vision between a height of 3½ feet and eight feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them at points 25 feet from the intersection of the right-of-way lines.

(Ord. No. O-042682-1, § 3.08, 4-26-1982)

**Cross reference**— Traffic and vehicles, ch. 66.

Sec. 78-13. - Height and location of fences and walls.

The height of fences or walls in any R zoning district shall not exceed seven feet in a rear or side yard, or four feet in a front yard.

(Ord. No. O-042682-1, § 3.09, 4-26-1982)

Sec. 78-14. - Additional setbacks for buildings adjacent to major streets.

The line from which required front yards shall be measured shall be established 50 feet from, and parallel to, the centerline of all state highways and country primary roads as they are designated by the county road commission from time to time. Exceptions shall be granted in those cases where the existing right-of-way is greater than 100 feet, in which case the front yard shall be measured from the actual right-of-way line.

(Ord. No. O-042682-1, § 3.10, 4-26-1982)

Sec. 78-15. - Sewage disposal and water supply.

There shall be provided for every principal building hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation a safe and sanitary means of collection and disposal of sewage and industrial waste, if any, and a safe and sanitary water supply system.

(Ord. No. O-042682-1, § 3.11, 4-26-1982)

Sec. 78-16. - Driveway, septic and soil erosion permits.

Prior to the issuance of a building permit, the applicant shall obtain any necessary driveway, septic tank and soil erosion permits and deliver copies to the building inspector.

(Ord. No. O-042682-1, § 3.12, 4-26-1982)

Sec. 78-17. - Keeping of pets and livestock.

(a) *AGP, RP-1, RP-2, and RR zoning districts.* On any lot/parcel in the AGP, RP-1, RP-2, and RR zoning districts:

(1) The keeping of poultry, hogs, horses and other livestock shall be permitted.

a. On a lot/parcel of land less than five acres:

1. The keeping of poultry in a henhouse or poultry coop 80 square feet or less shall not be subject to the required 150-foot setback from all property lines for farm buildings housing animals and poultry in the subject zoning districts.
2. Roosters shall not be permitted.

b. On a lot/parcel of land five acres or greater:

1. The keeping of poultry in a henhouse or poultry coop 200 square feet or less shall not be subject to the required 150-foot setback from all property lines for farm buildings housing animals and poultry in the subject zoning districts.

(2) The keeping of more than three dogs and/or cats is prohibited; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth. This limit on the number of dogs shall not apply to a person who has a valid kennel license issued by the county if the kennel complies with existing county regulations and state laws.

(b) *R-1, R-2, R-3, V-R, and single-family residential PUD zoning districts.* On any lot/parcel in the R-1, R-2, R-3, V-R, and single-family residential PUD zoning districts:

(1) The keeping of hogs, horses, or other livestock, other than poultry, is prohibited.

(2) The keeping of more than three dogs and/or cats is prohibited; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth.

(3) The keeping of poultry shall be permitted as follows:

- a. A maximum of six poultry may be kept on any lot/parcel of land.
- b. Roosters shall not be permitted.
- c. The slaughtering of poultry shall only be permitted within a fully enclosed building.
- d. Poultry shall be provided with a henhouse or poultry coop and must be kept in the henhouse or poultry coop or an adjoining fully fenced (sides and top) poultry run or pen at all times. Poultry shall not be allowed to roam freely on any lot/parcel of land.
- e. The henhouse or poultry coop and/or poultry run or pen shall be located in the rear yard and shall be located at least 40 feet from any dwelling on adjacent property and at least ten feet from any property line.
- f. The total square footage of any henhouse or poultry coop and adjoining fully fenced (sides and top) poultry run or pen shall not exceed 80 square feet and shall be a maximum of eight feet in height.
- g. Materials used to construct enclosed areas shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.
- h. Henhouses or poultry coops and poultry runs or pens shall be kept clean so as not to create a nuisance and prevent noxious odors.
- i. All feed and other items associated with the keeping of poultry likely to attract insects, rodents, and other vermin shall be secured and protected in sealed containers.

(Ord. No. O-042682-1, § 3.13, 4-26-1982; Ord. No. O-021710-1, § 5, 2-17-2010; Ord. No. O-041221-1, § 2, 4-12-2021)

**Cross reference—** Animals, ch. 14.

## Sec. 78-18. - Certain uses prohibited.

Under the provisions of this chapter, it shall be unlawful to:

- (1) Park or store in an R zoning district any commercial motor vehicle exceeding one ton capacity. The storage of merchandise, motor vehicles for sale, or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.
- (2) Use a mobile home, travel trailer or any other similar unit for any business, occupation or trade, except for use as a construction trailer during construction.
- (3) Occupy a basement as a permanent dwelling unit.
- (4) Use any land, building or structure in the township for any of the following uses:
  - a. A marihuana establishment, as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended; or
  - b. A marihuana facility, as defined in the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

(Ord. No. O-042682-1, § 3.14, 4-26-1982; Ord. No. O-070819-1, § 1, 7-8-2019)

## Sec. 78-19. - Control of heat, fumes, noise, etc.

Every use shall be conducted and operated so that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

(Ord. No. O-042682-1, § 3.15, 4-26-1982)

## Sec. 78-20. - Accessory buildings and uses.

(a) *Accessory buildings and uses in residential districts.* Accessory buildings which are accessory to single-family residential uses in all residential districts, including the AGP, RP-1, RP-2, RR, R-1, R-2, R-3 and V-R districts, with the exception of farm buildings, shall conform to the following requirements:

- (1) No accessory building may be built on any lot on which there is no principal building, with the exception that an accessory building not exceeding 120 square feet in floor area may be placed in common open space area owned in undivided interest by the owners of all lots in a subdivision plat or a condominium subdivision, for purposes of housing equipment used for maintenance of the common area, subject to review and approval of a site plan for the accessory building by the zoning administrator. An accessory building placed in a common area shall be a minimum of 50 feet from any adjoining lot line, and shall be reasonably screened from view from adjoining lots by natural vegetation or added plant materials.
- (2) An accessory building shall not be located in a front yard, with the exception that one accessory building may be located in the front yard in the agricultural (AGP), rural preservation-1 (RP-1), rural preservation-2 (RP-2) and rural residential (RR) districts, provided the following standards are satisfied:
  - a. The accessory building is located a minimum of 50 feet from any lot line.
  - b. The accessory building is located on a lot with a minimum area of three acres in the AGP, RP-1 and RP-2 districts, and two acres in the RR district.
  - c. The facade materials and color, and the roof pitch, shape, material and color, of the accessory building are substantially the same as those of the dwelling unit on the subject property.
- (3) Except as provided in subsections (1) and (2) of this section, accessory buildings shall be subject to the following minimum setbacks from side and rear lot lines, based on the size of the accessory building, and the zoning district of the subject property:

Size of Accessory Building	Minimum Setback
240 square feet or less	Three feet in V-R district; ten feet in all other districts.
Over 240 square feet to 525 square feet	Three feet in V-R district; ten feet in R-2 and R-3 districts; 20 feet in all other districts
Over 525 square feet to 1,200 square feet	20 feet in all districts
Over 1,200 square feet	50 feet in all districts

(4) No accessory building shall occupy any portion of a greenbelt or buffer that is required by article XXV of this chapter.

(5) Maximum height of accessory buildings.

a. The maximum height of an accessory building shall be determined based on the size of the subject lot or parcel, as follows:

Lot or Parcel Size	Maximum Height
Less than three acres	Ten feet
Three acres or greater	14 feet, for an accessory building with a single floor level, at grade on all sides.
	20 feet, for a two-story accessory building, provided the upper floor level is at grade on at least one side.

(6) The total combined ground level floor area of all detached accessory buildings on any lot or parcel shall be limited as follows, based on the size of the subject lot or parcel and whether the subject lot or parcel has an attached garage:

Lot or Parcel Size	Maximum Ground Level Floor Area
Less than one-half acre	If the dwelling on the lot has an attached garage, 480 square feet
	If the dwelling on the lot does not have an attached garage, 720 feet.
One-half acre or more, but less than three acres	1,200 square feet
Three acres or more	4,000 square feet

(7) Accessory building floor area and height greater than that permitted in subsections (5) and (6) of this section may be authorized by the planning commission as a special use, following the procedures and standards specified in Article XXI of this chapter, pertaining to special uses, and upon finding that the size, height, placement, design and appearance of the accessory building will be compatible with the character of the surrounding area.

(8) In those cases where the zoning administrator determines that a building is not ancillary to a permitted use, a determination may be made by the zoning board of appeals utilizing the following criteria:

- a. Whether the size and location of the proposed building is consistent with existing permitted uses.
- b. Whether the proposed building will affect the light and air circulation of any adjoining buildings or properties.
- c. Whether the proposed building will adversely affect the view of any adjoining property.

(b) *Residential quarters for caretaker or security personnel in non-residential districts.* Residential quarters for a caretaker or security personnel are permitted as an accessory use in the PO, C-2, I and LI zoning districts, subject to the following limitations:

- (1) Occupancy of the accessory residential quarters shall be limited to no more than two persons who are employed to provide services on the parcel on which the residential quarters are located, and their immediate family members.
- (2) The services provided by the employed occupants of the residential quarters shall be of a nature that requires 24-hour per day location on the premises, such as, but not limited to, care of animals housed on the premises or providing security services for real property improvements or personal property on the premises.
- (3) The dwelling unit used for the accessory residential quarters shall comply with the standards for dwelling units contained in section 78-21.
- (4) A maximum of one dwelling unit used for accessory residential quarters is permitted on any lot or adjacent lots occupied by one principal

use.

(5) The dwelling unit used for accessory residential quarters may be located in the same building occupied by the principal use, or in a detached accessory building. If located in a detached building, the use is subject to approval of a site plan by the planning commission.

(6) The floor area of the dwelling unit used for the accessory residential quarters shall not exceed 1,500 square feet.

(Ord. No. O-042682-1, § 3.16, 4-26-1982; Ord. No. O-051391-2, 5-13-1991; Ord. No. O-011193-1, 1-11-1993; Ord. No. O-0121399-1, § 1, 12-13-1999; Ord. No. O-021710-1, §§ 6, 7, 2-17-2010; Ord. No. O-042814-1, § 1, 4-28-2014; Ord. No. O-06-09-14, §§ 1—3, 6-9-2014)

**Cross reference—** Animals, ch. 14.

#### Sec. 78-21. - Minimum requirements for dwellings outside of mobile home parks.

All dwellings located outside of mobile home yards shall comply with the following requirements:

(1) *Area.* Every dwelling unit shall have, exclusive of basements, porches, garages, breezeways, terraces or attics, a floor area of not less than:

a.	Single-family .....	720 square feet.
b.	Two-family (duplex) .....	720 square feet per unit.
c.	Multiple-family .....	500 square feet per unit.

(2) *Foundations for dwellings.* All dwelling units and any additions thereto shall be constructed upon and attached to a solid permanent foundation located under the entire perimeter of the ground floor of the dwelling unit with a depth of at least 42 inches below grade and such foundation shall comply with the township building code and all applicable state regulations.

(3) *Minimum height required.* All dwelling units shall provide a minimum height between the floor and ceiling of 7.5 feet.

(4) *Storage areas required.* All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure), of not less than 15 percent of the living area of the dwelling unit, exclusive of storage space for automobiles. Such storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this chapter.

(5) *Minimum width required.* The minimum width of any single-family dwelling unit shall be 22 feet for at least 67 percent of its length.

(6) *Minimum ingress and egress.* All dwelling units shall provide a minimum of two separate points of ingress and egress.

(7) *Steps or porch areas required.* All single-family dwelling units shall provide steps or porch areas permanently attached to the foundation where there exists an elevation differential of more than one foot between a door and the surrounding grade.

(8) *Interior access to basement or crawl space.* All dwelling units shall provide from within the dwelling unit at least one means of access to any basement or crawl space.

(9) *Mobile homes permitted.* Mobile homes shall be permitted, outside state licensed mobile home parks, in any zoning district wherein single-family dwellings are permitted, subject to compliance with the requirements of this chapter applicable to other single-family dwellings provided that the mobile home shall meet all standards of the United States Department of Housing and Urban Development Mobile Home Construction Safety Standards in effect at the time the mobile home is located in the township.

(Ord. No. O-042682-1, § 3.17, 4-26-1982)

#### Sec. 78-22. - Storage of recreation vehicles in residential districts.

No recreation vehicle shall be located within the building setback (front yard), nor closer than five feet to a rear or side lot line in a residential district for a period exceeding 72 hours.

(Ord. No. O-042682-1, § 3.18, 4-26-1982)

**Cross reference—** Traffic and vehicles, ch. 66.

#### Sec. 78-23. - Floodplain area.

Buildings or structures may be erected in the flood hazard area as identified by the Federal Insurance Administration, provided the lowest habitable floor elevation is one foot above the flood level elevation as established by the Federal Insurance Administration. This section shall not preclude the placement or construction of docks, boat houses, pump houses or similar structures in their usual and customary location. This section shall not preclude enforcement of the township flood damage prevention ordinance (article VII of chapter 18).

(Ord. No. O-042682-1, § 3.19, 4-26-1982)

Sec. 78-24. - Home occupations.

- (a) It is the purpose of this section to permit, subject to reasonable controls and limitations, the use of residential premises for limited occupational purposes by the occupants thereof. These regulations are intended to permit the use of residential premises for occupational uses with a minimum regulatory burden, provided such use has negligible visual, environmental and traffic impacts on the surrounding residential area, and negligible impact on the character of the surrounding residential area. It is also the intent of this section to exercise a higher degree of regulatory control over those types of home occupations which are more likely to result in adverse impacts to the character of the surrounding residential area, and to permit such uses only by issuance of a special use permit, subject to the provisions of this chapter.
- (b) Home occupations which comply with all of the following standards shall be considered to be type I home occupations, which are permitted by right in all residential zoning districts:
  - (1) No person other than members of the household residing on the premises shall be engaged in the conduct of the home occupation on the premises.
  - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit, or 300 square feet, whichever is less, shall be used in the conduct of the home occupation.
  - (3) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the home occupation. No sign identifying the home occupation shall be permitted.
  - (4) No home occupation nor storage of goods, materials, equipment or products associated with the home occupation shall be permitted in any accessory buildings on the premises, regardless whether attached or detached from the principal residence.
  - (5) Exterior storage and/or display of equipment, materials, goods, merchandise or supplies used in the conduct of the home occupation is prohibited.
  - (6) The home occupation shall not involve the use or storage of commercial vehicles over one ton in capacity on the premises.
  - (7) There shall be no vehicular traffic generated by the home occupation, other than occasional, incidental visits by clients or small parcel delivery services not exceeding an average of four vehicle trips per weekday.
  - (8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  - (9) The sale or offering for sale on the premises of any article, goods or merchandise on the premises is prohibited.
- (c) Any home occupation having one or more of the following characteristics shall be considered a type II home occupation, and shall be permitted only upon the approval of a special use permit, pursuant to article XXI of this chapter:
  - (1) The home occupation will employ on the premises any persons other than occupants of the residential dwelling on the premises.
  - (2) The home occupation is of a type in which customers or clients of the business are required to visit the residential premises.
  - (3) A business sign is proposed to be located on the premises.
  - (4) The home occupation involves the exterior storage of any materials, merchandise or products.
  - (5) The home occupation has any other characteristics which exclude it from consideration as a type I home occupation.
- (d) In addition to complying with the standards for approval of a special land use contained in article XXI of this chapter, no type II home occupation shall be issued a special use permit unless all of the following standards are met:
  - (1) The type II home occupation shall only be conducted on the premises of a detached single-family dwelling. Type II home occupations shall not be permitted within two-family or multiple-family dwellings.
  - (2) No more than two persons other than members of the household residing on the premises shall be engaged in the conduct of the home occupation on the premises.
  - (3) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit, or 300 square feet, whichever is less, shall be used in the

conduct of the home occupation.

- (4) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the type II home occupation, other than signs as permitted in article XXVI of this chapter.
- (5) Storage of goods, materials, equipment or products associated with the home occupation shall be permitted only within the dwelling or in an enclosed accessory building, or in an outside area enclosed on all sides by a solid fence or wall, so as to be entirely screened from view from surrounding properties and the public road.
- (6) Outdoor display of equipment, materials, goods, merchandise or supplies used in the conduct of the home occupation is prohibited.
- (7) The home occupation shall not involve the use or storage of more than one commercial vehicle on the premises. Any vehicle over one ton capacity shall be parked or stored in an enclosed garage or accessory building.
- (8) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. The number of off-street parking spaces provided for the home occupation shall not exceed two spaces, exclusive of parking required for the residential use of the dwelling.
- (9) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(Ord. No. O-042682-1, § 3.20, 4-26-1982; Ord. No. O-061096-1, §§ 2, 3, 6-10-1996)

**Cross reference—** Businesses, ch. 22.

#### Sec. 78-25. - Temporary use permits.

- (a) *Purpose.* This section is intended to provide for the regulation and permitting of uses of land which are inherently impermanent or which are proposed to be engaged in for only a short and definite period of time. Further, where expressly permitted by this section, such temporary uses may be conducted outdoors, notwithstanding any limitation or prohibition against such outdoor activity otherwise provided by this chapter.
- (b) *Procedures.*
  - (1) It shall be unlawful to engage in any temporary use as provided by this section without first obtaining a temporary use permit.
  - (2) All applications for a temporary use permit shall be made at least 14 days prior to the proposed commencement date for the use, provided that the zoning administrator may approve a lesser time period consistent with the requirements of this section. Application shall be made by submittal of the following items to the zoning administrator:
    - a. A completed application form, providing name and contact information for the applicant and the owner of the subject property on which the use is proposed, and a description of the nature and proposed duration of the temporary use;
    - b. An application fee, which shall be established by resolution of the township board;
    - c. A site plan, drawn to scale, which accurately depicts existing conditions on the subject property, as well as the location of all temporary facilities, equipment, storage areas and other features associated with the proposed temporary use; and
    - d. Plans showing the location and dimensions of all signs proposed to be displayed on the premises of the temporary use that are intended to be or will be viewable from the public right-of-way or adjacent properties.
  - (3) A temporary use permit shall not be approved unless the zoning administrator determines that the proposed temporary use complies with all of applicable standards and requirements for approval set forth in this section.
  - (4) A temporary use shall be permitted only for as short a time as practicable. In no case shall a temporary use permit be issued for a period in excess of the time limitations as provided by subsection (d), below.
  - (5) Reasonable conditions may be imposed on the approval of a temporary use permit by the zoning administrator. The conditions imposed may include conditions necessary to ensure that public services and facilities affected by a proposed temporary use will be capable of accommodating increased service and facility loads caused by the use to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to protect the health, safety and welfare and the social and economic well-being of those who will use the temporary use under consideration, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Specifically, the conditions imposed may be related to such matters including, but not limited to, location, size, height, construction, screening, parking, traffic and pedestrian access, hours of operation, noise, odor, sanitation, disposal of



trash or refuse, lighting and electrical systems, or any other physical or operational aspects of a proposed temporary use which might adversely affect health, safety or welfare. Any condition imposed must be clearly specified in writing by the zoning administrator on the temporary use permit.

- (6) If the zoning administrator determines that the application complies with the requirements set forth in this section, other applicable provisions of this chapter, and other ordinances of the township, the zoning administrator shall issue a temporary use permit within 14 days of submission of the application. The following information shall be clearly stated on any permit issued:
  - a. The commencement and termination dates of the permit;
  - b. Specification of any conditions of approval imposed pursuant to this section;
  - c. The name, address and telephone number of the person(s) or organization(s) to whom the permit is issued (referred to in this article as the "owner or operator");
  - d. The type of temporary use for which the permit has been issued including a general listing of the types of activities the use will involve; and
  - e. The location of the site for which the permit has been issued, and a general indication of the location of activities on the site.
- (7) If the building official determines that the application does not sufficiently comply with the requirements set forth in this section, other applicable provisions of this chapter or other ordinances of the township, the zoning administrator shall deny the permit and shall provide the applicant with a written statement of the reasons for the denial within 14 days of submission of the application.
- (c) *Standards for approval.* A temporary use permit shall not be approved unless the proposed use, the proposed site plan and the management and conduct of the proposed use comply with all of the following standards and requirements:
  - (1) The temporary use will not result in any hazard or nuisance to the contiguous or adjacent users or uses of property or otherwise be contrary to the public health, safety or welfare of the community.
  - (2) The temporary use will not create hazardous vehicular or pedestrian traffic conditions on or adjacent to the site of the temporary use, or result in traffic in excess of the capacity of streets serving the use.
  - (3) Adequate utility, drainage, parking, refuse management, sanitary facilities, emergency services and access, and similar necessary facilities and services will be available for the temporary use.
  - (4) The site on which the temporary use is located has a sufficient supply of on-site parking spaces to serve the parking needs of the temporary use in addition to the parking needs of other permanent principal uses on the site, or, if the site on which the temporary use is located does not have sufficient parking, the applicant shall provide the zoning administrator with written documentation of the consent of one or more property owners in the vicinity of the proposed temporary use, authorizing use of parking spaces on other property if such premises are not owned by the applicant.
  - (5) The temporary use will not have a substantially adverse impact on the natural environment.
  - (6) The site is suitable for the proposed temporary use, considering flood hazard, drainage, soils, and other conditions which may constitute a danger to life, health or property.
  - (7) The temporary use and all associated temporary improvements, including, but not limited to, tents, stands, temporary electrical systems, temporary heating systems, and temporary lighting systems will comply with all applicable provisions of the building code, the national electrical code, and such other codes as are from time to time adopted or amended by the township.
  - (8) Notwithstanding the provisions of article XXVI of this chapter, one or more signs with an aggregate area for all signs combined not exceeding 72 square feet is permitted on the same premises as the temporary use, provided that no sign shall be located within a public right-of-way. Where the zoning administrator determines that a temporary sign proposed in connection with a temporary use will result in a hazard or nuisance or will otherwise be contrary to the public health, safety or welfare of the community, the zoning administrator may impose more restrictive requirements than those specified above.
  - (9) The area occupied by the temporary use must be kept in a neat and well-kept manner at all times. Within 72 hours after the conclusion or termination of the activity authorized by the temporary use permit, all temporary improvements, signs, trash, and debris resulting from the temporary use shall be removed from the premises. It shall be unlawful for the owner or operator of the use to abandon the permitted premises without such cleaning and removal.
  - (10) The zoning administrator may revoke or suspend a temporary use permit at any time upon the failure of the owner or operator of the use to comply with any or all requirements of this section or conditions imposed upon issuance of the permit or with any other applicable provisions of state or local law. Notice of such revocation or suspension shall be made by letter from the zoning administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the permit was revoked or suspended the date and time upon which the revocation or suspension is effective, and informing

the owner or operator of the appeals procedure. Upon receipt of such notice, the owner or operator of such activity shall cease operation of the activity immediately. The provisions of this subsection shall not be deemed to preclude the use of any other remedy prescribed by law or by this chapter with respect to violations of the provisions of this chapter.

- (d) *Uses permitted upon issuance of a temporary use permit.* Subject to the requirements and standards of subsections (a) through (c) above, the zoning administrator may, upon application, issue a temporary use permit for any of the following uses, subject to the additional standards and requirements for such uses as set forth herein:
- (1) Temporary outdoor sales or tent sales by retail merchants. The temporary outdoor sale and display of customary store goods and merchandise in connection with the promotional activities of retail merchants is permitted, subject to the following additional requirements:
    - a. Maximum permit period: 14 days in any 12-month period.
    - b. Location: Such temporary outdoor sale and display of goods and merchandise is permitted only in the C-1 or C-2 zoning districts and shall be conducted within an area immediately adjacent to the place where such goods and merchandise are customarily sold in connection with an existing business.
  - (2) Outdoor Christmas tree sales not associated with sales from a principal building, Christmas trees may be stored, displayed and sold outdoors without the use of a building or other structure, subject to the following additional requirements:
    - a. Maximum permit period: 60 days in any 12-month period.
    - b. Location: Christmas trees may be sold outdoors on property located in the C-1 or C-2 zoning districts. Except as required by the zoning administrator, the display of Christmas trees need not comply with the setback requirements of this chapter, provided that no tree shall be displayed within 30 feet of the intersection of the curblin of any two streets or the intersection of the curblin of a street and a driveway, nor within the public right-of-way.
  - (3) Temporary outdoor sales of produce, bedding plants and flowers may be authorized, subject to the following additional requirements:
    - a. Maximum permit period: May 1 through November 1 of each year.
    - b. Location: Temporary outdoor displays and sales of produce, bedding plants and flowers is permitted only in the C-1 or C-2 zoning districts. Except as required by the zoning administrator, the display need not comply with the setback requirements of this chapter provided that no merchandise or structure shall be located within 50 feet of the intersection of the curblin of any two streets, the intersection of a street and a driveway, or within the public right-of-way.
    - c. Prohibition on sales of other items: No items other than fresh fruits and vegetables harvested for direct sale to retail customers, bedding plants and flowers shall be displayed or sold under this sub-section.
  - (4) Temporary outdoor events in commercial districts. Carnivals, fairs, festivals and similar uses are permitted in the C-1 and C-2 zoning districts, subject to the following requirements:
    - a. Maximum permit period: Three days in any 12-month period for a particular event and ten days in any 12-month period for all temporary outdoor uses permitted under this section.
    - b. Hours: Such temporary uses shall not be permitted to operate between the hours of 10:00 p.m. through 8:00 a.m.

(Ord. No. O-031306-1, § 1, 3-13-2006)

#### Sec. 78-26. - Certain types of access prohibited.

No land located in any AGP, RP-1, RP-2 or R residential district shall be used as a driveway, walkway or other means of access to any land located in the PO, C, or I district.

(Ord. No. O-042682-1, § 3.22, 4-26-1982; Ord. No. O-021710-1, § 8, 2-17-2010)

#### Sec. 78-27. - Junk yards.

Junk yards are prohibited in all zoning districts.

(Ord. No. O-042682-1, § 3.23, 4-26-1982)

#### Sec. 78-28. - Amendments to chapter.

This chapter may be amended or supplemented in accordance with the Zoning Enabling Act. Amendments may be initiated by the township board, the planning commission, or by any person, firm or corporation filing an application with the building inspector.

(Ord. No. O-042682-1, § 24.01, 4-26-1982)

## Sec. 78-29. - Amendment application procedure.

Any application for amendment to this chapter shall be submitted and reviewed in accordance with the Zoning Enabling Act and the following procedures:

- (1) Each application shall be accompanied by the payment of a fee and escrow amount as specified in section 78-65 and in accordance with the schedule of fees adopted by resolution of the township board to cover the costs of processing the application.
- (2) An application for an amendment shall be accompanied by the following documents and information:
  - a. A completed application for an amendment on a form supplied by the building inspector.
  - b. A map, if applicable, drawn to scale containing the following:
    1. Legal description of the area affected by the proposed amendment.
    2. Present zoning classifications of the area affected by the proposed amendment.
    3. Language of the proposed amendment.
    4. Small scale sketch of properties, streets and uses of land within one-half mile of the area affected by the proposed amendment.
  - c. A statement with regard to compliance with the township comprehensive plan and the reason and necessity for such amendment.

(Ord. No. O-042682-1, § 24.02, 4-26-1982; Ord. No. O-072699-1, § 9, 7-26-1999)

## Sec. 78-30. - Administrative liability.

No officer, agent, employee, or member of the township board, planning commission or board of zoning appeals shall be personally liable for any damage as the result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this chapter.

(Ord. No. O-042682-1, § 26.01, 4-26-1982)

**Cross reference—** Administration, ch. 2.

## Sec. 78-31. - Repeal of former zoning ordinance.

The former township zoning ordinance, adopted April 26, 1982, and all amendments thereto, except the specific amendments which relate to certain planned development zoning districts, are hereby repealed as of the effective date of this Code; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder.

(Ord. No. O-042682-1, § 26.03, 4-26-1982)

## Sec. 78-32. - Riparian area protection standards.

- (a) *Intent and purpose:* The standards contained in this section govern the use and alteration of land within a specified distance of wetlands, rivers, creeks and other riparian features in Ada Township, in order to accomplish the following objectives:
  - (1) Implement the water quality protection, environmental protection and rural character protection goals and policies of the township's master plan.
  - (2) Achieve the township's resource protection and community character goals in a manner that is reasonable and sensitive to local conditions and concerns of property owners.
  - (3) Protect water quality and habitat quality in the wetlands, rivers, creeks, and other riparian features in Ada Township, and thereby protect the public health, safety and general welfare, by encouraging filtering of storm water runoff through natural vegetative buffers along stream corridors, and by encouraging and protecting vegetative cover along stream banks to shade the stream, thereby maintaining lower water temperatures and high-quality stream habitat.
  - (4) Maintain the integrity and stability of stream banks and protect stream banks against erosion, by providing for continuous vegetative buffers adjacent to wetlands and stream corridors, and by prohibiting excavation and building activities within a specified distance from wetlands and stream banks.
  - (5) Protect the natural character and appearance of wetlands and stream and river corridors, which contribute to the valued natural character of the community, its quality of life and its property values.
  - (6) Permit and encourage property owners to enhance native vegetation along riparian corridors in the township.
- (b) *Applicability:*
  - (1) Except as provided in subsection (2), below, the standards contained in this section shall be applicable to all land in the township which is

located within specified distances adjacent to:

- a. All of the lakes, ponds, impoundments, rivers, streams, and creeks identified on the map titled "Protected Riparian Areas Inventory Map," which is attached to and made a part of this section, and a copy of which is on file in the office of the township clerk, and
- b. Any other natural or artificial lake, pond or impoundment with a surface area of five acres or more or any river, stream, creek or any other body of water that has definite banks, a bed, and that, under normal conditions, has visible evidence of a year-round flow of water;
- c. Wetlands as defined in this chapter.

(2) The standards contained in this section shall not be applicable to:

- a. A lot or parcel which was a "lot of record," as defined in this chapter, on or before the effective date of the amendatory ordinance creating this section.
- b. Agricultural operations that are conducted in conformance with the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
- c. All activities that are authorized in a permit issued by the Michigan DEQ pursuant to Parts 31, 301, 303 or 315 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

(3) The limits of the "natural vegetation zone" and the "transition zone" as defined in this section shall be accurately shown on all site plans, land division plans, subdivision plans, site condominium plans, plans for planned unit developments, and all applications for building permits submitted for review by Ada Township. Any such plans for sites on which is located any riparian area subject to these regulations shall include the following statement: "There shall be no clearing, grading, placement of fill, construction or disturbance of vegetation within the area labeled as being subject to the riparian area protection standards of the Ada Township Zoning Regulations, except as permitted by section 78-32 of the Ada Township Zoning Regulations."

(4) The decision on any application for a zoning approval or permit that is subject to zoning administrator action may be referred by the zoning administrator to the planning commission for its review and decision, when the property involved is subject to the riparian area protection standards of this section.

(5) The land area subject to the riparian area protection standards of this section shall be comprised of two sub-areas:

- a. A "natural vegetation zone", which includes all lands located within 25 feet of the ordinary high water mark of a riparian feature, all lands within ten feet of the boundary of a wetland as defined in this section, and all land located within 75 feet of the ordinary high water mark of a riparian feature which slopes toward the riparian feature at a grade of 12 percent or greater.
- b. A "transition zone," which extends for a width of 15 feet beyond the edge of the natural vegetation zone.

The intended purpose and applicable development standards within each of these sub-areas shall be as set forth in the following paragraphs.

(c) *Intent, purpose and development standards in the natural vegetation zone:* The natural vegetation zone is intended to provide an undisturbed vegetative corridor along the edge of a riparian feature, to protect the water quality, habitat and aesthetic values of the riparian feature by minimizing erosion, stabilizing the bank, minimizing nutrient flows into the water, shading the water to maintain low water temperatures, and screening man-made structures. Land located within the natural vegetation zone shall be subject to the following development standards:

(1) No dwelling unit or other principal building and no accessory building or other structure shall be constructed within the natural vegetation zone, with the following exceptions:

- a. Flood control structures constructed by authorized state or federal agencies.
- b. Pedestrian or vehicular bridges, when deemed necessary and designed and constructed in a manner that minimizes impact on the riparian feature.
- c. A boardwalk access to a wetland constructed in accordance with a permit issued by the Michigan Department of Environmental Quality.

(2) No on-site waste disposal system shall be installed within the natural vegetation zone.

(3) The area within the natural vegetation zone shall be kept in a predominantly natural condition, with a limited extent of alteration and management, as provided herein. Clearing or removal of existing trees, shrubs and groundcover is prohibited, with the following exceptions:

- a. Removal of isolated diseased or dead trees, and trees that are in an unstable condition and that pose a safety hazard is permitted, provided that the stumps and root structures of removed trees shall be left in place.
- b. Removal of species that are recognized as highly invasive, contained on a "List of Invasive Species" maintained on file in the office of the township clerk is permitted.
- c. Planting of native species that are contained on a "List of Native Species" maintained on file in the office of the township clerk is permitted.
- d. Limited removal of vegetation within the natural vegetation zone is permitted, in order to provide a filtered view of the riparian feature or wetland from adjacent property, and to provide access to the riparian feature, provided that:

1. Sufficient vegetation is retained to provide for bank stabilization and erosion control, to encourage infiltration of runoff, and to provide water surface.
  2. Except as provided herein, existing vegetation below a height of three feet above the ground and the ground surface shall remain undisturbed and in a natural condition.
  3. Removal of vegetation above a height of three feet shall be permitted for a maximum linear distance of 75 feet along one side of the riparian feature on the subject property, or for a linear distance no greater than one third of the total linear extent of the riparian feature on the subject property, whichever is less.
  4. Within the 75-foot area described in subparagraph 3. above, existing vegetation may be removed and/or managed, including maintaining a turf lawn, in an area with a maximum width of 15 feet along one or both sides of the riparian feature. Within this 15-foot area, a paved or unpaved trail or path with a maximum width of ten feet is also permitted.
  5. Within the 75-foot area described in subparagraph 3. above, clearing that is required to construct the structures permitted in subparagraph (1)a. through c., above, is permitted.
- (4) The following activities are prohibited in the natural vegetation zone: storage of motorized vehicles or petroleum products; storage or use of toxic or hazardous materials; storage or application of herbicides or pesticides; storage or application of fertilizer containing in excess of one percent by weight of an hydric phosphoric acid, placement of fill or dumping of any refuse; drainage by ditches, underdrains or other similar systems.
- (d) *Intent, purpose and development standards in the transition zone:* The transition zone is intended to provide distance between upland development and the natural vegetation zone, in an area outside of the natural vegetation zone where there are fewer restrictions on disturbance and improvements, but where some restriction remains necessary to protect the integrity, water quality and habitat of the adjacent riparian feature. Land located within the transition zone shall be subject to the following development standards:
- (1) No dwelling unit or other principal building and no accessory building or other structure shall be constructed within the transition zone, with the following exceptions:
    - a. Flood control structures constructed by authorized state or federal agencies.
    - b. Pedestrian or vehicular bridges, when deemed necessary and designed and constructed in a manner that minimizes impact on the riparian feature.
    - c. One viewing platform, deck or gazebo, with a maximum ground coverage of 200 square feet.
  - (2) No on-site waste disposal system shall be installed within the transition zone.
  - (3) Construction of impermeable surfaces such as paved driveways, paved parking areas, tennis courts, or other similar surfaces is prohibited in the transition zone, except for those uses and structures permitted in sub-paragraph (1), above, and public recreational trails, not exceeding ten feet in width.
  - (4) Existing vegetation in the transition zone may be altered and managed in a manner customary for the uses permitted in the zoning district applicable to the subject property.

(Ord. No. O-061305-2, § 1, 6-13-2005)

Sec. 78-33. - Wind energy systems.

- (a) *Purpose.* This section is intended to provide for the regulation and permitting of wind energy systems in the township, in order to facilitate the use of wind as a source of energy in the township in a manner that is compatible with the health, safety and general welfare of the public.
- (b) *Standards applicable to all wind energy systems.*
  - (1) *Sound pressure level.* The sound pressure level emitted by a wind energy system shall not exceed 55 dB(A), measured at any property line. This sound pressure level may be exceeded during shortterm events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
  - (2) *Electromagnetic interference.* No wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would result in electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation, unless the interference is insignificant.
  - (3) *Construction codes, towers, and interconnection standards.* Wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall

Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. A wind energy system which is interconnected with the public utility electrical distribution system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

(4) *Safety.*

- a. A wind energy system shall have an automatic braking, governing or blade feathering system to prevent uncontrolled rotation or over speeding.
- b. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least eight feet above the guy wire anchors.
- c. The minimum separation distance between any moving component of a wind energy system and the ground or any fixed object on the ground, other than the structure on which the system is mounted, shall be 30 feet.
- d. Ground-mounted wind energy systems shall have towers of a nonclimbable design, or shall be equipped with measures to prohibit unauthorized climbing access.

(c) *On-site-use wind energy systems of 65 feet in height or less.* On-site-use wind energy systems of 65 feet or less in height are permitted as an accessory use, subject to compliance with the following standards:

(1) Conformance with the standards contained in subsection (b), above.

(2) The system shall be designed and used for the primary purpose of generating electrical energy for the exclusive use of the home, farm, or business located on the same lot as the wind energy system; provided, however, that this provision shall not prohibit the sale of excess electrical energy generated to the electric utility company providing service to the property, through a net-metering arrangement in conformance with requirements of the Michigan Public Service Commission.

(3) An on-site-use wind energy system may be attached to an existing principal or accessory building, or may be a stand-alone system elevated on a ground-mounted tower.

(4) The number of building-mounted on-site-use wind energy systems shall be subject to the following limits:

- a. On a lot of less than five acres in size, there shall be no more than one building-mounted on-site-use wind energy system.
- b. On a lot of five acres or more in size, the number of building-mounted on-site-use wind energy systems shall not exceed two, plus one additional for each ten acres of lot area in excess of five acres.

(5) A ground-mounted on-site-use wind energy system shall only be permitted in the AGP, RP-I, RP-2, RR, C-I, C-2, LI, or I zoning districts, and only on a lot having a size of three acres or greater.

(6) There shall be no more than one ground-mounted on-site-use wind energy system located on any lot.

(7) Maximum height.

- a. The height of a stand-alone, ground-mounted on-site-use wind energy system shall not exceed 65 feet, measured from the point of attachment to the ground surface to the top of the turbine blade in its vertical position.
- b. The height of a building-mounted on-site-use wind energy system shall not exceed 65 feet, measured from the average of the lowest grade and the highest grade at any point around the building perimeter to the top of the turbine blade in a vertical position.

(8) Minimum setback requirements.

- a. A stand-alone, ground-mounted on-site-use wind energy system may not be located in the front yard.
- b. A stand-alone, ground-mounted on-site-use wind energy system shall have a minimum setback from any property boundary equal to one and one-half times the total height of the wind energy system, measured from the point of attachment to the ground surface to the top of the turbine blade in its vertical position. The setback distance shall be measured horizontally from the tip of the turbine blade extended in a horizontal position to a vertical surface extending upward from the nearest property boundary.
- c. A building-mounted on-site wind energy system shall have a minimum setback from a property boundary equal to the height of the wind energy system.

The height of the system shall be measured from the average of the lowest grade and the highest grade at any point around the building perimeter to the top of the turbine blade in a vertical position.

The setback distance shall be measured horizontally from the tip of the turbine blade extended in a horizontal position to a vertical surface extending upward from the nearest property boundary.

- d. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to a lot line.

(d) *On-site-use wind energy systems greater than 65 feet in height.* On-site-use wind energy systems greater than 65 feet in height shall be permitted only when approved by the planning commission as a special use, according to the standards of article XXI, and subject to compliance with the following standards:

- (1) Conformance with the standards contained in subsection (b), above.
- (2) The system shall be designed and used for the primary purpose of generating electrical energy for the exclusive use of the home, farm, or business located on the same lot as the wind energy system; provided, however, that this provision shall not prohibit the sale of excess electrical energy generated to the electric utility company providing service to the property, through a net-metering arrangement in conformance with requirements of the Michigan Public Service Commission.
- (3) An on-site-use wind energy system may be attached to an existing principal or accessory building, or may be a stand-alone system elevated on a ground-mounted tower.
- (4) The number of building-mounted on-site-use wind energy systems shall be subject to the following limits:
  - a. On a lot of less than five acres in size, there shall be no more than one building-mounted on-site-use wind energy system.
  - b. On a lot of five acres or more in size, the number of building-mounted on-site-use wind energy systems shall not exceed two, plus one additional for each ten acres of lot area in excess of five acres.
- (5) A ground-mounted on-site-use wind energy system shall only be permitted in the AGP, RP-1, RP-2, RR, C-I, C-2, LI, or I zoning districts, and only on a lot having a size of three acres or greater.
- (6) There shall be no more than one ground-mounted on-site-use wind energy system located on any lot.
- (7) Maximum height:
  - a. The height of a stand-alone, ground-mounted on-site-use wind energy system shall not exceed 90 feet, measured from the point of attachment to the ground surface to the top of the turbine blade in its vertical position.
  - b. The height of a building-mounted on-site-use wind energy system shall not exceed 90 feet, measured from the average of the lowest grade and the highest grade at any point around the building perimeter to the top of the turbine blade in a vertical position.
- (8) Minimum setback requirements.
  - a. A stand-alone, ground-mounted on-site-use wind energy system may not be located in the front yard.
  - b. A stand-alone, ground-mounted on-site-use wind energy system shall have a minimum setback from any property boundary equal to one and one-half times the total height of the wind energy system, measured from the point of attachment to the ground surface to the top of the turbine blade in its vertical position. The setback distance shall be measured horizontally from the tip of the turbine blade extended in a horizontal position to a vertical surface extending upward from the nearest property boundary.
  - c. A building-mounted on-site wind energy system shall have a minimum setback from a properly boundary equal to the height of the wind energy system.  
  
 The height of the system shall be measured from the average of the lowest grade and the highest grade at any point around the building perimeter to the top of the turbine blade in a vertical position.  
  
 The setback distance shall be measured horizontally from the tip of the turbine blade extended in a horizontal position to a vertical surface extending upward from the nearest property boundary.
  - d. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to a lot line.
- (9) The proposed system shall not result in shadow flicker impacts on any occupied structure on an adjoining property. The planning commission may require that the application for special use permit include an analysis of potential shadow flicker impacts, prepared by a qualified source of expertise, and identification of measures to mitigate potential shadow flicker impacts.
- (e) *Utility grid wind energy systems.* Utility grid wind energy systems shall be permitted only when approved by the planning commission as a special use, according to the standards of article XXI, and subject to compliance with the following standards:
  - (1) *[Additional standards.]* Conformance with the standards contained in subsection (b), above.
  - (2) *[Where permitted.]* Utility grid wind energy systems shall be permitted only in the Agricultural Preservation (AGP) zoning district.
  - (3) *Minimum setback from property lines.*
    - a. A utility grid wind energy system shall be located a minimum distance from a lot line or, in the case of a leased area comprised of multiple lots, from the boundary of the lease unit area, equal to one and one-half times the height of the tower, measured from the point of attachment to the ground surface to the top of the turbine blade in its vertical position. The setback distance shall be measured from the tip of the turbine blade extended in a horizontal position to the nearest property boundary.
    - b. Ancillary facilities associated with a utility grid wind energy system, including an operations and maintenance building or an electrical substation or other ancillary equipment, shall comply with the minimum setback requirements of the respective zoning district.  
  
 Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.
  - (4) *Visual impact.* Utility grid wind energy systems shall use tubular towers and all utility grid wind energy systems in a project shall be finished

in a single, nonreflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be displayed on any part of the system that is intended to be viewed from outside the lot lines of the lot on which the system is located, or, in the case of a leased area comprised of multiple lots, beyond the boundary of the lease unit area.

- (5) *Utilities.* Power lines shall be placed underground, when feasible. All above-ground lines, transformers or conductors shall comply with standards published by the avian power line interaction committee to minimize avian mortality.
- (6) *Safety.* The wind energy system and all ancillary facilities shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building displaying emergency contact information. Signage placed at the access drive entrance shall warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 30 feet for a wind energy system employing a horizontal axis rotor.
- (7) *Avian and wildlife impact.* The location, design, construction and operation of the wind energy system shall be conducted in a manner that minimizes potential adverse impacts on avian and other wildlife species.
- (8) *Shadow flicker.* The location, design, construction and operation of the wind energy system shall be conducted in a manner such that there is no shadow flicker impact on any occupied dwelling.
- (9) *Decommissioning.*
  - a. A utility grid wind energy system that is out of service for a continuous period of 12 months shall be deemed to have been abandoned, and the special use permit authorizing the installation of the wind energy system shall be deemed to have expired. Upon the expiration of the special use permit, the wind energy system shall be subject to the decommissioning procedures and requirements contained in this subsection.
  - b. The zoning administrator shall issue a notice of abandonment to the owner of a wind energy system that is deemed to have been abandoned. The zoning administrator shall withdraw the notice of abandonment if the planning commission, upon submittal of a request by the wind energy system owner, approves an extension of the special use permit, upon a showing of hardship conditions by the applicant. Efforts to operate the system must be shown to have been active and consistent through the time period involved.
  - c. The owner of a wind energy system shall provide the zoning administrator with a written notice of termination of operations if the operation of a wind energy system is terminated.
  - d. Within eight months of receipt of notice of abandonment or within eight months of providing notice of termination of operations, the owner of a wind energy system must:
    1. Remove all wind turbines, aboveground improvements, and outdoor storage; and
    2. Remove all foundations, pads, and underground electrical wires to a depth of four feet below the surface of the ground; and
    3. Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.
- (10) *Electromagnetic interference.* No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- (11) *Plan requirements.* In addition to complying with the special use permit application requirements contained in article XXI, the application shall include the following information:
  - a. Proof of the applicant's public liability insurance for the project.
  - b. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid wind energy system; legal description of the property(ies), lease unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.
  - c. The phases or parts of construction, with a construction schedule.
  - d. The project area boundaries.
  - e. The location, height, and dimensions of all existing and proposed structures and fencing.
  - f. The location, grades, and dimensions of all temporary and permanent on-site and access drives from the nearest street.
  - g. All new infrastructure above ground related to the project.
  - h. A copy of manufacturers' material safety data sheet(s) which shall include the type and quantity of all materials used in the operation of



all equipment including, but not limited to, all lubricants and coolants.

- i. A copy of a noise modeling and analysis report, which includes identification of the types and proposed locations of all noise-generating equipment associated with the proposed wind energy system, and documentation that the sound pressure levels emitted by the wind energy system will not exceed the limits contained in this section. The noise modeling and analysis shall conform to standard 61400 of the International Electrotechnical Commission (IEC 61400) and standard 9613 of the International Organization for Standardization (ISO 9613). After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of American National Standards Institute (ANSI), SI2.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the township within 60 days of the commercial operation of the project.
- j. A visual impact simulation depicting the projected view of the proposed system, from a minimum of four vantage points. The vantage points selected for the simulation shall be subject to review and approval by the planning commission.
- k. A copy of an environment impact analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- l. A copy of an avian and wildlife impact analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. (Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridgetops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis should include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The analysis shall indicate whether a postconstruction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.)
- m. A copy of a shadow flicker analysis at occupied structures to 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 site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- n. A proposed site restoration plan which includes all the information required by article XXII, setting forth a plan for restoration of the project site after completion of the project, along with the following additional supporting documentation:
  - (i) The anticipated life of the project.
  - (ii) The anticipated manner in which the project will be decommissioned and the site restored at the end of the useful life of the project.
  - (iii) An estimate, in current dollars, of the estimated cost, net of salvage value, of decommissioning the wind energy system at the end of its useful life, and a detailed description of the method of arriving at the estimate. The estimated cost of decommissioning shall be subject to review and acceptance by the planning commission.
  - (iv) The form of financial guarantee that will be pledged to the township, to ensure that funds in the amount of the accepted decommissioning cost estimate will be available for decommissioning and restoration in conformance with this section. The financial guarantee may be in the form of a performance bond, surety bond, cash held in an escrow account, an irrevocable bank letter of credit, or other financial assurance acceptable to the township.
- o. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the township from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

(Ord. No. O-062810-1, § 2, 6-28-2010)

## ARTICLE II. - DEFINITIONS

## Sec. 78-51. - Definitions and rules of construction.

(a) *Rules of construction.* The following listed rules of construction apply to the text of this chapter:

- (1) The word "shall" is mandatory; the word "may" is permissive.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.
- (3) A "building" or "structure" includes any part thereof.
- (4) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them.
- (5) The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," and "designed to be used."

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Accessory building or use* means a building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use, including a swimming pool. Accessory buildings or uses shall be subordinate in area, extent or purpose to the principal building or use served and shall be ancillary to the principal building or use served.

*Adult foster care family home* means a residence providing foster care to six or fewer persons age 18 or older.

*Adult foster care group home* means a residential facility providing foster care to seven or more persons age 18 or older.

*Alterations, structural,* means any change in the supporting members of a building such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a building.

*Ambient.* The sound pressure level exceeded 90 percent of the time or L90.

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

*Automobile storage* means any storage of inoperable, unused and/or unlicensed vehicles not incidental to a service station.

*Basement* means that portion of a building between the floor and the ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor, below is greater than the vertical distance from the grade to the ceiling.

*Board of zoning appeals* means the Zoning Board of Appeals of the Township of Ada.

*Building* means any structure, including a mobile home having a roof.

*Building height* means the vertical distance abovegrade to the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

*Building inspector* means the person appointed by the township board to serve as the building inspector.

*Building setback* means the minimum distance from the front lot line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be located within the building setback.

*Camp or campground* means and includes temporary or permanent buildings, tents, or other structures, together with the appurtenances pertaining thereto, established or maintained as temporary living quarters operated continuously for a period of five days or more, for recreation, religious, education, or vacation purposes.

*Commission or planning commission* means the planning commission of the Township of Ada.

*Day care center* means a facility, other than a private residence, receiving minor children for care for periods of less than 24 hours in a day, and where the parents or guardians are not immediately available. It includes a facility which provides care for not less than two weeks, regardless of the number of hours of care per day. These facilities are generally described as day care centers, day nurseries, preschools or drop-in centers. This definition shall not include a Sunday school or nursery operated by a religious institution where children are cared for during short periods of time while the persons responsible for such children are attending religious services.

*Day care home, adult*, means a facility in a private, single-family residence which receives one or more adults for care and supervision for periods of less than 24 hours a day, four or more days a week, for two or more consecutive weeks. Excluded are persons related to the family by blood, marriage or adoption.

*Day care home, family*, means a private, single-family residence which receives more than one but less than seven minor children for care and supervision for periods of less than 24 hours a day. Children related by blood, marriage or adoption to an adult member of the family are excluded from this definition.

*Day care home, group*, means a facility in a private, single-family residence which provides care for at least seven but not more than 12 children for periods of less than 24 hours a day, and where the parents or guardians of the children in care are not immediately available. This definition shall include a home which gives care to an unrelated child for more than four weeks during a calendar year.

*dB(A)*. The sound pressure level in decibels. It refers to the "a" weighted scale defined by the American National Standards Institute. A method for weighting the frequency spectrum to mimic the human ear.

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

*Development* means any manmade change to improved or unimproved land for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation.

*Drive-in facility* means any place or premises other than a gasoline or service station which offers the sale of goods or services to customers in vehicles, including those establishments where customers may serve themselves.

*Dwelling* means any building or structure (including those commonly referred to as mobile homes) or portion thereof which is occupied as residence either permanently or temporarily but not including motels, hotels, travel trailers, or recreational vehicles.

*Dwelling, single-family*, means a building designed for use and occupancy by one family only.

*Dwelling, two-family*, means a building designed for use and occupancy by two families only.

*Dwelling, multifamily*, means a building designed for use and occupancy by three or more families.

*Erected* includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for building. Excavation, fill, drainage and the like shall be considered part of erection.

*Essential services* means the erection, construction, alteration or maintenance by public utilities, or by municipal departments, boards or commissions, of underground, surface or overhead natural gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, electric substations, telephone exchange buildings, natural gas regulator stations, fire stations and other similar equipment and accessories in connection therewith, including buildings necessary to house the foregoing, reasonably necessary for the furnishing of service by such public utilities or municipal departments, boards or commissions, or reasonably necessary for the protection of the public health, safety or general welfare.

*Family* means one or more persons occupying a single dwelling; provided, however, that unless four members are related by blood, marriage or legal adoption, no such family shall contain more than five persons.

*Farm* means any tract of land devoted to general agricultural activities such as field crops, truck farming, orchards, nurseries and animal husbandry. Such farms may include customary barns and similar buildings.

*Farm building* means any building, except a dwelling unit, which is essential or customarily used for the storage or housing of farm implements, produce, animals or other farm purposes.

*Farm market* means facilities located and activities carried out on a farm for conducting retail sales of farm products directly to customers, including marketing activities and services intended to attract and entertain customers and facilitate retail business.

*Floor area* means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts or courts. For all buildings, except dwelling units, where the principal use thereof shall include the basement, the basement floor area shall be included except that part which contains heating or cooling equipment and other basic utilities.

*Forestry operations* means the harvesting of timber for commercial purposes, including the harvesting of Christmas trees.

*Foster care*, means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

*Garage, private*, means a detached accessory building or portion of a main building used for the storage of passenger vehicles and trucks up to one ton capacity where no service for compensation occurs.

*Gasoline station or service station* means any building or structure used for the retail sale of fuels, and other operating commodities for motor vehicles, and including the customary space and facilities for repairing motor vehicles.

*Grade* means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

*Heliport* means an area of land or water or a structure surface that is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport buildings and other heliport facilities.

*Heliport, private use* means a privately-owned heliport that is available for use only by the owner of the facility, or by others with the prior permission of the facility owner.

*Heliport, public use* means a heliport that is owned and/or operated by a public or private entity and this is available for use of the general public without a prior request to use the heliport.

*Home occupation* means an occupation or profession carried on by an occupant of a dwelling unit in a residential district as a secondary use which is incidental to the use of the dwelling unit for residential purposes, and which is otherwise in compliance with this chapter.

*Henhouse or poultry coop* means a structure providing shelter for poultry which is completely enclosed.

*Junk yard* means a place where waste, discarded or salvaged materials are placed, bought, sold, stored, or handled, including house wrecking yards, used lumber yards, and places or yards for use of salvaged materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building, and establishments for the sale, purchase, or storage of used automobiles in inoperable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

*Kenel* means any premises on which more than three dogs, cats or other household pets, four months of age or older, are kept either temporarily or permanently for the purpose of boarding or breeding.

*Land division* means a partition or splitting of a parcel or tract of land for the purpose of sale, lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, which is not subject either to the platting requirements of the Land Division Act, the Condominium Act, or the PUD provisions of the township zoning ordinance.

*Lease unit boundary.* The boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road rights-of-way.

*Lot* means a piece or parcel of land in the same ownership.

*Area, lot,* means the total area encompassed within the boundary lines of a lot, excluding street or road rights-of-way.

*Corner lot* means a lot located at the intersection of two or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is 135 degrees or less, or a lot abutting upon a curved street or streets, if tangents to the curve at the two points where the lot lines meet the centerline curve form an interior angle of 135 degrees or less.

*Depth, lot,* means the distance between the front and the rear lot lines, measured along the median between the side lot lines.

*Double frontage lot* means any lot, excluding a corner lot, which fronts on two streets which do not intersect.

*Width, lot,* means the distance between the side lot lines, measured at the building setback line and at right angles to the lot depth.

*Lot line* means a line bounding a lot or parcel of property.

*Front* means the boundary line of a lot immediately adjacent to a public street right-of-way upon which the lot fronts. In the case of a corner lot, the front lot line shall be the shortest boundary line adjacent to a street right-of-way. In the case of a double frontage lot, the front lot line shall be determined by the property owner.

*Rear* means the boundary line which is opposite and most distant from the front lot line.

*Side* means any boundary line which is neither a front nor a rear lot line.

*Lot of record* means a tract of land which is either:

- (1) Described as a lot in a final subdivision plat recorded with the county register of deeds;
- (2) A condominium unit comprised of land intended for separate ownership by and exclusive use of the condominium unit owner, contained within a condominium subdivision plan for which a master deed has been recorded with the county register of deeds, pursuant to Public Act No. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), the Michigan Condominium Act;
- (3) Described by metes and bounds, for which a deed, land contract or memorandum of land contract has been recorded with the county

register of deeds; or

- (4) A parcel which has been assigned its own permanent parcel number by the county property description and mapping department, and which is individually assessed and taxed on that basis.

*Motel or hotel* means a building or group of buildings on the same lot, containing sleeping or dwelling units for public accommodation. The term shall include any building or group of buildings designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging for compensation to transient or resident guests.

*Motor vehicle* means every vehicle which is self-propelled.

*Net metering.* A special metering and billing arrangement between an electric utility company and a customer of the company, through which the customer's on-site wind energy system is interconnected with the utility grid, to facilitate the sale of electrical energy by the customer to the electric utility company at times when the output of the on-site wind energy system exceeds the customer's usage.

*Nonconforming building* means a building lawfully existing at the time of adoption of this chapter, or any amendment thereto, and which does not conform to the regulation of the district in which it is located.

*Nonconforming use* means any use of any part or all of a building, lot or tract of land lawfully existing at the time of adoption of this chapter or any amendment thereto, which does not conform with the use regulations of the district in which it is located.

*On-site-use wind energy system* means a land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

*Ordinary high water mark* means the line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural visible markings or changes in the character of soils, or vegetation due to the prolonged presence of water and which distinguishes between predominantly aquatic terrestrial land.

*Parking area, space or lot* means an off-street area, the principal use of which is for the parking of motor vehicles, whether for compensation or as an accommodation. Parking area shall include access drives within the actual parking area.

*Planned unit development (PUD)* denotes zoning requirements designed to accomplish the objectives of this chapter through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area, as authorized by this chapter and the Zoning Enabling Act. A land development designated as a PUD involves the development of one or more tracts of land in which a comprehensive, unified plan for development of the land is prepared which, subject to the approval of the township, allows the opportunity for flexibility in the location, size and number of buildings, mixing of a variety of land uses and departure from traditional zoning ordinance requirements and standards. PUDs are characterized by defined and coordinated vehicular and pedestrian circulation systems, unified landscaping and buffering improvements, coordinated signage programs, and other functional and visual elements which result in overall unified, coordinated physical developments.

*Poultry* means domesticated birds kept for eggs or meat.

*Poultry run or pen* means a fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing poultry to leave the henhouse or coop while remaining in a predator-safe environment. The poultry run or pen is typically attached to the henhouse or poultry coop.

*Principal or main use* means the primary or predominant use of a lot.

*Private street* means a right-of-way providing access to adjacent lots which is not dedicated for public use.

*Public utility* means a firm or corporation granted a franchise by the township to provide service and to use public rights-of-way in the township, or a municipal department, board or commission, furnishing electricity, natural gas, steam, communications, transportation, sewage collection and disposal or water supply distribution.

*Recreation vehicle* means travel trailers, motor homes, pick-up campers, or other portable units which are self-propelled or towed by a vehicle, and are designed to be used principally as a temporary vacation dwelling, and boats and boat trailers.

*Restaurant* means a place of public accommodation where food is prepared and served or sold for consumption on the premises or taken from the premises for consumption without further preparation, heating or the like.

*Roadside market stand* means a building or structure designed or used for the display and/or sale of seasonal agricultural products grown on the premises.

*Rotor* means an element of a wind energy system that acts as a multibladed airfoil assembly, thereby extracting, through rotation, kinetic energy directly from the wind.

*Satellite dish antenna* means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

*Shadow flicker* means alternating changes in light intensity caused by the moving blades of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window at a dwelling.

*Sound pressure* means an 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* means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

*Stable, private*, means a building used for the housing of horses or other domestic animals for the use of the owner or his immediate family.

*Stable, public*, means a building used for the housing of horses or other domestic animals for hire by the public.

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

*Street* means a dedicated public way.

*Structure* means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

*Township board* means the Ada Township Board.

*Utility grid wind energy system* means a land use for generating electric power by use of wind, consisting of one or more towers, including accessory uses such as, but not limited to, a SCADA tower and an electric substation, in which the primary purpose of the system is to generate electric power for transfer to the electric utility grid rather than for use on the site on which the system is located.

*Wetland* means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following: (1) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream; (2) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five acres in size; (3) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and five acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner.

*Wind energy system* means a land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the electric utility grid. See also onsite wind energy system and utility grid wind energy system.

*Yard* means a required open space, other than a court, unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above grade of the lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Yard measurements shall be the minimum horizontal distance.

- (1) *Front* means a yard extending across the full width of the lot, the depth of which is the distance between the public street right-of-way line and the main wall of the building or structure.
- (2) *Rear* means a yard, unoccupied except for accessory buildings extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.
- (3) *Side* means a yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

*Zoning Enabling Act* means Public Act No. 184 of 1943 (MCL 125.271 et seq.).

(Ord. No. O-042682-1, §§ 2.01—2.49, 4-26-1982; Ord. No. O-061383-1, 6-13-1983; Ord. No. O-110893-1, §§ 2.13A—2.13D, 2.30(a), 11-8-1993; Ord. No. O-062695-1, § 1(2.35A), 6-26-1995; Ord. No. O-021296-1, §§ 1, 2, 2-12-1996; Ord. No. O-061096-1, § 1, 6-10-1996; Ord. No. O-062600-2, § 1, 6-26-2000; Ord. No. O-061305-1, § 1, 6-13-2005; Ord. No. O-061305-2, § 2, 6-13-2005; Ord. No. O-011209-5, § 1, 1-12-2009; Ord. No. O-062810-1, § 1, 6-28-2010; Ord. No. O-052912-1, § 1, 5-29-2012; Ord. No. O-041221-1, § 2, 4-12-2021)

**Cross reference—** Definitions generally, § 1-2.

## ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

*Footnotes:*

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**Editor's note**— Ord. No. O-032612-1, § 1, adopted March 26, 2012, amended Article III in its entirety to read as herein set out. Former Article III, §§ 78-61—78-66, pertained to similar subject matter. See Code Comparative Table.

## Sec. 78-61. - Zoning administrator.

The provisions of this article shall be administered and enforced by a zoning administrator, who shall be designated by the township board, and who shall have the duties and responsibilities set forth herein. In the absence of such appointed zoning administrator such duties shall be performed by the building inspector.

(Ord. No. O-032612-1, § 1, 3-26-2012)

**Cross reference**— Officers and employees, § 2-91 et seq.

## Sec. 78-62. - Duties of zoning administrator.

The zoning administrator shall administer and enforce the provisions of this article; and shall be responsible for the inspection of buildings or premises necessary to carry out its enforcement of this article. The zoning administrator shall also:

- (1) Assist in determining what zoning requirements and procedures apply to proposed land use changes.
- (2) Assist in the completion of required permit application forms.
- (3) Post all required notices of meetings and public hearings concerning the administration of this article.
- (4) Review and investigate all zoning approval applications to determine compliance with the provisions of the article, and forward applications to the planning commission, zoning board of appeals, and township board for consideration, as applicable.
- (5) Identify, monitor and control nonconforming uses.
- (6) Investigate alleged violations of the article and enforce corrective measures when required.
- (7) Keep current the zoning map, text and records, record all amendments, and retain all official documents.
- (8) Periodically report to the township board and the planning commission on the status of zoning administration in the township and proposed solutions to any problems encountered in the administration of this article.
- (9) Receive, review and take action on applications for zoning compliance permits, as provided herein.

(Ord. No. O-032612-1, § 1, 3-26-2012)

## Sec. 78-63. - Zoning compliance permits.

- (a) *Zoning compliance permit required.* Except as otherwise provided in this article, it shall be unlawful to construct, reconstruct, erect or expand any building or structure, except for permitted accessory buildings not exceeding 200 square feet in area, or change the type of use of any land or building, unless a zoning compliance permit verifying that the location, dimensions, use and zoning approval status of the proposed building or structure or the proposed use of land complies with the provisions of this article has been issued by the zoning administrator.
- (b) *Plot plan required.* A request for issuance of a zoning compliance permit shall be accompanied by a graphic plan, drawn to scale, showing the following:
  - (1) The shape, location, dimensions and required setbacks of the lot.
  - (2) The shape, size, height and location of all buildings or other structures to be constructed, erected, expanded, altered or moved, and of any building or other structures already on the lot.
  - (3) The existing and intended use of the lot and of all structures upon it.
  - (4) Any other information concerning the lot or adjoining lots as may be necessary to ascertain compliance with the provisions of this article.
- (c) *Issuance of zoning compliance permit.* An application for a zoning compliance permit shall be reviewed and acted upon by the zoning administrator as follows:
  - (1) Upon receipt of a request for a zoning compliance permit, the zoning administrator shall examine the plans in detail, and shall issue a zoning compliance permit if the plans are in compliance with the provisions of this article. If the zoning administrator denies the permit, the reason for denial shall be communicated in writing to the applicant.

(2) A zoning compliance permit shall not be issued until any applicable fee, as established by resolution of the township board, has been paid in full.

(3) Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this article.

(4) A zoning compliance permit shall be valid for a period of one year from date of issuance. Extensions of up to one year may be granted by the zoning administrator when the proposed construction or use remains in compliance with the provisions of this article, as amended.

(Ord. No. O-032612-1, § 1, 3-26-2012)

#### Sec. 78-64. - Municipal civil infraction.

A person who violates any provision of this article shall be punished in accordance with section 1-7.

(Ord. No. O-032612-1, § 1, 3-26-2012)

#### Sec. 78-65. - Appearance tickets.

The building inspector and the zoning administrator, if a zoning administrator is appointed, or either of them, are hereby authorized to issue and serve appearance tickets (as defined in Section 9f of Chapter IV of Public Act No. 175 of 1927 (MCL 764.9f, MSA 28.868(6)), as amended, on persons whom they have reasonable cause to believe have violated the provisions of this article.

(Ord. No. O-032612-1, § 1, 3-26-2012)

#### Sec. 78-66. - Fees and charges to be escrowed.

(a) For each zoning action, review, permit, or other activity required or permitted under this article, fees and costs shall be paid and escrowed to the township clerk.

(b) The township board shall by resolution establish fees for the administration of this article, including all activities described above. A list of current fees shall be available for review by the public during township office hours at the Township Hall. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan, or any other request or application under this article. In addition to regularly established fees, the township board may also require an applicant to submit to the township (prior to township review of an application, proposed site plan, or other request) an amount of money determined by the township to be a reasonable estimate of the fees and costs which may be incurred by the township in reviewing and acting upon any such application or related matter (the escrow amount). The township may charge the applicant for all reasonable costs incurred by the township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. These costs may include, but shall not be limited to, township engineering fees, township attorney fees, township planning fees, fees and costs for services of outside consultants, fees and costs of other professionals who may assist the township, fees and costs for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. The escrow amount shall be retained by the township for reimbursement of those costs. Any balance of the escrow amount that is not used or spent by the township shall be refunded. The fees, costs and escrow amount requirements may be changed from time to time by resolution of the township board.

(Ord. No. O-032612-1, § 1, 3-26-2012)

#### Sec. 78-67. - Violations declared nuisances.

Any building or structure erected, altered, enlarged, rebuilt or moved, or any use carried on in violation of any provisions of this article is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

(Ord. No. O-032612-1, § 1, 3-26-2012)

#### Secs. 78-68—78-100. - Reserved.

#### ARTICLE IV. - BOARD OF ZONING APPEALS

##### *Footnotes:*

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**Cross reference—** Boards, commissions and committees, § 2-61 et seq.

#### Sec. 78-101. - Created; membership.



There is hereby created a township board of zoning appeals. The board shall consist of five members appointed as provided by law.

(Ord. No. O-042682-1, § 23.01, 4-26-1982)

Sec. 78-102. - Alternate members.

Alternate members of the board of zoning appeals are hereby authorized pursuant to the following conditions:

- (1) Pursuant to the Zoning Enabling Act, the township board shall appoint two alternate members to the board.
- (2) The township supervisor shall call one or both of the alternate members to serve on the board by such method or in such manner as the supervisor deems appropriate, in accordance with the Zoning Enabling Act.
- (3) Whenever a regular member is replaced by an alternate member, the regular member shall not be included for purposes of determining a quorum or majority of the members of the board, but the alternate member shall be included. Whenever an alternate member is called to serve because a regular member will abstain for reason of conflict of interest, the alternate member shall serve only to hear and decide the matter giving rise to the conflict of interest and shall not hear or decide any other matters before the board.
- (4) For service on the board for all or part of any regular or special meeting, an alternate member shall receive the same sum as is paid to regular members for attending a regular or special meeting of the board.

(Ord. No. O-042682-1, § 23.07, 4-26-1982)

Sec. 78-103. - Powers and duties.

The board of zoning appeals shall have the power and duties prescribed by law and by this chapter, including the power:

- (1) To decide any question involving the interpretation of this chapter.
- (2) To grant variances from the terms and provisions of this chapter, as provided in this chapter.
- (3) To hear and decide appeals of decisions made by the building inspector.

(Ord. No. O-042682-1, § 23.02, 4-26-1982)

Sec. 78-104. - Procedure for meetings.

- (a) The presence of three members shall constitute a quorum, but the concurring vote of a majority of the entire board shall be necessary to reverse any order, requirement, decision or to decide in favor of the applicant in any matter upon which it is required to pass under this chapter or to effect any variation in such chapter.
- (b) Applications or appeals shall be taken by filing with the building inspector and with the board of zoning appeals a notice of application or appeal specifying the grounds thereof. The building inspector shall transmit to the board all the papers constituting the record from which the application or appeal was taken.
- (c) When an application or appeal has been filed the board of zoning appeals shall place such application or appeal on the calendar for hearing and cause notices stating the time, place, date, and object of the hearing to be served. Such notices shall be served personally or by first class mail at least seven days prior to such hearing upon the applicant or appellant, and the owners of property of record within 300 feet of the premises in question; which notices, if by mail, shall be addressed to the respective property owners of record at the address given in the last assessment roll.
- (d) Upon the day for hearing any application or appeal, the board of zoning appeals may adjourn the hearing in order to obtain additional information or to cause further notice, to be served upon such other property owners as it decides may be interested in such application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing.
- (e) Upon the hearing, any party may be heard in person or by agent or attorney.
- (f) The board of zoning appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination as, in its opinion, ought to be made on the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- (g) Each appeal or application for variance shall be accompanied by a filing fee and escrow amount as specified in section 78-65 and in accordance with the fee schedule adopted by resolution of the township board.

(Ord. No. O-042682-1, § 23.03, 4-26-1982; Ord. No. O-072699-1, § 8, 7-26-1999)

Sec. 78-105. - Conditions for approval of variance or exception.

In authorizing a variance or exception, the board of zoning appeals may, in addition to any conditions of approval permitted by any section in this chapter, attach such other conditions regarding the location, character, landscaping or other treatment reasonably necessary to further the intent and spirit of this chapter and to protect the public interest, including the authorization of such variance or exception for a limited period of time.

(Ord. No. O-042682-1, § 23.04, 4-26-1982)

Sec. 78-106. - Time limit on variances.

Any variance or exception granted by the board of zoning appeals shall automatically become null and void after a period of 12 months from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within such period; provided, however, that the board of zoning appeals may extend such period for a further period of time not exceeding one year upon application and without further notice.

(Ord. No. O-042682-1, § 23.05, 4-26-1982)

Sec. 78-107. - Variances permitted.

Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the board of zoning appeals shall have the power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted, and substantial justice done. The board of zoning appeals may grant such variances only upon finding that all of the following conditions exist:

- (1) Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship; provided that no variance shall be granted on a lot if the owner owns adjacent land which could, without undue hardship, be included as part of the lot in question avoiding the need for a variance.
- (2) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and the chapter can be varied in such a way that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.
- (3) Where it is found that the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation in this chapter for such condition or situation.

(Ord. No. O-042682-1, § 23.06, 4-26-1982)

Secs. 78-108—78-130. - Reserved.

ARTICLE V. - DISTRICTS GENERALLY

Sec. 78-131. - Zoning districts.

For the purpose , the township is hereby divided into the following zoning districts:

- (1) AGP Agricultural preservation district.
- (2) RP-1 Rural preservation-1 district.
- (3) RP-2 Rural preservation-2 district.
- (4) RR Rural residential district.
- (5) R-1 Low density single-family residential district.
- (6) R-2 Single-family residential district.
- (7) R-3 Medium density single-family residential district.
- (8) R-4 Medium density multiple family residential district.
- (9) V-R Village residential district.
- (10) PO Professional office district.
- (11) C-1 Village business district.
- (12) C-2 General business district.
- (13) I Industrial district.

- (14) LI Light industrial district.
- (15) P-1A Planned Development Natural Resources district.
- (16) U Unique use district.
- (17) PVM Planned Village Mixed Use Overlay district.

(Ord. No. O-042682-1, § 4.01, 4-26-1982; Ord. No. O-021201-1, § 1, 2-12-2000; Ord. No. O-021710-1, § 9, 2-17-2010; Ord. No. O-01-10-11-1, § 2, 1-18-2011)

#### Sec. 78-132. - Zoning map.

The locations and boundaries of the zoning districts are hereby established as shown on the map entitled "The Zoning Map of Ada Township, Kent County, Michigan," as amended from time to time, which accompanies and is hereby made a part of this chapter. Such map shall be certified by the chairman of the planning commission and the township supervisor as the official zoning map. Where uncertainty exist as to the boundaries of zoning districts as shown on the zoning map, boundaries indicated as approximately following the centerline of streets, highways, railroads, or streams shall be construed to follow such centerlines, and boundaries indicated as approximately following property lines shall be construed as following such property lines.

(Ord. No. O-042682-1, § 4.02, 4-26-1982; Ord. No. O-121498-1, §§ 1—3, 12-14-1998)

#### Sec. 78-133. - Areas not included within a district.

If any land has not been included within a district on the zoning map, such land shall be in the AG agricultural district.

(Ord. No. O-042682-1, § 4.03, 4-26-1982)

#### Secs. 78-134—78-150. - Reserved.

### ARTICLE VI. - AGP AGRICULTURAL PRESERVATION

#### *Footnotes:*

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**Editor's note—** Ord. No. O-021710-1, § 1, adopted Feb. 17, 2010, amended art. VI in its entirety and enacted the provisions set out herein. The former art. VI, titled AG Agricultural, derived from Ord. No. O-042682-1, §§ 5.01—5.04, adopted April 26, 1982; Ord. No. O-011485-1, adopted Jan. 14, 1985; Ord. No. O-012290-1, adopted Jan. 22, 1990; Ord. No. O-110893-1, adopted Nov. 8, 1993; Ord. No. O-082294-1, § 1, adopted Aug. 22, 1994; Ord. No. O-06269501, §§ 2, 3, adopted June 26, 1995; Ord. No. O-021296-1, § 4, adopted Feb. 12, 1996; Ord. No. O-052896-1, § 1, adopted May 28, 1996; Ord. No. O-062600-2, § 2, adopted June 26, 2000; Ord. No. O-041403-1, § 1, adopted April 24, 2003; Ord. No. O-042803-1, § 1, adopted April 28, 2003; and Ord. No. O-061305-1, §§ 2, 3, adopted June 13, 2005.

#### Sec. 78-151. - Description and purpose of district.

The purpose of this district is to preserve the integrity and viability of agricultural land uses in those portions of the township having land and soils best suited to agriculture, to minimize the fragmentation of large lots into multiple small lots, to minimize the extent of nonagricultural uses in the district that may interfere with or conflict with agricultural operations, and to minimize the need for additional public facilities and services that would occur from more intense development. A limited number of nonfarm residential uses are permitted, subject to standards contained herein intended to minimize conflict with agricultural uses and maintain the viability of agricultural uses.

(Ord. No. O-021710-1, § 1, 2-17-2010)

#### Sec. 78-152. - Use regulations.

In the AGP district, no land or buildings shall be used, and no buildings shall be erected for any use other than:

- (1) Farms for both general and specialized farming including public and private stables, kennels, and farm buildings.
- (2) Nonfarm single-family dwellings, subject to the provisions of section 78-154.
- (3) Schools, churches and government buildings when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
  - a. The size, nature and character of the proposed use shall not be incompatible with adjoining uses;
  - b. The proposed use shall provide adequate open space between it and adjoining properties;
  - c. Adequate parking facilities shall be provided for the proposed use;

- d. No traffic congestion or hazards shall be caused by the proposed use; and
  - e. The proposed use shall be harmonious and compatible with adjoining properties and the surrounding neighborhood.
- (4) Roadside market stands, subject to conformance with the following standards:
- a. Retail sales conducted on the premises shall be limited to agricultural products grown or produced on the premises.
  - b. A building or structure used for the display and sale of farm products shall not exceed 1,200 square feet in area.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 20 feet from a side lot line.
  - d. The operation of a roadside market stand may not include ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation, including, but not limited to corn mazes, petting farms or zoos or wagon rides.
- (5) Forestry operations.
- (6) Radio and television stations with or without towers, antennas and masts when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
- a. All buildings shall be at least 100 feet from all property lines.
  - b. All masts, towers, aerials and transmitters shall be at least a distance equal to the height of such structures from all property lines.
- (7) Family day care homes.
- (8) Landscape contractor's establishment, as a use that is incidental and secondary to agricultural use or single-family residential use of the same parcel, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
- a. Minimum parcel size shall be 20 acres.
  - b. All buildings and all areas used for storage or operation of machinery, equipment, motor vehicles, trailers and stockpiled materials shall be located a minimum of 200 feet from a dwelling unit on any surrounding property.
  - c. All machinery and equipment, except for motor vehicles and trailers used in the conduct of the business, shall be stored within a completely enclosed building.
  - d. Motor vehicles, trailers, and stockpiled materials such as topsoil, wood mulch, bark or stone shall be stored in locations which minimize views of such materials from adjoining properties and adjoining public roads. Permanent landscape screening shall be installed as needed to accomplish this objective.
  - e. Vehicular access shall be located to provide safe access to the site. Where practical, vehicular access on a corner lot shall be provided from the road having the least traffic volume.
  - f. Retail sales on the premises to the general public of materials other than nursery stock field-grown on the premises shall be prohibited.
  - g. Processing of raw materials on the site, such as shredding of topsoil, wood or bark, shall be prohibited.
  - h. For purposes of this section, the term "landscape contractor" shall refer to a business that installs or maintains landscape materials, including trees, shrubs, lawns, perennial and annual plantings and similar materials.
- (9) Group day care homes, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
- a. The facility is not closer than 1,500 feet to another group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. Adequate fencing exists for the safety of the children in care.
  - c. Identifying signs on the property comply with regulations of article XXVI.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Child pickup and drop-off areas must be located so as to protect children from moving vehicles.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
  - f. All state requirements governing the licensing of group day care facilities are met.
- (10) Adult day care homes, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
- a. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. A fenced area of adequate size must be provided to provide for the safety of those in care while outdoors.
  - c. Identifying signs on the property comply with regulations of article XXVI .

- d. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop-off area must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (11) Day care centers, when operated in conjunction with and as an accessory use to a church, public school or private school.
- (12) Uses in a planned unit development as approved pursuant to the provisions of article XIX.
- (13) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
- a. The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the zoning administrator.
  - b. A cellular phone or other personal communications services antenna tower shall be exempt from building height limits and the height limits contained in the height exceptions provisions of article I; provided, however, that the tower height shall be the minimum height necessary to serve its intended function.
  - c. It is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the township.
  - d. The tower will not have an adverse impact on significant views from properties within one-quarter mile of the tower site. For purposes of this section, a significant view is defined as a view from a residential property which has one or more of the following characteristics:
    - 1. A view from a residence and its immediate perimeter which encompasses landscape features substantially free of manmade alteration, as a result of the unique topographic siting of the home.
    - 2. A view which is a dominant feature of a residential building site, and which contributes significantly to the value of the residential building site, as evidenced by the siting of a home on the site, the size, number and orientation of windows on the home, and the location and orientation of improved outdoor spaces on the home site, such as patios and decks.

The fact that the proposed tower may be visible from a residence shall not alone be considered an adverse impact on a significant view.

- e. The tower and any ancillary building housing equipment needed for operation of the tower shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the planning commission to accomplish screening of ancillary equipment buildings.
  - f. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the planning commission determines that it will not have significant adverse aesthetic impact on properties and residents of the surrounding area.
  - g. The applicant shall provide documentation of conformance with the county international airport zoning ordinance.
  - h. The owner/operator of the tower shall agree to permit use of the tower by other communications services providers, including local government agencies, on reasonable terms, so long as such use does not conflict with the owner/operator's use of the tower.
  - i. If, for any reason, the tower ceases operation or is abandoned, the township may order its removal from the site by the owner of the tower, within three months of notification by the township.
  - j. If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height.
- (14) Land divisions, as regulated in article XXII.
- (15) Adult foster care family homes.
- (16) Open space preservation development, subject to the procedures and standards contained in division 4 of article XXII.
- (17) Farm markets, subject to approval of a site plan by the planning commission, in accordance with article XXII, and subject to conformance with the following standards:
- a. The use shall only be permitted on a lot or contiguous lots in the same ownership having a minimum area of 20 acres.
  - b. A minimum of 40 percent of the land area of the subject property, or 10 acres, whichever is less, shall be in active use for the production of agricultural products offered for sale at the farm market.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 50 feet from a side lot line.
  - d. A minimum of 50 percent of the products marketed and offered for retail sale on the farm market premises shall be produced on and by the affiliated farm operation. For purposes of this measurement, the following procedures shall be used:

1. The affiliated farm operation means agricultural land under the same ownership or control (e.g. leased) as the land on which the farm r
  2. The percentage of products produced on and by the affiliated farm shall be measured based on the amount of retail floor space used to display products during the affiliated farm's marketing season, or over a five-year timeframe. If the use of this measure is not practical or feasible, the relative percentage of gross retail sales in dollars of products produced on and by the affiliated farm over a five-year period shall be used, and the farm market operator shall be required to record and maintain sales data in a manner that accurately measures this percentage.
  3. For farm products that are processed on the farm market premises, at least 50 percent of the products' main or "namesake" ingredient must be produced on and by the affiliated farm. (For example, the apples used in preparing apple pies, the fruit in fruit preserves, the apple juice in fermented cider.)
  - e. The maximum building floor area that may be used for the display and sale of products offered for retail sale at the farm market shall be 3,000 square feet.
  - f. The farm market shall have driveway access to a public road meeting the requirements of the Kent County Road Commission.
  - g. Area used for off-street parking of customer vehicles shall be located no less than 30 feet from a front or side lot line. Where feasible, off-street parking areas shall be located to the side or rear of the building used for the farm market, and shall be screened from view from the public road, by either existing or installed plant materials. Parking within the public road-right-of-way shall be prohibited.
  - h. Farm products may be processed on the farm market premises, in accordance with applicable local, state and federal law, to produce value-added products that are offered for sale on the premises. Such processing may include, but is not limited to the following: wineries and cideries, with or without a tasting room, licensed in accordance with requirements of the Michigan Liquor Control Commission, cider press, preparation and sale of baked goods, fruit preservation, cheese production.
  - i. Ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation shall be limited to the following:
    1. Customer self-harvest or "u-pick" operations.
    2. "Community-supported agriculture (CSA)" operations, in which the farm operation may sell "subscriptions" or "memberships" to the general public, which entitles the subscriber or member to a share of the farm production.
    3. The creation and operation of a "corn maze."
    4. Horse- or tractor-drawn wagon rides.
    5. Operation of a farm animal "petting farm."

The conduct of any other ancillary activities or uses intended for customer attraction, amusement or recreation at a farm market is permitted only with approval of a special use permit by the planning commission, in conformance with subsection j. below.
  - j. Farm market ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation conducted at a farm market, in addition to those specified in paragraph i. above, when approved as a special use by the planning commission, subject to conformance with the standards contained in article XXI, Special Uses, and the following standards:
    1. Special events that are either open to the general public or limited to private groups only for cultural, educational, philanthropic or social activities may be held on the premises of the farm market, subject to the following limitations:
      - (a) The total number of such events shall be limited to no more than 20 per calendar year.
      - (b) Special events shall not be held between 11:00 p.m. and 9:00 a.m.
      - (c) Sufficient off-street parking to accommodate the number of vehicles generated by the special event shall be provided, in either a paved or gravel-surfaced parking area, or a mowed field or lawn area.
    2. A special event shall not involve any uses or activities which generate noise that is discernible beyond the property lines of the farm market premises.
    3. The limits specified above shall not be applicable to students in group visits sponsored by public or private elementary or secondary schools.
    4. A special use permit application may be submitted for an individual special event or ancillary activity, or for any number of special events or ancillary activities, subject to the above limitations.
- (18) Private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and provided the following minimum standards are met:
- a. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the Michigan Bureau of Aeronautics
  - b. The proposed heliport and all appurtenant facilities and equipment shall conform to National Fire Protection Association Standard 418, Standards for Heliports, 2006 Edition, with the exception that Sec. 9.1.2, exempting certain heliports from the requirement to be

equipped with portable fire extinguishers, shall not apply. Portable fire extinguishers shall be required at all heliports, at a location and stored in a manner approved by the fire chief.

- c. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall be a minimum of:
  1. 300 feet from any adjoining property boundary;
  2. 500 feet from any building on property in the surrounding area, other than property owned by the applicant;
  3. 2,650 feet from the TLOF of any other heliport facility in Ada Township.
- d. The use shall be located on a lot or lots in common ownership having a minimum lot area of 20 acres.
- e. The facility shall not be used for arrival or departure of a helicopter between the hours of 10:00 p.m. and 7:00 a.m.
- f. The facility shall be limited to private, not-for-hire personal use, and shall not be used for any commercial or business use.
- g. The facility shall be accessory to and ordinarily located on a lot occupied by the principal dwelling of the facility owner. The planning commission may approve a location on a lot that is adjacent to or separated by a public or private road right-of-way from the owner's dwelling lot, if it determines that such a location best conforms with the special use approval standards in article XXI of this chapter.
- h. A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than five minutes).
- i. As a condition of special use permit approval, the planning commission may impose limits on:
  1. The size and type of rotorcraft permitted to use the facility.
  2. The frequency of helicopter operations permitted at the facility.
  3. The location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.
- j. The above provisions shall not apply to emergency operations conducted by law enforcement and public safety agencies or emergency medical service providers.

(Ord. No. O-011209-5, § 2, 1-12-2009; Ord. No. O-021710-1, § 1, 2-17-2010; Ord. No. O-052912-1, § 2, 3, 5-29-2012; Ord. No. O-120913-1, § 1, 12-9-2013)

#### Sec. 78-153. - Height regulations.

No residential building shall exceed 35 feet in height. All other permitted buildings and structures shall not exceed their usual customary heights.

(Ord. No. O-021710-1, § 1, 2-17-2010)

#### Sec. 78-154. - Area regulations.

No building or structure or any enlargement thereof shall be hereafter erected except in compliance with the following yard and lot area requirements. No lot shall be created except in compliance with the minimum and maximum lot size requirements and location and dimensional standards contained herein:

- (1) The maximum number of lots that may be created from an existing lot shall be one lot per ten acres of land area, based upon the gross area of the subject parent lot at the time of enactment of this amendment, less the land area included in any existing public or private road right-of-way.
- (2) A lot created for a single-family dwelling, with the exception of a lot which is the remainder of a parent parcel, shall have a minimum area of one acre and a maximum area of three acres, net of land area included in any existing public or private road right-of-way.
- (3) To the extent practical, newly created lots shall be located on that portion of the subject parent lot that is least suitable for agricultural production, based upon consideration of the soil classifications contained within the Soil Survey of Kent County, Michigan, published in April, 1986 by the U.S. Department of Agriculture, Soil Conservation Service.
- (4) *Dwelling unit dimensional standards.*
  - a. *Front yard.* There shall be a front yard of not less than 50 feet.
  - b. *Side yard.* There shall be total side yards of not less than 50 feet; and no side yard shall be less than 20 feet.
  - c. *Rear yard.* There shall be a rear yard of not less than 50 feet.
- (5) *Farm building dimensional standards.*
  - a. Farm buildings not housing animals or poultry shall be located at least 60 feet from all property lines.
  - b. Farm buildings housing animals or poultry shall be located at least 150 feet from all property lines.

(6) *Lot width*. The minimum lot width in this district shall be 200 feet.

(Ord. No. O-021710-1, § 1, 2-17-2010)

Sec. 78-155. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- (1) General provisions contained in article I.
- (2) Landscaping requirements and standards contained in article XXV.
- (3) Sign regulations contained in article XXVI.
- (4) Off-street parking and loading regulations contained in article XXVII.
- (5) Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-021710-1, § 1, 2-17-2010)

ARTICLE VI-A. - RP-1 RURAL PRESERVATION 1

Sec. 78-156. - Description and purpose of district.

This district is established with the intention of designating certain lands located north and east of the Grand River for single-family dwellings in a very low density, rural setting. The maximum residential development density permitted in this district is intended to ensure that the distinct natural and rural character existing in this area, as documented in the Ada Township Master Plan, is preserved. In addition, certain nonresidential uses that are compatible with the rural character of this area are also permitted.

(Ord. No. O-021710-1, § 2, 2-17-2010)

Sec. 78-157. - Use regulations.

In the RP-1 district, no land or buildings shall be used, and no buildings shall be erected for any use other than:

- (1) Farms for both general and specialized farming including public and private stables, kennels, and farm buildings.
- (2) Single-family dwellings.
- (3) Golf courses, athletic grounds, parks and cemeteries provided the site plan is approved by the planning commission in accordance with article XXII.
- (4) Schools, churches and government buildings when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII, and the following standards:
  - a. The size, nature and character of the proposed use shall not be incompatible with adjoining uses;
  - b. The proposed use shall provide adequate open space between it and adjoining properties;
  - c. Adequate parking facilities shall be provided for the proposed use;
  - d. No traffic congestion or hazards shall be caused by the proposed use; and
  - e. The proposed use shall be harmonious and compatible with adjoining properties and the surrounding neighborhood.
- (5) Roadside market stands, subject to conformance with the following standards:
  - a. Retail sales conducted on the premises shall be limited to agricultural products grown or produced on the premises.
  - b. A building or structure used for the display and sale of farm products shall not exceed 1,200 square feet in area.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 20 feet from a side lot line.
  - d. The operation of a roadside market stand may not include ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation, including, but not limited to corn mazes, petting farms or zoos or wagon rides.
- (6) Forestry operations.
- (7) Radio and television stations with or without towers, antennas and masts when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of article XXI and article XXII and the following standards:
  - a. All buildings shall be at least 100 feet from all property lines.
  - b. All masts, towers, aerials and transmitters shall be at least a distance equal to the height of such structures from all property lines.



- (8) Family day care homes.
- (9) Landscape contractor's establishment, as a use that is incidental and secondary to agricultural use or single-family residential use of the same parcel, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
  - a. Minimum parcel size shall be 20 acres.
  - b. All buildings and all areas used for storage or operation of machinery, equipment, motor vehicles, trailers and stockpiled materials shall be located a minimum of 200 feet from a dwelling unit on any surrounding property.
  - c. All machinery and equipment, except for motor vehicles and trailers used in the conduct of the business, shall be stored within a completely enclosed building.
  - d. Motor vehicles, trailers, and stockpiled materials such as topsoil, wood mulch, bark or stone shall be stored in locations which minimize views of such materials from adjoining properties and adjoining public roads. Permanent landscape screening shall be installed as needed to accomplish this objective.
  - e. Vehicular access shall be located to provide safe access to the site. Where practical, vehicular access on a corner lot shall be provided from the road having the least traffic volume.
  - f. Retail sales on the premises to the general public of materials other than nursery stock field-grown on the premises shall be prohibited.
  - g. Processing of raw materials on the site, such as shredding of topsoil, wood or bark, shall be prohibited.
  - h. For purposes of this section, the term "landscape contractor" shall refer to a business that installs or maintains landscape materials, including trees, shrubs, lawns, perennial and annual plantings and similar materials.
- (10) Group day care homes, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. Adequate fencing exists for the safety of the children in care.
  - c. Identifying signs on the property comply with regulations of article XXVI.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Child pickup and drop-off areas must be located so as to protect children from moving vehicles.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
  - f. All state requirements governing the licensing of group day care facilities are met.
- (11) Adult day care homes, when approved by the planning commission as a special use according to the standards of article XXI, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. A fenced area of adequate size must be provided to provide for the safety of those in care while outdoors.
  - c. Identifying signs on the property comply with regulations of article XXVI.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop-off area for vehicles must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (12) Day care centers, when operated in conjunction with and as an accessory use to a church, public school or private school.
- (13) Uses in a planned unit development as approved pursuant to the provisions of article XIX.
- (14) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
  - a. The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the zoning administrator.
  - b. A cellular phone or other personal communications services antenna tower shall be exempt from building height limits and the height limits contained in the height exceptions provisions of article I; provided, however, that the tower height shall be the minimum height necessary to serve its intended function.
  - c. It is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the township.

- d. The tower will not have an adverse impact on significant views from properties within one-quarter mile of the tower site. For purposes of this section, a significant view is defined as a view from a residential property which has one or more of the following characteristics:
  - 1. A view from a residence and its immediate perimeter which encompasses landscape features substantially free of manmade alteration, as a result of the unique topographic siting of the home.
  - 2. A view which is a dominant feature of a residential building site, and which contributes significantly to the value of the residential building site, as evidenced by the siting of a home on the site, the size, number and orientation of windows on the home, and the location and orientation of improved outdoor spaces on the home site, such as patios and decks.

The fact that the proposed tower may be visible from a residence shall not alone be considered an adverse impact on a significant view.

- e. The tower and any ancillary building housing equipment needed for operation of the tower shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the planning commission to accomplish screening of ancillary equipment buildings.
  - f. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the planning commission determines that it will not have significant adverse aesthetic impact on properties and residents of the surrounding area.
  - g. The applicant shall provide documentation of conformance with the county international airport zoning ordinance.
  - h. The owner/operator of the tower shall agree to permit use of the tower by other communications services providers, including local government agencies, on reasonable terms, so long as such use does not conflict with the owner/operator's use of the tower.
  - i. If, for any reason, the tower ceases operation or is abandoned, the township may order its removal from the site by the owner of the tower, within three months of notification by the township.
  - j. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height.
- (15) Temporary parking areas for special event parking, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
- a. Temporary parking areas may only be approved for use in conjunction with a special event which is attended by more than 1,000 attendants.
  - b. The temporary parking operation shall be authorized, managed and controlled by the same organization or entity responsible for the management and operation of the special event which generates the parking demand.
  - c. The temporary parking area shall be provided with safe vehicular access authorized by the county road commission and safe pedestrian access from the parking area to the special event location.
  - d. Use of the property for temporary parking shall not create a risk of adverse environmental impact to any stream or wetland from erosion or sedimentation, or to any environmentally significant natural plant community. No portion of the parking area shall be located nearer than 50 feet to a stream or wetland.
  - e. Use of the property for temporary parking shall be limited to the duration of the associated special event and limited periods before and after the event for setup and removal of event equipment.
  - f. No permanent site improvements shall be made for the temporary parking area other than driveway access improvements made within the public right-of-way as required by the county road commission and driveway access barriers to prevent unauthorized entry.
- (16) Land divisions, as regulated in article XXII.
- (17) Adult foster care family homes.
- (18) Open space preservation development, subject to the procedures and standards contained in division 4 of article XXII.
- (19) Farm markets, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII, and the following standards:
- a. The use shall only be permitted on a lot or contiguous lots in the same ownership having a minimum area of 20 acres.
  - b. A minimum of 40 percent of the land area of the subject property, or ten acres, whichever is less, shall be in active use for the production of agricultural products offered for sale at the farm market.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 50 feet from a side lot line.
  - d. A minimum of 50 percent of the products marketed and offered for retail sale on the farm market premises shall be produced on and by the affiliated farm operation. For purposes of this measurement, the following procedures shall be used:
    - 1. The affiliated farm operation means agricultural land under the same ownership or control (e.g. leased) as the land on which the

farm market is located.

2. The percentage of products produced on and by the affiliated farm shall be measured based on the amount of retail floor space used to display products during the affiliated farm's marketing season, or over a five-year timeframe. If the use of this measure is not practical or feasible, the relative percentage of gross retail sales in dollars of products produced on and by the affiliated farm over a five-year period shall be used, and the farm market operator shall be required to record and maintain sales data in a manner that accurately measures this percentage.
3. For farm products that are processed on the farm market premises, at least 50 percent of the products' main or "namesake" ingredient must be produced on and by the affiliated farm. (For example, the apples used in preparing apple pies, the fruit in fruit preserves, the apple juice in fermented cider.)
- e. The maximum building floor area that may be used for the display and sale of products offered for retail sale at the farm market shall be 3,000 square feet.
- f. The farm market shall have driveway access to a public road meeting the requirements of the Kent County Road Commission.
- g. Area used for off-street parking of customer vehicles shall be located no less than 30 feet from a front or side lot line. Where feasible, off-street parking areas shall be located to the side or rear of the building used for the farm market and shall be screened from view from the public road. Parking within the public road-right-of-way shall be prohibited.
- h. Farm products may be processed on the farm market premises, in accordance with applicable local, state and federal law, to produce value-added products that are offered for sale on the premises. Such processing may include, but is not limited to the following: wineries and cideries, with or without a tasting room, licensed in accordance with requirements of the Michigan Liquor Control Commission, cider press, preparation and sale of baked goods, fruit preservation, cheese production.
- i. Ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation shall be limited to the following:
  1. Customer self-harvest or "u-pick" operations.
  2. "Community-supported agriculture (CSA)" operations, in which the farm operation may sell "subscriptions" or "memberships" to the general public, which entitles the subscriber or member to a share of the farm production.
  3. The creation and operation of a "corn maze."
  4. Horse- or tractor-drawn wagon rides.
  5. Operation of a farm animal "petting farm."

(20) Private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and the standards in section 78-152.

(Ord. No. O-021710-1, § 2, 2-17-2010; Ord. No. O-052912-1, § 4, 5, 5-29-2012; Ord. No. O-120913-1, § 2, 12-9-2013)

#### Sec. 78-158. - Height regulations.

No residential building shall exceed 35 feet in height. All other permitted buildings and structures shall not exceed their usual customary heights.

(Ord. No. O-021710-1, § 2, 2-17-2010)

#### Sec. 78-159. - Area regulations.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard.* There shall be a front yard of not less than 50 feet.
- (2) *Side yard.*
  - a. For residential buildings and structures there shall be total side yards of not less than 50 feet; and no side yard shall be less than 20 feet.
  - b. For all other uses, there shall be two side yards of not less than 60 feet on each side.
- (3) *Farm buildings.*
  - a. Farm buildings not housing animals or poultry shall be located at least 60 feet from all property lines.
  - b. Farm buildings housing animals or poultry shall be located at least 150 feet from all property lines.
- (4) *Rear yard.* There shall be a rear yard of not less than 50 feet.
- (5) *Lot area and width.* The minimum lot area and width in this district shall be five acres and 270 feet respectively.

(Ord. No. O-021710-1, § 2, 2-17-2010)

## Sec. 78-160. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- (1) General provisions contained in article I.
- (2) Landscaping requirements and standards contained in article XXV.
- (3) Sign regulations contained in article XXVI.
- (4) Off-street parking and loading regulations contained in article XXVII.
- (5) Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-021710-1, § 2, 2-17-2010)

## ARTICLE VI-B. - RP-2 RURAL PRESERVATION 2

## Sec. 78-161. - Description and purpose of district.

This district is established with the intention of designating land in the northwestern portion of the township that is located west of the Grand River for single-family dwellings in a rural setting. In addition, certain nonresidential uses that are compatible with the rural character of this area are also permitted.

(Ord. No. O-021710-1, § 3, 2-17-2010)

## Sec. 78-162. - Use regulations.

In the RP-2 district, no land or buildings shall be used, and no buildings shall be erected for any use other than:

- (1) Farms for both general and specialized farming including public and private stables, kennels, and farm buildings.
- (2) Single-family dwellings.
- (3) Golf courses, athletic grounds, parks and cemeteries provided the site plan is approved by the planning commission in accordance with article XXII.
- (4) Schools, churches and government buildings when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII, and the following standards:
  - a. The size, nature and character of the proposed use shall not be incompatible with adjoining uses;
  - b. The proposed use shall provide adequate open space between it and adjoining properties;
  - c. Adequate parking facilities shall be provided for the proposed use;
  - d. No traffic congestion or hazards shall be caused by the proposed use; and
  - e. The proposed use shall be harmonious and compatible with adjoining properties and the surrounding neighborhood.
- (5) Roadside market stands, subject to conformance with the following standards:
  - a. Retail sales conducted on the premises shall be limited to agricultural products grown or produced on the premises.
  - b. A building or structure used for the display and sale of farm products shall not exceed 1,200 square feet in area.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 20 feet from a side lot line.
  - d. The operation of a roadside market stand may not include ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation, including, but not limited to corn mazes, petting farms or zoos or wagon rides.
- (6) Forestry operations.
- (7) Radio and television stations with or without towers, antennas and masts when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
  - a. All buildings shall be at least 100 feet from all property lines.
  - b. All masts, towers, aerials and transmitters shall be at least a distance equal to the height of such structures from all property lines.
- (8) Family day care homes.
- (9) Landscape contractor's establishment, as a use that is incidental and secondary to agricultural use or single-family residential use of the same parcel, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:

- a. Minimum parcel size shall be 20 acres.
  - b. All buildings and all areas used for storage or operation of machinery, equipment, motor vehicles, trailers and stockpiled materials shall be located a minimum of 200 feet from a dwelling unit on any surrounding property.
  - c. All machinery and equipment, except for motor vehicles and trailers used in the conduct of the business, shall be stored within a completely enclosed building.
  - d. Motor vehicles, trailers, and stockpiled materials such as topsoil, wood mulch, bark or stone shall be stored in locations which minimize views of such materials from adjoining properties and adjoining public roads. Permanent landscape screening shall be installed as needed to accomplish this objective.
  - e. Vehicular access shall be located to provide safe access to the site. Where practical, vehicular access on a corner lot shall be provided from the road having the least traffic volume.
  - f. Retail sales on the premises to the general public of materials other than nursery stock field-grown on the premises shall be prohibited.
  - g. Processing of raw materials on the site, such as shredding of topsoil, wood or bark, shall be prohibited.
  - h. For purposes of this section, the term "landscape contractor" shall refer to a business that installs or maintains landscape materials, including trees, shrubs, lawns, perennial and annual plantings and similar materials.
- (10) Group day care homes, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
- a. The facility is not closer than 1,500 feet to another group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. Adequate fencing exists for the safety of the children in care.
  - c. Identifying signs on the property comply with regulations of article XXVI.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Child pickup and drop-off areas must be located so as to protect children from moving vehicles.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
  - f. All state requirements governing the licensing of group day care facilities are met.
- (11) Adult day care homes, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
- a. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. A fenced area of adequate size must be provided, to provide for the safety of those in care while outdoors.
  - c. Identifying signs on the property comply with regulations of article XXVI.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop-off area for vehicles must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (12) Day care centers, when operated in conjunction with and as an accessory use to a church, public school or private school.
- (13) Uses in a planned unit development as approved pursuant to the provisions of article XIX.
- (14) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII and the following standards:
- a. The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the zoning administrator.
  - b. A cellular phone or other personal communications services antenna tower shall be exempt from building height limits and the height limits contained in the height exceptions provisions of article I; provided, however, that the tower height shall be the minimum height necessary to serve its intended function.
  - c. It is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the township.
  - d. The tower will not have an adverse impact on significant views from properties within one-quarter mile of the tower site. For purposes of this section, a significant view is defined as a view from a residential property which has one or more of the following characteristics:
    - 1. A view from a residence and its immediate perimeter which encompasses landscape features substantially free of manmade

alteration, as a result of the unique topographic siting of the home.

2. A view which is a dominant feature of a residential building site, and which contributes significantly to the value of the residential building site, as evidenced by the siting of a home on the site, the size, number and orientation of windows on the home, and the location and orientation of improved outdoor spaces on the home site, such as patios and decks.

The fact that the proposed tower may be visible from a residence shall not alone be considered an adverse impact on a significant view.

- e. The tower and any ancillary building housing equipment needed for operation of the tower shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the planning commission to accomplish screening of ancillary equipment buildings.
  - f. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the planning commission determines that it will not have significant adverse aesthetic impact on properties and residents of the surrounding area.
  - g. The applicant shall provide documentation of conformance with the county international airport zoning ordinance.
  - h. The owner/operator of the tower shall agree to permit use of the tower by other communications services providers, including local government agencies, on reasonable terms, so long as such use does not conflict with the owner/operator's use of the tower.
  - i. If, for any reason, the tower ceases operation or is abandoned, the township may order its removal from the site by the owner of the tower, within three months of notification by the township.
  - j. If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height.
- (15) Temporary parking areas for special event parking, when approved by the planning commission as a special use, according to the standards of article XXI, provided the following minimum requirements are met:
- a. Temporary parking areas may only be approved for use in conjunction with a special event which is attended by more than 1,000 attendants.
  - b. The temporary parking operation shall be authorized, managed and controlled by the same organization or entity responsible for the management and operation of the special event which generates the parking demand.
  - c. The temporary parking area shall be provided with safe vehicular access, authorized by the county road commission, and safe pedestrian access from the parking area to the special event location.
  - d. Use of the property for temporary parking shall not create a risk of adverse environmental impact to any stream or wetland from erosion or sedimentation, or to any environmentally significant natural plant community. No portion of the parking area shall be located nearer than 50 feet to a stream or wetland.
  - e. Use of the property for temporary parking shall be limited to the duration of the associated special event and limited periods before and after the event for setup and removal of event equipment.
  - f. No permanent site improvements shall be made for the temporary parking area, other than driveway access improvements made within the public right-of-way as required by the county road commission, and driveway access barriers to prevent unauthorized entry.
- (16) Land divisions, as regulated in article XXII.
- (17) Adult foster care family homes.
- (18) Open space preservation development, subject to the procedures and standards contained in division 4 of article XXII.
- (19) Farm markets, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII, and the following standards:
- a. The use shall only be permitted on a lot or contiguous lots in the same ownership having a minimum area of 20 acres.
  - b. A minimum of 40 percent of the land area of the subject property, or 10 acres, whichever is less, shall be in active use for the production of agricultural products offered for sale at the farm market.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 50 feet from a side lot line.
  - d. A minimum of 50 percent of the products marketed and offered for retail sale on the farm market premises shall be produced on and by the affiliated farm operation. For purposes of this measurement, the following procedures shall be used:
    1. The affiliated farm operation means agricultural land under the same ownership or control (e.g. leased) as the land on which the farm market is located.
    2. The percentage of products produced on and by the affiliated farm shall be measured based on the amount of retail floor space

used to display products during the affiliated farm's marketing season, or over a five-year timeframe. If the use of this measure is not practical or feasible, the relative percentage of gross retail sales in dollars of products produced on and by the affiliated farm over a five-year period shall be used, and the farm market operator shall be required to record and maintain sales data in a manner that accurately measures this percentage.

3. For farm products that are processed on the farm market premises, at least 50 percent of the products' main or "namesake" ingredient must be produced on and by the affiliated farm. (For example, the apples used in preparing apple pies, the fruit in fruit preserves, the apple juice in fermented cider.)
- e. The maximum building floor area that may be used for the display and sale of products offered for retail sale at the farm market shall be 3,000 square feet.
- f. The farm market shall have driveway access to a public road meeting the requirements of the Kent County Road Commission.
- g. Area used for off-street parking of customer vehicles shall be located no less than 30 feet from a front or side lot line. Where feasible, off-street parking areas shall be located to the side or rear of the building used for the farm market and shall be screened from view from the public road. Parking within the public road right-of-way shall be prohibited.
- h. Farm products may be processed on the farm market premises, in accordance with applicable local, state and federal law, to produce value-added products that are offered for sale on the premises. Such processing may include, but is not limited to the following: wineries and cideries, with or without a tasting room, licensed in accordance with requirements of the Michigan Liquor Control Commission, cider press, preparation and sale of baked goods, fruit preservation, cheese production.
- i. Ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation shall be limited to the following:
  1. Customer self-harvest or "u-pick" operations.
  2. "Community-supported agriculture (CSA)" operations, in which the farm operation may sell "subscriptions" or "memberships" to the general public, which entitles the subscriber or member to a share of the farm production.
  3. The creation and operation of a "corn maze."
  4. Horse- or tractor-drawn wagon rides.
  5. Operation of a farm animal "petting farm."

(20) Private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and the standards in section 78-152.

(Ord. No. O-021710-1, § 3, 2-17-2010; Ord. No. O-052912-1, § 6, 7, 5-29-2012; Ord. No. O-120913-1, § 3, 12-9-2013)

#### Sec. 78-163. - Height regulations.

No residential building shall exceed 35 feet in height. All other permitted buildings and structures shall not exceed their usual customary heights.

(Ord. No. O-021710-1, § 3, 2-17-2010)

#### Sec. 78-164. - Area regulations.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard.* There shall be a front yard of not less than 50 feet.
- (2) *Side yard.*
  - a. For residential buildings and structures there shall be total side yards of not less than 50 feet; and no side yard shall be less than 20 feet.
  - b. For all other uses, there shall be two side yards of not less than 60 feet on each side.
- (3) *Farm buildings.*
  - a. Farm buildings not housing animals or poultry shall be located at least 60 feet from all property lines.
  - b. Farm buildings housing animals or poultry shall be located at least 150 feet from all property lines.
- (4) *Rear yard.* There shall be a rear yard of not less than 50 feet.
- (5) *Lot area and width.* The minimum lot area and width in this district shall be three acres and 200 feet respectively.

(Ord. No. O-021710-1, § 3, 2-17-2010)

#### Sec. 78-165. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- (1) General provisions contained in article I.
- (2) Landscaping requirements and standards contained in article XXV.
- (3) Sign regulations contained in article XXVI.
- (4) Off-street parking and loading regulations contained in article XXVII.
- (5) Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-021710-1, § 3, 2-17-2010)

Secs. 78-166—78-170. - Reserved.

#### ARTICLE VII. - RR RURAL RESIDENTIAL

##### Sec. 78-171. - Description and purpose.

This district is established with the intention of designating certain portions of the township primarily for single-family dwellings. In order to provide flexibility, certain other uses may be permitted as special uses.

(Ord. No. O-042682-1, § 6.01, 4-26-1982)

##### Sec. 78-172. - Use regulations.

In the RR district, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (1) Single-family dwellings.
- (2) Golf courses, athletic grounds, parks and cemeteries provided the site plan is approved by the planning commission in accordance with article XXII of this chapter.
- (3) Schools, churches and government buildings when authorized as a special use by the planning commission pursuant to the procedures set forth in section 78-152(4).
- (4) Private stables; provided there is compliance with the requirements of section 78-154(3).
- (5) Farms; provided there is compliance with the requirements of section 78-154(3).
- (6) Family day care homes.
- (7) Group day care homes when approved by the planning commission as a special use, according to the standards of article XXII of this chapter, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. Adequate fencing exists for the safety of the children in care.
  - c. Identifying signs on the property comply with regulations of section 78-741.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Child pickup and drop off areas must be located so as to protect children from moving vehicles.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
  - f. All state requirements governing the licensing of group day care facilities are met.
- (8) Adult day care homes, when approved by the planning commission as a special use, according to the standards of section 78-491, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. A fenced area of adequate size must be provided, to provide for the safety of those in care while outdoors.
  - c. Identifying signs on the property comply with regulations of section 78-741.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop off area for vehicles must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.



- e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (9) Day care centers, when operated in conjunction with and as an accessory use to a church, public school or private school.
- (10) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.
- (11) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).
- (12) Land divisions, as regulated in article XXII.
- (13) Adult foster care family homes.
- (14) Roadside market stands, subject to conformance with the following standards:
  - a. Retail sales conducted on the premises shall be limited to agricultural products grown or produced on the premises.
  - b. A building or structure used for the display and sale of farm products shall not exceed 1,200 square feet in area.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 20 feet from a side lot line.
  - d. The operation of a roadside market stand may not include ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation, including, but not limited to corn mazes, petting farms or zoos or wagon rides.
- (15) Farm markets, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall apply the standards of articles XXI and XXII, and the following standards:
  - a. The use shall only be permitted on a lot or contiguous lots in the same ownership having a minimum area of 20 acres.
  - b. A minimum of 40 percent of the land area of the subject property, or 10 acres, whichever is less, shall be in active use for the production of agricultural products offered for sale at the farm market.
  - c. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 50 feet from a side lot line.
  - d. A minimum of 50 percent of the products marketed and offered for retail sale on the farm market premises shall be produced on and by the affiliated farm operation. For purposes of this measurement, the following procedures shall be used:
    - 1. The affiliated farm operation means agricultural land under the same ownership or control (e.g. leased) as the land on which the farm market is located.
    - 2. The percentage of products produced on and by the affiliated farm shall be measured based on the amount of retail floor space used to display products during the affiliated farm's marketing season, or over a five-year timeframe. If the use of this measure is not practical or feasible, the relative percentage of gross retail sales in dollars of products produced on and by the affiliated farm over a five-year period shall be used, and the farm market operator shall be required to record and maintain sales data in a manner that accurately measures this percentage.
    - 3. For farm products that are processed on the farm market premises, at least 50 percent of the products' main or "namesake" ingredient must be produced on and by the affiliated farm. (For example, the apples used in preparing apple pies, the fruit in fruit preserves, the apple juice in fermented cider.)
  - e. The maximum building floor area that may be used for the display and sale of products offered for retail sale at the farm market shall be 3,000 square feet.
  - f. The farm market shall have driveway access to a public road meeting the requirements of the Kent County Road Commission.
  - g. Area used for off-street parking of customer vehicles shall be located no less than 30 feet from a front or side lot line. Where feasible, off-street parking areas shall be located to the side or rear of the building used for the farm market and shall be screened from view from the public road. Parking within the public road right-of-way shall be prohibited.
  - h. Farm products may be processed on the farm market premises, in accordance with applicable local, state and federal law, to produce value-added products that are offered for sale on the premises. Such processing may include, but is not limited to the following: wineries and cideries, with or without a tasting room, licensed in accordance with requirements of the Michigan Liquor Control Commission, cider press, preparation and sale of baked goods, fruit preservation, cheese production.
  - i. Ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation shall be limited to the following:
    - 1. Customer self-harvest or "u-pick" operations.
    - 2. "Community-supported agriculture (CSA)" operations, in which the farm operation may sell "subscriptions" or "memberships" to the general public, which entitles the subscriber or member to a share of the farm production.
    - 3. The creation and operation of a "corn maze."
    - 4. Horse- or tractor-drawn wagon rides.

## 5. Operation of a farm animal "petting farm."

- (16) Private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and the standards in section 78-152.

(Ord. No. O-042682-1, § 6.02, 4-26-1982; Ord. No. O-011485-1, 1-14-1985; Ord. No. O-110893-1, 11-8-1993; Ord. No. O-062695-1, §§ 3, 4, 6-26-1995; Ord. No. O-021296-1, § 5, 2-12-1996; Ord. No. O-062600-2, § 3, 6-26-2000; Ord. No. O-100900-1, § 1, 10-9-2000; Ord. No. O-041403-1, § 2, 4-24-2003; Ord. No. O-061305-1, § 3, 6-13-2005; Ord. No. O-011209-5, § 3, 1-12-2009; Ord. No. O-052912-1, § 8, 5-29-2012)

## Sec. 78-173. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. O-042682-1, § 6.03, 4-26-1982)

## Sec. 78-174. - Area regulations.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard*. There shall be a front yard of not less than 50 feet.
- (2) *Side yard*.
  - a. For residential buildings and structures there shall be two side yards of not less than 25 feet on each side.
  - b. For all other uses, there shall be two side yards of not less than 60 feet on each side.
- (3) *Rear yard*. There shall be a rear yard of not less than 50 feet.
- (4) *Lot area and width*. The minimum lot area and width in this district shall be two acres and 200 feet respectively.

(Ord. No. O-042682-1, § 6.04, 4-26-1982; Ord. No. O-012290-1, 1-22-1990)

## Sec. 78-175. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 4, 6-13-2005)

## Secs. 78-176—78-200. - Reserved.

## ARTICLE VIII. - R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL

## Sec. 78-201. - Description and purpose.

This district is established with the intention of limiting certain portions of the township exclusively for low density, single-family dwellings; particularly those areas which will not be served with urban type services, and consequently will require the provision of complete on-site services. Certain complementary religious, educational and recreational facilities may also be permitted as special uses in this district.

(Ord. No. O-042682-1, § 7.01, 4-26-1982)

## Sec. 78-202. - Use regulations.

In the R-1 district, no land or buildings shall be used, and no buildings shall be erected or converted, for any use or under any condition other than the following:

- (1) Single-family dwellings.
- (2) Special uses permitted under section 78-152 when authorized as a special use by the planning commission, provided there is compliance

with the requirements of section 78-152.

- (3) Parks, playgrounds, community centers, governmental, administration or service buildings, and other public service facilities which are owned and operated by a governmental agency when authorized as a special use by the planning commission, provided there is compliance with the requirements of section 78-152.
- (4) Cemeteries when authorized as a special use by the planning commission, provided there is compliance with the requirements of section 78-152.
- (5) Family day care homes.
- (6) Group day care homes, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another group day care home, adult foster care home, substance abuse treatment facility or community correction facility or halfway house.
  - b. Adequate fencing exists for the safety of the children in care.
  - c. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Child pickup and drop off areas must be located so as to protect children from moving vehicles.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
  - f. All state requirements governing the licensing of group day care facilities shall be met.
- (7) Adult day care homes, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. A fenced area of adequate size must be provided, to provide for the safety of those in care while outdoors.
  - c. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop off area for vehicles must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (8) Day care centers, when operated in conjunction with and as an accessory use to a church, public school or private school.
- (9) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.
- (10) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).
- (11) Land divisions, as regulated in article XXII.
- (12) Adult foster care family homes.

(Ord. No. O-042682-1, § 7.02, 4-26-1982; Ord. No. O-110893-1, 11-8-1993; Ord. No. O-062695-1, §§ 6, 7, 6-26-1995; Ord. No. O-021296-1, § 5a, 2-12-1996; Ord. No. O-062600-2, § 4, 6-26-2000; Ord. No. O-041403-1, § 3, 4-24-2003; Ord. No. O-061305-1, § 4, 6-13-2005)

#### Sec. 78-203. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. O-042682-1, § 7.03, 4-26-1982)

#### Sec. 78-204. - Area regulations.

No building nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard*. There shall be a front yard of not less than 40 feet.
- (2) *Side yard*. There shall be a side yard of not less than 25 feet on each side of the dwelling. Corner lots shall have a side yard of at least 35 feet on the street side.
- (3) *Rear yard*. There shall be a rear yard of not less than 50 feet.
- (4) *Lot area and width*. The minimum lot area and width shall be one acre and 150 feet, respectively.

(Ord. No. O-042682-1, § 7.04, 4-26-1982)

Sec. 78-205. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 5, 6-13-2005)

Secs. 78-206—78-220. - Reserved.

ARTICLE IX. - R-2 SINGLE-FAMILY RESIDENTIAL

Sec. 78-221. - Description and purpose.

This district is established with the intention of limiting certain portions of the township to use for single-family dwellings. Such areas generally are or will be served with the full complement of urban type services. Certain complementary religious, educational and recreational facilities may also be permitted as special uses.

(Ord. No. O-042682-1, § 8.01, 4-26-1982)

Sec. 78-222. - Use regulations.

In the R-2 district, no land or buildings shall be used, and no buildings shall be erected or converted for any use or under any condition other than uses permitted in the R-1 zoning district, as well as the following uses:

- (1) Adult foster care group homes, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and provided the following minimum standards are met:
  - a. The facility shall have a capacity to provide foster care to no more than 12 persons.
  - b. The facility is not closer than 1,500 feet to a group day care home, adult foster care group home, substance abuse treatment facility or community correction facility.
  - c. The facility shall be located on a lot with a minimum lot area of 20,000 square feet, and a minimum lot width of 150 feet.
  - d. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - e. The size, design, architectural character and exterior materials of the facility shall be compatible with the character of the surrounding area.
  - f. Off-street parking shall be provided in a quantity sufficient to accommodate employee and visitor needs. Parking shall be located and screened by landscaping so as to be least visually objectionable from adjacent roads.
  - g. All state requirements governing the licensing of foster care facilities shall be met.

(Ord. No. O-042682-1, § 8.02, 4-26-1982; Ord. No. O-061305-1, § 5, 6-13-2005)

Sec. 78-223. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. O-042682-1, § 8.03, 4-26-1982)

Sec. 78-224. - Area regulations.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard.* There shall be a front yard of not less than 35 feet.
- (2) *Side yard.* There shall be total side yards of not less than 25 feet and no side yard shall be less than ten feet.

(3) *Rear yard.* There shall be a rear yard of not less than 50 feet.

(4) *Lot area and width (single-family).* The minimum lot area and width for a single-family dwelling shall be 19,000 square feet and 120 feet, respectively.

(5) *Lot area and width (nonresidential).* Unless otherwise provided, the minimum lot area and width for all nonresidential uses shall be one acre and 200 feet, respectively.

(Ord. No. O-042682-1, § 8.04, 4-26-1982)

Sec. 78-225. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 6, 6-13-2005)

Secs. 78-226—78-240. - Reserved.

ARTICLE X. - R-3 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL

Sec. 78-241. - Description and purpose.

This district is established with the intention of limiting certain portions of the township to use for medium density single-family dwellings. Such areas generally are or will be served with the full complement of urban type services. Certain complementary religious, educational and recreational facilities may also be permitted as special uses.

(Ord. No. O-042682-1, § 9.01, 4-26-1982)

Sec. 78-242. - Use regulations.

In the R-3 district, no land or buildings shall be used, and no buildings shall be erected or converted, for any use or under any condition other than uses permitted in the R-2 zoning district.

(Ord. No. O-042682-1, § 9.02, 4-26-1982)

Sec. 78-243. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. O-042682-1, § 9.03, 4-26-1982)

Sec. 78-244. - Area regulations.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

(1) *Front yard.* There shall be a front yard of not less than 30 feet.

(2) *Side yard.* There shall be side yards of not less than ten feet each, provided that on corner lots there shall be a side yard of 25 feet on the street side.

(3) *Rear yard.* There shall be a rear yard of not less than 50 feet.

(4) *Lot area and width (single-family).* The minimum lot area and width for a single-family dwelling shall be 15,000 square feet and 100 feet, respectively. In those cases where both public sewer and water are available, the minimum lot area and width shall be 13,500 square feet and 90 feet, respectively.

(5) *Lot area and width (nonresidential).* Unless otherwise provided, the minimum lot area and width for all nonresidential uses shall be one acre

and 200 feet, respectively.

(Ord. No. O-042682-1, § 9.04, 4-26-1982)

Sec. 78-245. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 7, 6-13-2005)

Secs. 78-246—78-260. - Reserved.

ARTICLE XI. - R-4 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL

Sec. 78-261. - Description and purpose.

This district is established with the intention of limiting certain portions of the township to use for two-family and multiple-family developments. Mobile home yards are permitted as a special use. Certain other related and complementary uses are also permitted.

(Ord. No. O-042682-1, § 10.01, 4-26-1982)

Sec. 78-262. - Use regulations.

In the R-4 district, no land or buildings shall be used, and no buildings shall be erected or converted, for any use or under any condition other than the following:

- (1) Any use permitted in the R-3 zoning district.
- (2) Two-family or multiple-family dwellings, subject to site plan review and approval by the planning commission in accordance with this chapter.
- (3) Nursing homes, senior citizen housing, and similar type facilities when authorized as a special use by the planning commission.
- (4) Nursery schools, trade and vocational schools, and schools for music, dance and the performing arts when authorized as a special use by the planning commission.
- (5) Professional offices, funeral homes, offices for financial, insurance, bookkeeping and real estate firms, and civic, religious and charitable organizations when authorized as a special use by the planning commission.
- (6) Mobile home yards licensed by the state, when authorized as a special use by the planning commission and provided they are in conformance with all state regulations governing mobile home parks, including the Mobile Home Commission Act of 1976, Public Act No. 419 of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.), and this chapter. In considering a request for a mobile home park, the planning commission shall require that the following standards be met as well as the requirements of article XXI of this chapter and article XXII of this chapter.
  - a. *Minimum area and minimum densities.* Each mobile home park shall be at least ten acres in size. Each mobile home park shall contain a minimum of 50 mobile home lots at first occupancy and may have a maximum of six single-wide mobile homes per gross acre or four double-wide mobile homes per gross acre.
  - b. *Buffer zones.* All mobile home yards shall provide and maintain, as a minimum, a 50-foot buffer from any street right-of-way line that borders the park and a 50-foot buffer where the park boundary is adjacent to neighborhood properties. There shall be greenbelt planting strip with a width of no less than 20 feet along all property lines. Such planting strip may be located within the 50-foot buffer area. The greenbelt planting strip shall contain at least one straight or staggered row of trees, spaced not more than 20 feet apart and at least three rows of shrubs at least three feet high at planting time spaced not more than eight feet apart and which grow to an ultimate height of at least 12 feet. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above and if approved by the planning commission.

- c. *Minimum lot area and width.* Each mobile home lot shall have:
  - 1. A minimum lot area of 4,350 square feet; and
  - 2. A minimum width of 50 feet at the front setback line.
- d. *Minimum mobile home size.* No mobile home in any mobile home park shall contain less than 600 square feet of living area nor have outside dimensions of less than 12 feet in width and 50 feet in length.
- e. *Yard requirements.* The front yard of each mobile home lot shall be no less than 20 feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than 15 feet. The nonentry side of a mobile home shall have a side yard of no less than ten feet and the entry side shall have a side yard of no less than 26 feet. In no event shall a mobile home be closer than 30 feet to another mobile home. In the case of a double wide mobile home, side yard requirements shall be met by the provision of larger lots sufficient in width to meet these requirements.
- f. *Corner lots.* Where a mobile home lot is bounded by two streets, the front yard requirement shall be met for each street. No fence, structure or planting over 30 inches in height shall be located on any corner lot within the required front yards.
- g. *Street requirements.* If two-way traffic is to be accommodated the street pavement width shall be no less than 22 feet. If only one-way traffic is to be accommodated the street pavement width shall be not less than 15 feet.
- h. *Parking.* Off-street parking shall be provided with two parking spaces for each mobile home. Each parking space shall be no less than 200 square feet in area and shall be hard surfaced and properly drained. Each parking area shall be conveniently located in relation to the mobile home for which it is provided. In addition to the two required off-street parking spaces, one additional parking space is permitted on the mobile home lot provided it is a well drained hard surfaced area containing at least 200 square feet of area.
- i. *Access from major streets.* Each mobile home park shall have a minimum of two access streets that enter from a state highway, primary or local street, as designated in the township general development plan as amended, and shall provide a continuous route of travel throughout the park.
- j. *Signs.* A maximum of one identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed 12 square feet in area. In those cases where signs are intended to be read from both sides, the total area of both sides when combined shall not exceed 24 square feet. Each sign may be lighted, provided the source of light is not visible, not the flashing or intermittent type, and is located from the street at a distance equal to the required front or side yard, whichever the case may be.
- k. *Mobile home sale prohibited.* The business of selling new or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. Mobile homes located on lots within the mobile home park may be sold by the owner or operator of the park provided no more than five are offered for sale at any one time. This section shall not prohibit the sale of a new or used mobile home by a resident of a mobile home park.
- l. *Underground utilities.* All public and private utilities shall be installed underground.
- m. *Site improvements.* Each mobile home shall be provided with a mobile home pad of six inch thick concrete running the full length and width of the mobile home. In lieu of such pad, concrete piers six inches thick may be provided if they run the full length of the mobile home and are not spaced more than ten feet apart. Each such pad or pier shall be equipped with hurricane anchors or tie down equipment which shall be connected to the mobile home to secure the home during high winds. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view.
- n. *Sidewalk.* Paved sidewalks shall be provided throughout each mobile home park. Sidewalks shall be:
  - 1. A minimum of 30 inches in width;
  - 2. Raised a minimum of six inches above road grade in front of each site;
  - 3. Adjacent to each street; and
  - 4. Laid out such that they connect the recreation area, common open spaces, and the community building with mobile home sites.
- o. *Streets and parking areas.* All streets and parking areas in a mobile home park shall be of a hard surface and properly drained.
- p. *Refuse disposal.* Each mobile home park shall provide an effective system of garbage and rubbish storage, collection and disposal.
- q. *Lighting.* Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets and sidewalks.
- r. *Central television antenna.* Each mobile home park shall have a master underground television antenna system. Exterior antennas shall not be permitted on individual mobile home lots.
- s. *Ground cover.* All exposed ground surfaces in the mobile home park must be seeded, or covered with ornamental stone.
- t. *Drainage.* An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided. The requirements for each particular mobile home park shall be established by the county drain commissioner and the township engineer.

- u. *Recreation vehicle storage.* All mobile home yards shall contain a storage area for the storage of campers, trailers, motor homes, boats, and other recreation vehicles. The storage of these vehicles in the mobile home park is specifically prohibited except in the storage area. The site shall be screened around its perimeter by solid type fence at least five feet in height or by some other screening device which is approved by the planning commission.
  - v. *Recreation area.* Each mobile home park shall include a recreation area or areas of not less than ten percent of the gross park area. This area may be located within the required 50-foot buffer area but not within the required 20-foot greenbelt planting strip. All recreation areas shall be well drained, accessible to all residents of the mobile home park, improved with playground equipment, and other facilities maintained for various age groups. In no case shall any use playground equipment be located closer than 50 feet to any mobile home.
  - w. *Community building.* Each mobile home park shall have a community building or buildings to provide laundry and toilet facilities and a tornado shelter or shelters of sufficient size to provide a refuge for all mobile home park residents. Such buildings may also house offices and other facilities that are necessary for the management of a mobile home park.
  - x. *Water and sewer service.* Each mobile home in a mobile home park shall be provided with water and sewer service approved by the county health department and the township engineer. Each mobile home park shall be connected to public water and/or sewer systems as these systems become available.
  - y. *Retail sales.* A building for retail sales of groceries and sundries may be permitted provided such building is located within the central area of the park and is not adjacent to a public street; and provided further that there shall be no signs of any type advertising such business, any article being sold within, or any item. Such business shall be intended only for the occupants of the park.
- (7) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.
- (8) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).

(Ord. No. O-042682-1, § 10.02, 4-26-1982; Ord. No. O-011485-1, 1-14-1985; Ord. No. O-062695-1, § 9, 6-26-1995; Ord. No. O-021296-1, § 6, 2-12-1996)

#### Sec. 78-263. - Height regulations.

No building shall exceed 40 feet in height.

(Ord. No. O-042682-1, § 10.03, 4-26-1982)

#### Sec. 78-264. - Area regulations.

No building nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (1) *Front yard.* There shall be a front yard of not less than 25 feet.
- (2) *Side yard.* There shall be total side yards as follows:
  - a. For single-family and two-family dwellings, the total side yards shall be not less than 25 feet and no side yard shall be less than ten feet.
  - b. For multifamily dwellings and all other permitted uses, each side yard shall be not less than 20 feet. Multifamily buildings shall be located at least 20 feet from all other buildings.
  - c. For all other permitted uses, the minimum side yard shall be 25 feet.
- (3) *Rear yard.* There shall be a rear yard of not less than 30 feet.
- (4) *Lot area and width (single-family).* The minimum lot area and width for a single-family dwelling shall be 15,000 square feet and 150 feet, respectively. In those cases where both public sewer and water are available, the minimum lot area and width shall be 13,500 square feet and 90 feet, respectively.
- (5) *Lot area and width (two-family).* The minimum lot area and width for a two-family dwelling shall be 28,000 square feet and 120 feet, respectively. In those cases where both public sewer and water are available, the minimum lot area and width shall be 18,000 square feet and 100 feet, respectively.
- (6) *Lot area, density and width (multiple-family).* The minimum lot width shall be 100 feet. The minimum lot area for multifamily dwellings shall be 14,000 square feet per dwelling unit. In those cases where both public sewer and water are available, the minimum lot area for multifamily dwellings shall be 4,356 square feet per dwelling unit. No multifamily building shall contain more than eight dwelling units. Unless otherwise provided, the minimum lot area and width for all other permitted uses shall be 15,000 square feet and 100 feet, respectively.

(Ord. No. O-042682-1, § 10.04, 4-26-1982)



## Sec. 78-265. - Recreation area.

Each multifamily development shall provide an adequately drained recreation area of not less than ten percent of the gross area of the development.

(Ord. No. O-042682-1, § 10.05, 4-26-1982)

## Sec. 78-266. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 8, 6-13-2005)

## Secs. 78-267—78-290. - Reserved.

## ARTICLE XII. - V-R VILLAGE RESIDENTIAL

## Sec. 78-291. - Description and purpose.

This district is intended to provide opportunities for living in a compact, traditional village environment, in single-family dwellings on small lots, within walking distance of commercial support services.

(Ord. No. O-061499-1, § 1, 6-14-1999)

## Sec. 78-292. - Use regulations.

In the V-R district, no land or buildings shall be used, and no buildings shall be erected or converted for any use or under any condition other than the following:

- (1) Single-family dwellings.
- (2) Schools, churches and government buildings, when authorized as a special use by the planning commission, in conformance with the standards of article XXI of this chapter.
- (3) Parks, playgrounds, community centers, governmental administration or service buildings, and other public service facilities which are owned and operated by a governmental agency, when authorized as a special use by the planning commission, in conformance with the standards of article XXI of this chapter.
- (4) Family day care homes.
- (5) Group day care homes, when authorized by the planning commission as a special use, according to the standards of article XXI of this chapter, and provided the following standards are met:
  - a. The facility is not closer than 1,500 feet to another group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
  - b. Adequate fencing exists for the safety of the children in care.
  - c. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - d. Off-street parking shall be provided for family members and other persons associated with the services provided. Child pickup and drop off areas must be located so as to protect children from moving vehicles.
  - e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
  - f. All state requirements governing the licensing of group day care facilities are met.
- (6) Adult day care homes, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
  - a. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.

- b. A fenced area of adequate size must be provided, to provide for the safety of those in care while outdoors.
- c. Identifying signs on the property comply with regulations of article XXVI of this chapter.
- d. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop off area for vehicles must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.
- e. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (7) Day care centers, when operated in conjunction with and as an accessory use to a church, public school or private school.
- (8) Uses in a planned unit development, approved pursuant to the provisions of article XIX of this chapter.
- (9) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).
- (10) Land divisions, as regulated in article XXII.
- (11) Adult foster care family homes.
- (12) Adult foster care group homes, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and provided the following standards are met:
  - a. The facility shall have a capacity to provide foster care to no more than 12 persons.
  - b. The facility is not closer than 1,500 feet to a group day care home, adult foster care group home, substance abuse treatment facility or community correction facility.
  - c. The facility shall be located on a lot with a minimum lot area of 20,000 square feet, and a minimum lot, width of 150 feet.
  - d. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - e. The size, design, architectural character and exterior materials of the facility shall be compatible with the character of the surrounding area.
  - f. Off-street parking shall be provided in a quantity sufficient to accommodate employee and visitor needs. Parking shall be located and screened by landscaping so as to be least visually objectionable from adjacent roads.
  - g. All state requirements governing the licensing of foster care facilities shall be met.
- (13) Private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and the standards in section 78-152.

(Ord. No. O-061499-1, § 1, 6-14-1999; Ord. No. O-100900-1, § 2, 10-9-2000; Ord. No. O-041403-1, § 4, 4-24-2003; Ord. No. O-061305-1, § 6, 6-13-2005; Ord. No. O-011209-5, § 4, 1-12-2009)

#### Sec. 78-293. - Maximum building height.

No building or structure shall exceed 35 feet in height.

(Ord. No. O-061499-1, § 1, 6-14-1999)

#### Sec. 78-294. - Area regulations.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard.* There shall be a front yard of not less than 15 feet; provided that an attached garage with doors facing the front lot line shall have a front yard of not less than 20 feet.
- (2) *Side yard.*
  - a. For residential buildings and structures, there shall be a minimum side yard of seven feet, provided that on corner lots there shall be a side yard of ten feet on the street side.
  - b. For all other uses, there shall be side yards of not less than 20 feet on each side.
- (3) *Rear yard.* There shall be a rear yard of not less than 50 feet.
- (4) *Lot area and width (residential use).* The minimum lot area and width for a single-family dwelling shall be 7,000 square feet and 50 feet, respectively.
- (5) *Lot area and width (nonresidential use).* Unless otherwise provided in this chapter, the minimum lot area and width for all nonresidential uses shall be 15,000 square feet and 120 feet, respectively.

(Ord. No. O-061499-1, § 1, 6-14-1999)

## Sec. 78-295. - Additional development standards.

No attached or detached accessory building intended for storage of vehicles shall be hereafter erected except in compliance with the following standard: No attached garage or detached garage constructed in a side yard shall have more than two garage stalls, with a maximum width of 20 feet, with garage doors facing the front lot line.

(Ord. No. O-061499-1, § 1, 6-14-1999)

## Sec. 78-296. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 9, 6-13-2005)

## Secs. 78-297—78-310. - Reserved.

## ARTICLE XIII. - PO PROFESSIONAL OFFICE

*Footnotes:*

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**Cross reference—** *Businesses, ch. 22.*

## Sec. 78-311. - Description and purpose.

This district is intended for areas of limited size which because of proximity to commercial uses or major highways are not feasible for residential use, and where the use of the premises for professional offices will provide a suitable transitional residential area.

(Ord. No. O-042682-1, § 11.01, 4-26-1982)

## Sec. 78-312. - Use regulations.

In the professional office district, no land, building or structure shall be used, erected, converted or altered for any use or under any condition other than the following:

- (1) Professional and administrative offices, including health care professions, legal, architectural, engineering, accounting, real estate brokerage, insurance sales, or other professional or administrative uses.
- (2) Offices of banks, savings and loans, mortgage lenders and other financial services not having drive-through facilities. Offices of banks, savings and loans, mortgage lenders and other financial services having drive-through facilities, when authorized as a special use by the planning commission, and provided the following standards are satisfied:
  - a. Only one ingress/egress driveway, or one pair of one-way driveways, shall be permitted along any street.
  - b. No portion of a drive-through facility, including roof canopy, service island, or access driveway serving the facility, shall be located nearer than 100 feet to an existing dwelling on an adjoining lot.
  - c. Landscaping, fencing, earth berms or other measures shall be employed to ensure that adjoining properties are not affected by headlight glare from vehicles using the drive-through facilities.
- (3) Photographers studios, travel agencies and opticians.
- (4) Day care centers, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
  - a. Adequate fencing exists for the safety of the children in care.
  - b. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - c. Off-street parking for all employees of the facility and off-street pickup and drop off areas shall be provided.

d. All state requirements governing the licensing of the facility are met.

(5) Single-family dwellings.

(6) Schools, churches and government buildings when authorized as a special use by the planning commission, according to the standards of article XXI of this chapter.

(7) Parks, playgrounds, community centers and public service facilities which are owned and operated by a governmental agency, when authorized as a special use by the planning commission, according to the standards of article XXI of this chapter.

(8) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.

(9) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).

(10) Dry cleaning drop-off and pick-up stations, excluding any dry cleaning, laundering or pressing equipment or processing on the site. The use may include activities which are ancillary to, subordinate to, and customarily conducted in association with the principal use, including clothing alterations and minor repair, tuxedo rental and bridal gown preservation.

(11) Land divisions, as regulated in article XXII.

(12) Personal care services, including barber shops, hair salons, nail salons, diet and weight reduction centers, fitness centers and day spas, when authorized by the planning commission as a special use, according to the standards of article XXI of this chapter.

(Ord. No. O-042682-1, § 11.02, 4-26-1982; Ord. No. O-110893-1, 11-8-1993; Ord. No. O-052295-1, § 1, 5-22-1995; Ord. No. O-062695-1, § 10, 6-26-1995; Ord. No. O-021296-1, § 7, 2-12-1996; Ord. No. O-020899-1, § 1, 2-8-1999; Ord. No. O-100900-1, § 3, 10-9-2000; Ord. No. O-041403-1, § 5, 4-24-2003; Ord. No. O-120803-1, § 1, 12-8-2003; Ord. No. O-071309-1, § 1, 7-13-2009)

#### Sec. 78-313. - Height regulations.

No building shall exceed 30 feet in height.

(Ord. No. O-042682-1, § 11.03, 4-26-1982)

#### Sec. 78-314. - Area regulations.

No building, nor any addition thereto, shall hereafter be erected or converted except in conformance with the following requirements:

(1) *Front yard.* There shall be a front yard of not less than 75 feet.

(2) *Side yard.* There shall be minimum side yards of 25 feet.

(3) *Rear yard.* There shall be a rear yard of not less than 40 feet.

(4) *Lot area and width.* The minimum lot area and width for all permitted uses shall be 15,000 square feet and 100 feet, respectively.

(Ord. No. O-042682-1, § 11.04, 4-26-1982)

#### Sec. 78-315. - Screening and greenbelts.

Premises within this district used for professional offices shall be screened from any adjoining residential property in accordance with the standards set forth in section 78-344.

(Ord. No. O-042682-1, § 11.05, 4-26-1982)

#### Sec. 78-316. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

a. General provisions contained in article I.

b. Landscaping requirements and standards contained in article XXV.

c. Sign regulations contained in article XXVI.

d. Off-street parking and loading regulations contained in article XXVII.

e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 10, 6-13-2005)

#### Secs. 78-317—78-340. - Reserved.

## ARTICLE XIV. - C-1 VILLAGE BUSINESS

*Footnotes:*

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**Editor's note**— Ord. No. O-021201-1, § 2, adopted Feb. 12, 2001, amended the title of article XIV from C-1 Neighborhood Business to read as herein set out. See the Code Comparative Table.

**Cross reference**— Businesses, ch. 22.

## Sec. 78-341. - Description and purpose.

This district is established with the intention of designating the Ada Village area as a compact community activity center with a mix of retail establishments, service businesses, governmental services and cultural facilities serving the needs of the entire community, with an emphasis on traditional building architecture, small-scale buildings and pedestrian traffic. In addition to meeting the convenience needs of the local community, businesses located in this district also serve a significant visitor and tourist clientele.

(Ord. No. O-042682-1, § 12.01, 4-26-1982; Ord. No. O-021201-1, § 3, 2-12-2001)

## Sec. 78-342. - Use regulations.

In the C-1 district, no land or building shall be used, and no building shall be erected or converted, for any use or under any condition other than the following when conducted within a completely enclosed building:

- (1) Retail food establishments which sell groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities on the premises.
- (2) Other retail businesses, including but not limited to general merchandise, drug, hardware, sporting goods, bicycles, motorized scooters having an engine displacement of 150 cubic centimeters or less, variety, dry goods, gift, jewelry, clothing, notions, antique, hobby, music and book stores, florists and similar uses serving the convenience needs and specialty shopping market of the area.
- (3) Personal service establishments, including but not limited to barber shops, hair salons, day spas, dry cleaning, personal and household goods repair, formal wear and costume rental, video tape and disc rental, packaging and shipping service centers, photocopy centers and similar uses.
- (4) Eating and drinking establishments, including those serving alcoholic beverages, but excluding those having drive-through service windows.
- (5) Professional and administrative offices, including accounting, advertising, architectural, specialty design, engineering, financial services, governmental, insurance agency, legal, management and technical consulting services, telecommunications and information services, real estate brokerage and tax preparation services.
- (6) Offices of health care professions, including, but not limited to chiropractors, dentists, optometrists and physicians, when authorized by the planning commission as a special use.
- (7) Craft and artisan shops and studios such as woodworking, glassblowing, painting, sculpture, metalworking, and photography where material is produced and/or sold on the premises.
- (8) Places of worship, assembly halls for private clubs, veterans' clubs, fraternal organizations and similar organizations, when authorized by the planning commission as a special use.
- (9) Continuing care retirement communities, nursing homes and assisted living facilities, when authorized by the planning commission as a special use.
- (10) Schools for music, dance and the performing arts.
- (11) Funeral homes.
- (12) Veterinary care offices, excluding boarding services, when authorized by the planning commission as a special use.
- (13) Ambulatory health care centers, when authorized by the planning commission as a special use.
- (14) Public parks, community centers, libraries, museums, post offices, fire stations and governmental service centers, when authorized by the planning commission as a special use.
- (15) Public and private elementary and secondary schools, when authorized by the planning commission as a special use.
- (16) Residential uses including single-family, two-family, and multiple-family, either independent of or in the some building with any other permitted use in the C-1 district when authorized by the planning commission as a special use.
- (17) Any use, such as a bank or dry cleaning establishment, having drive-in facilities, when authorized by the planning commission as a special use, but excluding drive-in restaurants.

- (18) Day care centers, when authorized by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
- Adequate fencing exists for the safety of the children in care,
  - Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - Off-street parking for all employees of the facility and off-street pickup and drop off areas shall be provided.
  - All state requirements governing the licensing of the facility are met.
- (19) Antenna towers and masts for cellular phone and other personal communications services, when authorized by the planning commission as a special use, subject to conformance with the standards of section 78-152(14).
- (20) Land divisions, as regulated in article XXII.
- (21) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.

(Ord. No. O-042682-1, § 12.02, 4-26-1982; Ord. No. O-011485-1, 1-14-1985; Ord. No. O-110893-1, 11-8-1993; Ord. No. O-062695-1, § 12, 6-26-1995; Ord. No. O-021296-1, § 8, 2-12-1996; Ord. No. O-100900-1, § 4, 10-9-2000; Ord. No. O-021201-1, § 4, 2-12-2001; Ord. No. O-041403-1, § 6, 4-24-2003; Ord. No. O-091100-1, § 1, 3-10-2008)

Sec. 78-343. - Height regulations.

No building shall exceed 35 feet in height.

(Ord. No. O-042682-1, § 12.03, 4-26-1982)

Sec. 78-344. - Area regulations.

No building nor any enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- Front yard.* Where all the frontage on the same side of a street between two intersecting streets is located in the PO, C-1, C-2 or I zoning district and a setback has been established by 50 percent of such frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of no less than 40 feet.
- Side yard.*
  - No side yard shall be required when directly abutting other commercial uses or land included in a C or I zoning district; in all other areas, each side yard shall be at least 25 feet.
  - There shall be a side yard of not less than 40 feet on the street side of a corner lot.
- Rear yard.*
  - Where the rear of a lot in a C-1 zoning district abuts upon the side yard of a lot in any AGP, RP-1, RP-2 or R zoning district, there shall be a rear yard of not less than 25 feet.
  - In all other cases, there shall be a rear yard of not less than ten feet.
  - No accessory building shall be allowed closer than five feet from the rear lot line.
- Screening.* Side yards and rear yards adjoining any lot in an AGP, RP-1, RP-2 or R zoning district shall be screened by:
  - A compact hedge which will reach a minimum of five feet in height after one growing season;
  - A solid wall or tight board fence six feet in height; or
  - Such method as is approved by the planning commission.
- Lot area and width.* The minimum lot area shall be 15,000 square feet. The minimum lot width shall be 100 feet.
- Maximum building footprint size.* The maximum ground coverage or building footprint size for any individual building shall be 8,000 square feet.

(Ord. No. O-042682-1, § 12.04, 4-26-1982; Ord. No. O-012698-1, § 1, 1-26-1998; Ord. No. O-021710-1, § 10, 2-17-2010)

Sec. 78-345. - Additional regulations.

The storage of all materials, objects, equipment, machinery and unlicensed, unused or inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view.

(Ord. No. O-042682-1, § 12.05, 4-26-1982)

Sec. 78-346. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 11, 6-13-2005)

Secs. 78-347—78-360. - Reserved.

## ARTICLE XV. - C-2 GENERAL BUSINESS

### Footnotes:

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**Cross reference—** *Businesses, ch. 22.*

Sec. 78-361. - Description and purpose.

It is the intent of this chapter to designate certain portions of the township for retailing, wholesaling, and warehousing. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

(Ord. No. O-042682-1, § 13.01, 4-26-1982)

Sec. 78-362. - Use regulations.

In the C-2 district, no land or buildings shall be used, and no buildings shall be erected or converted, for any use or purpose under any condition other than for the following uses or similar uses as determined by the planning commission:

- (1) All uses permitted in the C-1 district.
- (2) Any retail business whose principal activity is the sale of merchandise within an enclosed building but excluding drive-in facilities except as provided in section 78-342(9).
- (3) Business or trade schools.
- (4) Commercial recreation facilities such as bowling lanes, indoor theaters, skating rinks, or racquet clubs.
- (5) Greenhouses.
- (6) Hotels and motels.
- (7) Printing and publishing including processes related thereto.
- (8) Plumbing and heating shops (retail), provided all operations and storage are within a completely enclosed building.
- (9) Self-storage facilities such as frozen food lockers and miniwarehouses.
- (10) Service establishments such as a diaper, linen, or towel service; exterminator; upholstering; office machine; sign painting; taxidermist; or steam cleaning.
- (11) Animal hospitals when authorized as a special use by the planning commission.
- (12) Bus and taxicab stations when authorized as a special use by the planning commission.
- (13) Car washes when authorized as a special use by the planning commission.
- (14) Drive-in theaters when authorized as a special use by the planning commission and, provided the following conditions are complied with:
  - a. The site shall be at least ten acres in area.
  - b. The parking area shall be enclosed within a uniformly painted solid fence or wall of at least eight feet in height.
  - c. Any structure shall be at least 100 feet from all property lines and the unenclosed portion of such 100-foot area shall be landscaped with lawn, trees and shrubs.
  - d. In order to provide reasonable traffic access, the ticket booth shall be at least 200 feet from the street right-of-way from which access is gained.
  - e. The planning commission, through the site plan review process, may attach other reasonable requirements and conditions which it

deems are necessary for the protection of the public health, safety and welfare.

- (15) Pet shops when authorized as a special use by the planning commission.
- (16) Sales, service, and repair of automobiles, boats, campers, farm equipment, motorcycles, recreation vehicles, tractors, trailers, and trucks, when authorized as a special use by the planning commission.
- (17) Day care centers, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
  - a. Adequate fencing exists for the safety of the children in care.
  - b. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - c. Off-street parking for all employees of the facility and off-street pickup and drop off areas shall be provided.
  - d. All state requirements governing the licensing of the facility are met.
- (18) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.
- (19) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).
- (20) Land divisions, as regulated in article XXII.

(Ord. No. O-042682-1, § 13.02, 4-26-1982; Ord. No. O-011485-1, 1-14-1985; Ord. No. O-110893-1, 11-8-1993; Ord. No. O-062794-1, § 1, 6-27-1994; Ord. No. O-062695-1, § 13, 6-26-1995; Ord. No. O-021296-1, § 9, 2-12-1996; Ord. No. O-100900-1, § 5, 10-9-2000; Ord. No. O-041403-1, § 7, 4-24-2003)

#### Sec. 78-363. - Height, area and yard requirements.

Height, lot area and width, yard and screening requirements in the C-2 zone are the same as in the C-1 zone.

(Ord. No. O-042682-1, § 13.03, 4-26-1982)

#### Sec. 78-364. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 12, 6-13-2005)

#### Secs. 78-365—78-380. - Reserved.

#### ARTICLE XVI. - I INDUSTRIAL

##### *Footnotes:*

--- (8) ---

**Cross reference—** *Businesses, ch. 22.*

#### Sec. 78-381. - Description and purpose.

This district is established with the intent of providing land in the township for manufacturing and other industrial uses, construction contractors' and trades facilities, as well as professional and administrative offices. Retail uses, or other uses with high traffic generation and parking needs, and needs for extensive signage, are discouraged in this district. Uses in this district should be visually screened and buffered from adjoining residential uses, and should present an attractive appearance from major adjoining public roads.

(Ord. No. O-042682-1, § 14.01, 4-26-1982; Ord. No. O-121498-2, § 1, 12-14-1998)

#### Sec. 78-382. - Use regulations.



In the I district, no land or buildings shall be used, and no buildings shall be erected or converted, for any use or under any condition other than for the following:

- (1) Manufacture, fabrication, processing, storage and transshipment of goods, and the provision of services incident thereto.
- (2) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).
- (3) Research, testing and product prototype facilities.
- (4) Facilities of general contractor's and construction trades.
- (5) Professional and administrative offices, including legal, architectural, engineering, accounting, data processing, insurance, real estate, securities brokerage, financial planning and investment advisory services, but excluding health care professions, banks, saving and loans, mortgage lenders and other financial services.
- (6) Vehicle fleet storage, maintenance and fueling facilities, when authorized as a special use by the planning commission, subject to conformance with the standards of article XXI of this chapter.
- (7) Offset printing, including ancillary activities such as photocopying and facsimile transmittal services.
- (8) Commercial photographers' studios, including ancillary portrait photography services as a secondary activity.
- (9) Enterprises or businesses in the same nature or class as those specifically listed in this section may be authorized by the planning commission as a special use, subject to compliance with the standards for approval contained in article XXI of this chapter, and subject to conformance with the following additional standards:
  - a. The use shall be consistent with the land use goals, objectives and policies contained in the township master plan.
  - b. The use shall not be of a type that would be more appropriately located in another zoning district, in which it is already listed as a permitted use.
- (10) Uses in a planned unit development, as approved pursuant to the provisions of article XIX of this chapter.
- (11) Land divisions, as regulated in article XXII.
- (12) Churches, when authorized as a special use by the planning commission, according to the standards of article XXI of this chapter.
- (13) Day care centers, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, provided the following minimum requirements are met:
  - a. Adequate fencing exists for the safety of the children in care.
  - b. Identifying signs on the property comply with regulations of article XXVI of this chapter.
  - c. Off-street parking for all employees of the facility and off-street pickup and drop off areas shall be provided.
  - d. All state requirements governing the licensing of the facility are met.
- (14) Public and private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and provided the following minimum standards are met:
  - a. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the Michigan Bureau of Aeronautics
  - b. The proposed heliport and all appurtenant facilities and equipment shall conform to National Fire Protection Association Standard 418, Standards for Heliports, 2006 Edition, with the exception that Sec. 9.1.2, exempting certain heliports from the requirement to be equipped with portable fire extinguishers, shall not apply. Portable fire extinguishers shall be required at all heliports, at a location and stored in a manner approved by the fire chief.
  - c. The use shall be located on a lot or lots in common ownership having a minimum lot area of ten acres.
  - d. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall comply with the following minimum separation distances:
    1. From the boundary of any property zoned industrial (I) or light industrial (LI): 150 feet.
    2. From the boundary of property in any other zoning district: 300 feet.
    3. From a building on property, other than property owned by the applicant, zoned industrial (I) or light industrial (LI): 200 feet.
    4. From a building on property in any other zoning district: 500 feet
  - e. A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than 5 minutes).
  - f. As a condition of special use permit approval, the planning commission may impose limits on:

1. The size and type of rotorcraft permitted to use the facility.
  2. The allowable hours of use of the facility.
  3. The frequency of helicopter operations permitted at the facility.
  4. The location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.
- g. The above provisions shall not apply to emergency operations conducted by law enforcement and public safety agencies or emergency medical service providers.
- (15) Indoor vehicle sales, subject to conformance with the following standards:
- a. All vehicle inventory shall be stored within a completely enclosed building, and there shall be no outdoor display of vehicle inventory permitted.
  - b. On-site repair and maintenance of vehicles shall be prohibited, with the exception of cosmetic detailing.
  - c. Building floor area used for vehicle display and storage shall be limited to 5,000 square feet.

(Ord. No. O-042682-1, § 14.02, 4-26-1982; Ord. No. O-121498-2, § 2, 12-14-1998; Ord. No. O-041299-1, § 1, 4-12-1999; Ord. No. O-062600-3, § 1, 6-26-2000; Ord. No. O-100900-1, § 6, 10-9-2000; Ord. No. O-120902-1, § 1, 12-9-2002; Ord. No. O-041403-1, § 8, 4-24-2003; Ord. No. O-011209-5, § 5, 1-12-2009; Ord. No. O-112811-1, § 1, 11-28-2011; Ord. No. O-082718-2, § 1, 8-27-2018)

#### Sec. 78-383. - Height regulations.

No building shall exceed 65 feet in height.

(Ord. No. O-042682-1, § 14.03, 4-26-1982; Ord. No. O-082310-1, § 1, 8-23-2010)

#### Sec. 78-384. - Area regulations.

No building or structure, nor the enlargement thereof, shall be hereafter erected except in compliance with the following yard and lot area requirements:

- (1) *Front yard.* There shall be a front yard of not less than 50 feet. Any portion of a building which exceeds 45 feet in height shall have a front yard setback of 50 feet, plus ten feet additional setback for each foot of building height in excess of 45 feet.
- (2) *Side yard.* In all cases, there shall be two side yards of not less than 50 feet on each side. Any portion of a building which exceeds 45 feet in height shall have a side yard setback of 50 feet, plus ten feet additional setback for each foot of building height in excess of 45 feet.
- (3) *Rear yard.* There shall be a rear yard of not less than 50 feet. Any portion of a building which exceeds 45 feet in height shall have a rear yard setback of 50 feet, plus ten feet additional setback for each foot of building height in excess of 45 feet.
- (4) *Lot area and width.* The minimum lot area shall be 40,000 square feet; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the county health department and the township engineer. The minimum lot width shall be 200 feet.

(Ord. No. O-042682-1, § 14.04, 4-26-1982; Ord. No. O-082310-1, § 2, 8-23-2010)

#### Sec. 78-385. - General performance standards.

The following shall be considered to be the minimum performance standards for any use in this zone district, subject to county, state or federal standards and requirements which may be more restrictive:

- (1) *Odors.* The emission of obnoxious odors, noise, dust, fumes or vibrations of any kind which are contrary to the public health, safety and general welfare shall not be permitted.
- (2) *Gases.* No gas shall be emitted which is damaging to the public health, safety and general welfare.
- (3) *Glare and heat.* Glare and heat from arc welding, acetylene torch cutting, or similar processes shall not have an adverse effect on adjoining property.
- (4) *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with state rules and regulations.

(Ord. No. O-042682-1, § 14.05, 4-26-1982)

#### Sec. 78-386. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 13, 6-13-2005)

Secs. 78-387—78-410. - Reserved.

#### ARTICLE XVII. - LI LIGHT INDUSTRIAL

##### *Footnotes:*

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**Cross reference**— *Businesses, ch. 22.*

Sec. 78-411. - Description and purpose.

The LI light industrial district is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The LI district is so structured as to permit along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

(Ord. No. O-022592-1, § 14A.1, 2-25-1992)

Sec. 78-412. - Permitted uses.

Land, buildings and other structures in this district may only be used for the following purposes by right:

- (1) Manufacture, compounding, processing, assembling or treatment of the following products: cosmetics, toiletries, electrical appliances, paper products, blowmolding of plastic products, apparel goods, furniture and fixtures, musical instruments, toys, electronic instruments and devices.
- (2) Storage warehouses and product distribution facilities, not selling retail on the premises.
- (3) Research and testing facilities.
- (4) Administrative and corporate offices.
- (5) Uses in a planned unit development as approved pursuant to the provisions of article XIX of this chapter.
- (6) Land divisions, as regulated in article XXII.
- (7) Public and private use heliports, when approved by the planning commission as a special use, according to the standards of article XXI of this chapter, and the standards in section 78-382.

(Ord. No. O-022592-1, § 14A.2, 2-25-1992; Ord. No. O-062695-1, § 15, 6-26-1995; Ord. No. O-100900-1, § 7, 10-9-2000; Ord. No. O-041403-1, § 9, 4-24-2003; Ord. No. O-011209-5, § 6, 1-12-2009)

Sec. 78-413. - Special land uses.

The following special land uses may be approved by the planning commission subject to the applicable general and specific standards contained in article XXI of this chapter:

- (1) Printing, lithographic, blueprinting and similar businesses.
- (2) Truck terminals and vehicle storage facilities, when not accessory to the principal use on the premises.
- (3) Vocational/technical schools.
- (4) Utility service buildings and storage yards.

(5) Manufacture and processing of pharmaceuticals.

(6) Antenna towers and masts for cellular phone and other personal communications services, when authorized as a special use by the planning commission, subject to conformance with the standards of section 78-152(14).

(Ord. No. O-022592-1, § 14A.3, 2-25-1992; Ord. No. O-021296-1, § 11, 2-12-1996)

Sec. 78-414. - Height regulations.

No building shall exceed 35 feet in height.

(Ord. No. O-022592-1, § 14A.4, 2-25-1992)

Sec. 78-415. - District regulations.

No building or structure, nor the enlargement thereof, shall be hereafter erected except in compliance with the following yard, lot area and width and lot coverage requirements:

- (1) *Front yard.* There shall be a front setback of not less than 50 feet, except that there shall be a front setback of not less than 100 feet in a front yard which abuts land in an agricultural preservation (AGP), rural preservation-1 (RP-1), rural preservation-2 (RP-2) or residential (R-1, R-2, R-3 or R-4) district.
- (2) *Side and rear yards.* There shall be side and rear yard setbacks of not less than 50 feet, with the exception that side and rear yards which abut land in an agricultural preservation (AGP), rural preservation-1 (RP-1), rural preservation-2 (RP-2) or residential (RR, R-1, R-2, R-3, or R-4) districts shall not be less than 100 feet. In the event a building height in excess of 35 feet is authorized by the granting of a variance by the zoning board of appeals, six feet of additional side and rear setback for each one foot of building height in excess of 35 feet shall be provided.
- (3) *Location of parking facilities.* No portion of a parking area shall be closer than 100 feet to a front lot line. Parking areas in side and rear yards shall not be closer than ten feet from the lot line, except when abutting land in an agriculture or residential district, in which case no portion of a parking area shall be closer than 100 feet to the side or rear lot line.
- (4) *Lot area and width.* The minimum lot area shall be five acres. The minimum lot width shall be 250 feet.
- (5) *Site coverage.* The percentage of any building site which may be covered by a combination of building footprint area and pavement area shall not exceed 70 percent.

(Ord. No. O-022592-1, § 14A.5, 2-25-1992; Ord. No. O-021710-1, § 11, 2-17-2010)

Sec. 78-416. - Screening requirements.

Where a side or rear yard abuts land in an agriculture or residential zoning district, existing natural landscape screening or added landscape screening shall be provided to provide a reasonable degree of visual buffering and screening between the light industrial use and the adjoining land. The intent of such buffer and screen shall be to obscure objectionable features of the industrial use and to provide variety and natural appearance in the view of such property from adjoining land, rather than to totally obscure or block the industrial use from view. In the review of site plans for development in this district, the planning commission shall determine the extent of added landscape screening required to meet the intent of this section. Where additional landscape screening is required, it shall comply with the following standards:

- (1) The landscape screen shall consist of deciduous or evergreen trees. Deciduous trees shall be a minimum size of 1½-inch caliper at installation. Evergreen trees shall have a minimum height of six feet at installation.
- (2) The landscape screen shall be placed a minimum of ten feet from the lot line, and shall extend in width no less than 30 feet from the lot line. Within the planting area, trees shall be placed in an informal arrangement to provide a natural appearance and provide the desired level of screening. The density of tree planting shall not be less than one tree per 100 square feet of land area within the landscape screen.

(Ord. No. O-022592-1, § 14A.6, 2-25-1992)

Sec. 78-417. - Outdoor storage.

Outdoor storage of products, materials, and equipment, except for tractor-trailers and trailer units serving the principal use, shall be subject to the following restrictions:

- (1) Such storage shall not be located in any portion of the lot between the front lot line and a line between the side lot lines at the front face of the building, or within 100 feet of a side or rear lot line adjoining land in an agricultural preservation (AGP), rural preservation-1 (RP-1), rural preservation-2 (RP-2) or residential (RR, R-1, R-2, R-3, or R-4) district.

(2) Such storage shall be limited to that which is clearly related to the principal use. Outdoor storage shall be in compliance with all applicable health and environmental laws and regulations.

(3) The total land area used for outdoor storage shall not exceed 20 percent of the ground floor area of the principal building on the lot.

(4) All areas used for outdoor storage shall be enclosed on all sides by a solid fence or wall having a minimum height of eight feet.

(Ord. No. O-022592-1, § 14A.7, 2-25-1992; Ord. No. O-021710-1, § 12, 2-17-2010)

#### Sec. 78-418. - Prohibited uses.

The following uses are prohibited from locating within the LI light industrial district:

(1) Bulk storage of flammable liquids, liquid petroleum gases, acids, gases and explosives.

(2) Manufacturing of gas, coke or coal tar products, hazardous chemicals, ammunition, fireworks, or explosive manufacture and/or storage, stock yards, slaughtering of animals or storage of animal offal or garbage, blast furnace, drop forging, metal stamping or pressing, diecasting, screw machine operations, petroleum refining or blending, or other similar factories.

(3) Sand and gravel mining, processing, crushing or storage, asphalt or concrete processing and manufacture.

(4) Other uses which, in the opinion of the zoning administrator, by reason of the production of fumes, noise, vibrations, odors, waste products, toxic materials or other such nuisances, may be potentially harmful to the environment or well-being of adjoining property.

(Ord. No. O-022592-1, § 14A.8, 2-25-1992)

#### Sec. 78-419. - General performance standards.

The following shall be considered to be the minimum performance standards for any use in this district, subject to county, state or federal standards and requirements which may be more restrictive:

(1) *Odors and noise.* Every use shall be so operated that it does not emit odor or noise in such quantity as to produce a public nuisance or hazard.

(2) *Gases.* No gas shall be emitted which is damaging to the public health, safety and general welfare.

(3) *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any adjoining lot.

(4) *Vibration.* Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without use of measuring instruments at any point on the lot lines of the lot on which the use is located.

(Ord. No. O-022592-1, § 14A.9, 2-25-1992)

#### Sec. 78-420. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

a. General provisions contained in article I.

b. Landscaping requirements and standards contained in article XXV.

c. Sign regulations contained in article XXVI.

d. Off-street parking and loading regulations contained in article XXVII.

e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 14, 6-13-2005)

#### Secs. 78-421—78-440. - Reserved.

#### ARTICLE XVII. - U UNIQUE USE

#### Sec. 78-441. - Description and purpose.

The district will be established only upon application for rezoning of property for a unique use. The district and the regulations hereunder reflect the fact that certain uses cause or have the potential to cause unique problems of land use management so as to require the special attention and review.

(Ord. No. O-042682-1, § 15.01, 4-26-1982)

## Sec. 78-442. - Land eligible for rezoning.

Only property zoned as AG agricultural district on the zoning map shall be eligible for rezoning to unique use district.

(Ord. No. O-042682-1, § 15.02, 4-26-1982)

## Sec. 78-443. - Use regulations.

In the unique use district, no land or buildings shall be used, and no buildings shall be erected for any use other than:

- (1) Sanitary landfills when authorized as a special use by the township board. In considering such authorization, the planning commission and the township board shall apply the requirements of article XXI of this chapter, article XXII of this chapter and the following requirements:
  - a. The landfill shall be located on a parcel of land of not less than 20 acres.
  - b. All buildings and structures shall be removed upon the completion of the landfill operation.
  - c. The parcel shall be enclosed by a fence at least six feet in height which will contain all windblown debris.
  - d. No burning of waste material shall be allowed without a permit from the department of natural resources.
  - e. There shall be a landscaped buffer of a minimum width of 20 feet consisting of deciduous or evergreen trees which reach a minimum of five feet in height in one growing season.
  - f. The landfill shall meet all requirements of Public Act No. 451 of 1994, § 11501 et seq. (MCL 324.11501 et seq., MSA 13A.11501 et seq.), and other state, county and local requirements as are applicable.
  - g. Once the landfill operation is completed, the land shall be graded to such contours as are suitable for other uses and shall be planted with ground cover.
  - h. All traffic generated by the operation shall be directed away from residential areas.
- (2) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources when authorized as a special use by the township board. In considering such authorization, the planning commission and the township board shall apply the requirements of article XXI of this chapter and article XXII of this chapter and shall not approve the use unless it satisfies all of the following requirements:
  - a. The size of the property from which such topsoil, sand, gravel, or other such materials will be removed shall be no less than 80 acres.
  - b. The maximum amount of topsoil, sand, gravel or other such materials which is to be removed shall be established in advance.
  - c. The removal shall not adversely affect adjoining property.
  - d. The removal shall not cause a safety hazard, create erosion problems, or alter the groundwater table.
  - e. Such removal shall not cause the creation of sand blows, stagnant water pools, or swampy areas.
  - f. An environmental impact statement addressing, in detail, the effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources shall be submitted at the time of application.
  - g. Such removal shall not cause potential traffic congestion and other traffic problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
  - h. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained so as not to be dangerous to persons within the area of activity.
  - i. No storage or truck parking shall be located within 200 feet of any adjacent residences or within 50 feet of any other adjacent property.
  - j. The premises shall be screened with a wire fence or uniformly painted wood fence at least six feet in height, with evergreen plantings on any exterior side adjacent to residentially zoned property.
  - k. No part of the operation or removal shall take place closer than 200 feet from the nearest property lines.
  - l. After the natural resources have been removed, the property shall be restored by the replacement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a 30-degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to prevent erosion.
  - m. All traffic generated by the operation shall be directed away from residential areas.
  - n. The township board may require such performance bond or other guarantee as deemed necessary to ensure that requirements of this chapter are fulfilled, and may revoke permission to operate at any time if specified conditions are not maintained.
  - o. The applicant shall secure all necessary permits from county, state and federal authorities.

Topsoil and sand (not to exceed 500 cubic yards) may be removed from a lot without rezoning to unique use district when necessary and clearly incidental to erecting or constructing a building on the lot, and such topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining

properties; provided there is compliance with all other requirements of this chapter.

(Ord. No. O-042682-1, § 15.03, 4-26-1982)

Sec. 78-444. - Procedure.

The procedure for obtaining permission to use property in the unique district shall be as follows:

- (1) Pursuant to article I of this chapter, an application for rezoning to unique use district shall be filed. Such application shall be accompanied by an application for special land use pursuant to article XXI of this chapter for the specific unique use requested.
- (2) The rezoning request shall proceed pursuant to the requirements of article I of this chapter; the planning commission shall hold a public hearing on the rezoning request.
- (3) The special land use request shall proceed pursuant to the requirements of article XXI of this chapter except:
  - a. The township board shall hold the public hearing on the special land use and deny, approve or approve with conditions as set forth in section 78-492 and section 78-494.
  - b. Review and recommendations by the planning commission concerning the special land use shall be advisory to the township board. The planning commission is not required to hold a public hearing on the special land use request.

(Ord. No. O-042682-1, § 15.04, 4-26-1982)

Sec. 78-445. - Reserved.

#### ARTICLE XIX. - PLANNED UNIT DEVELOPMENT

*Footnotes:*

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**Cross reference**— *Planning, ch. 58.*

#### DIVISION 1. - GENERALLY

Sec. 78-446. - Description and purpose.

- (a) Traditional zoning, with its rigid separation of uses into different districts under very restricted placement controls, may be inappropriate because of the size of a development, for the development of sites with sensitive environmental features, or for sites uniquely situated with regard to adjoining uses. Planned unit development (PUD) modifies the traditional forms of zoning and permits a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economic development. This article provides a controlled degree of flexibility in the use of land and the placement of structures and lot sizes, while maintaining standards which ensure a high level of quality and compatibility in new development.
- (b) Except as expressly modified by approval of a PUD rezoning and plan approved as provided by this article, the provisions of the underlying zoning district remain in full force and effect. Rezoning of land to the PUD district may be initiated either by the request of the owners of the land to be included within the PUD (or authorized persons acting on behalf of the owners, referred to in this article as the applicant); or by the planning commission or township board as authorized by this article and the Zoning Enabling Act. A rezoning of land to the PUD district initiated by the planning commission or township board shall not be subject to prior submittal and approval of a preliminary development plan as required by section 78-456. However, such rezoning shall be subject to the eligibility criteria and qualifying conditions contained in section 78-447. In either case, preliminary and final development plans must be submitted and approved as provided by this article prior to commencing development of the land which has been rezoned PUD.
- (c) The PUD regulations provided by this article are intended to:
  - (1) Provide a more desirable environment by preserving open fields, woodlands, wetlands, areas of steep topography, creeks, ponds and similar natural assets;
  - (2) Encourage a creative approach to development design in the township;
  - (3) Encourage an efficient, aesthetic and desirable use of open areas and a reduction in development costs by allowing the developer to avoid and preserve natural obstacles on the site;
  - (4) Encourage preservation of land meeting certain characteristics as permanent open space, by providing a residential density incentive for residential developments in specified zoning districts that are designed to set aside a minimum of 40 percent of the land area in the

development as permanent open space;

(5) Promote the goals of the township's master plan to maintain the township's rural character, maintain an attractive landscaped corridor along the township's major roadway frontages, maintain the traffic carrying capacity of the township's major roadways, and protect environmentally-sensitive areas; and

(6) Provide the township with a higher degree of control over the types of uses and design details of development in locations where application of traditional zoning requirements may not be appropriate.

(d) The provisions of this article are not intended to be used solely to avoid the otherwise applicable requirements of this chapter, including the provisions of any other zoning districts established by this chapter. For residential PUDs, it is not the intent of this article to permit higher density in a PUD than is reasonably and realistically achievable in conformance with the conventional zoning district standards of this chapter, as demonstrated by the alternative plan submittal required by this article, unless the PUD plan more effectively achieves the purposes and intent of the PUD regulations, as stated herein.

(Ord. No. O-062695-1, § 17, 6-26-1995; Ord. No. O-102395-1, § 1, 10-23-1995; Ord. No. O-012599-1, § 1, 1-25-1999; Ord. No. O-021710-1, § 13, 2-17-2010)

Sec. 78-447. - Eligibility for approval; qualifying conditions.

To be eligible for PUD approval as provided by this article, all of the following conditions must exist with regard to the proposed PUD site:

(1) The land proposed to be included within the PUD must:

- a. Have significant natural or historic features the preservation of which will be enhanced through development under the PUD standards; or
- b. Have other characteristics such that its development under the PUD provisions will achieve the purposes and intent of this chapter and protect the public health, safety and welfare to an equal or greater extent than would development under the otherwise applicable provisions of the underlying zoning district.

(2) If the PUD site is intended to contain any residential use other than detached single-family dwellings, it must be served by public water and sanitary sewer service.

(3) The PUD site must abut and/or have direct access to a public street.

(Ord. No. O-062695-1, § 17(16.02), 6-26-1995)

Sec. 78-448. - Permitted uses.

Subject to review and approval under the procedures and standards contained in this article, the following uses may be permitted in the PUD district:

(1) In the AGP, RP-1, RP-2, RR, R-1, R-2, R-3, R-4, and V-R districts, any use which is permitted by right or by special use approval in the AGP, RP-1, RP-2, RR, R-1, R-2, R-3, R-4, or V-R districts may be included in a PUD (including, without limitation, golf courses, country clubs, parks, playgrounds and indoor recreation facilities such as racquet clubs and swimming pools).

(2) In the PO, C-1 or C-2 districts, any use which is permitted by right or by special use approval in the PO, C-1 or C-2 districts may be included in a PUD.

(3) Temporary provisions applicable during Ada Village redevelopment. The provisions of subparagraph (2) above notwithstanding, for a period of two years following the effective date of the amendatory ordinance that added this subparagraph (3), in order to facilitate the orderly re-location of existing businesses that are displaced from their current business locations as a result of redevelopment of property within the Downtown Development Authority (DDA) District to other suitable locations in the DDA District, a PUD in the C-2 zoning district may include the following, provided that the standards set forth below are satisfied:

a. Restaurants having the design feature of one or more drive-through service windows, subject to compliance with the following standards:

1. The restaurant shall be located on a lot that abuts State Highway M-21 (Fulton Street).
2. The restaurant shall be located on a lot that is a minimum of 3,000 feet from any other lot occupied by a restaurant having drive-in facilities.
3. If the restaurant is located on a lot that abuts more than one public road, or abuts and has legal access to both a public road and a shared private road right-of-way, vehicular access shall be obtained only from the public or private road having the lesser traffic volume, as measured by average daily traffic, unless it can be demonstrated that the traffic generated by the uses on the subject property cannot reasonably be accommodated without having access from more than one road.
4. Vehicular access and circulation patterns shall be designed to minimize traffic conflicts, congestion and disruption, enhance traffic safety on abutting public and private roads and maintain connectivity with the village street network, while providing reasonable



access to the subject property.

5. The site design shall provide safe, well-defined sidewalks for non-motorized access to the site, and shall provide connectivity with non-motorized facilities on adjacent properties.
6. The site design shall accommodate access to the site and provide staging locations on the site for anticipated delivery and service trucks, in locations that do not interfere with vehicular circulation or access to parking spaces on the site.
7. A minimum of ten-vehicle stacking spaces shall be provided in advance of the product delivery window. Stacking of vehicles shall not interfere with access to parking spaces or driveway aisles.
8. The parking layout shall provide a minimum of three parking spaces located near the exit area of the product pick-up window, for use by customers waiting for delivery of orders to their vehicles.
9. The nearest part of the restaurant building shall be located a minimum of 75 feet from any property zoned or used for residential use.
10. If the restaurant is located on a lot that is adjacent to property zoned or used for residential purposes, a solid screen fence having a minimum height of six feet shall be installed along the common property boundary.
11. Facilities for commercial refuse pickup shall be fully screened and enclosed so as to screen refuse containers from view.
12. Outdoor speakers shall be located and operated so as to minimize sound transmission beyond the boundary of the property on which the use is located.
13. As a condition of PUD Plan approval, limitations on hours of operation of uses in the PUD may be imposed.
14. The PUD Plan application shall include details regarding the proposed number, location, size, height, design and illumination of proposed free-standing and building-mounted signs.
15. At times other than hours of operation as limited above, exterior lighting, including lighting of signs, shall be reduced to a minimum level as deemed appropriate by the zoning administrator for security purposes.

b. Reserved.

(4) In the LI or I districts, any use which is permitted by right or by special use approval in either the LI or I districts may be included in a PUD.

(Ord. No. O-062695-1, § 17(16.03), 6-26-1995; Ord. No. O-021710-1, § 14, 2-17-2010; Ord. No. O-09-26-16-1, § 1, 9-26-2016; Ord. No. O-041221-2, § 1, 4-12-2021)

#### Sec. 78-449. - Variation from other zoning standards.

Subject to review and approval under the procedures and standards contained in this article, the following dimensional standards and other standards contained within this chapter may be varied by specific approval in a PUD development plan as deemed necessary by the township to fulfill the purposes and intent of this chapter and to achieve the goals and objectives of the master plan:

- (1) Minimum lot area, minimum lot width, minimum setback, minimum building separation distance, maximum building height and maximum building footprint size requirements of the otherwise applicable zoning district standards.
- (2) Regulations pertaining to signs contained in article XXVI, regulations pertaining to off-street parking and loading spaces contained in article XXVII, regulations pertaining to public street access and private roads and driveways contained in article XXVIII.
- (3) The following maximum gross density limits in a planned unit development shall be as follows:

Standard		Zoning District								
		AGP	RP-1	RP-2	RR	R-1	R-2	R-3	R-4	V-R
Maximum gross density (Dwelling units per acre or land area per	If % of site in open space is less than 40%	1 dwelling unit per 10 acres	1 dwelling unit per 5 acres	1 dwelling unit per 3 acres	1 dwelling unit per 2 acres	6 dwelling units per acre			12 dwelling units per acre	

dwelling unit)	If % of site in open space is 40% or greater	1 dwelling unit per 3 acres				
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(Ord. No. O-081417-1, § 1, 8-14-2017; Ord. No. O-041221-2, § 2, 4-12-2021)

**Editor's note**— Ord. No. O-081417-1, § 1, adopted Aug. 14, 2017, amended § 78-449 in its entirety to read as herein set out. Former § 78-449, pertained to area, height, bulk, placement and density requirements, and derived from Ord. No. O-062695-1, § 17(16.04), adopted June 26, 1995; Ord. No. O-012698-1, § 2, adopted Jan. 26, 1998; Ord. No. O-021710-1, § 15, adopted Feb. 17, 2010.

Sec. 78-450. - Open space requirements.

- (a) In residential PUDs, the planning commission or township board may require that land be set aside as protected or common open space, where deemed necessary in order to achieve one or more of the following objectives:
  - (1) To provide common recreational area for use by the residents of the PUD, in cases where the development is expected to create a significant demand for common recreational area, which demand will not otherwise be met by the PUD as proposed.
  - (2) To protect and preserve environmentally-sensitive areas, such as floodplain wetlands, stream corridors, steeply-sloped areas, woodlands or other sensitive areas which may exist on the development site.
  - (3) To provide open space buffer areas between the PUD and adjoining property as to minimize adverse impacts of the development on adjoining property.
  - (4) To provide open space along public road corridors so as to maintain a natural character along public roadways in rural portions of the township, as encouraged in the township master plan.
- (b) Where provision of dedicated open space is required, it shall comply with the following requirements:
  - (1) Except as otherwise approved by the planning commission, no individual area designated as open space shall be less than one acre in size.
  - (2) Land devoted to public or private street easements or rights-of-way shall not be included in computing the area of open space.
  - (3) Access to open space areas which are suitable for active use shall be provided from all areas of the PUD by means of public or private streets or pedestrian access ways.
  - (4) All areas included as open space shall be preserved and protected for the sole benefit, use and enjoyment of residents of the PUD.
- (c) As a condition of final PUD approval, and prior to the occupancy of any residential dwelling within the PUD (or within any residential phase of the PUD), the applicant shall be required to establish a property owners' association (or other similar organization acceptable to the township) of which all residents or occupants of the PUD shall be required to become members through appropriate plat restrictions, covenants, and conditions. The property owners' association must be legally capable of assuming, and shall assume, the obligation to maintain the open space as required by this section.

(Ord. No. O-062695-1, § 17(16.05), 6-26-1995)

Sec. 78-451. - Effect of final approval.

Following final PUD approval, no construction shall be undertaken on the land included within the PUD except in conformity with the final development plan and any conditions imposed in connection with the final PUD approval.

(Ord. No. O-062695-1, § 17(16.07), 6-26-1995)

Sec. 78-452. - Changes to approved PUD.

- (a) An approved final development plan and any conditions imposed upon final PUD approval shall not be changed except upon the mutual consent of the planning commission and the applicant.
- (b) Except for changes determined to be minor changes as provided by subsection (c) of this section, changes to an approved final development plan or to any conditions imposed on final PUD approval shall be reviewed and approved, approved with conditions, or denied by the planning

commission pursuant to the procedures provided by this article for an original request for final PUD approval.

- (c) Minor changes to a final development plan may be approved by the zoning administrator, without review by the planning commission, subject to the following limitations:
- (1) For multiple-family residential buildings and nonresidential buildings, the size of structures may be reduced by five percent or increased by five percent, provided that there shall be no increase in the number of dwelling units.
  - (2) Gross floor area of nonresidential buildings may be reduced by five percent or increased by five percent, or no greater than 5,000 square feet, whichever is less.
  - (3) Floor plans may be revised, if consistent with the character of the use.
  - (4) Horizontal and vertical elevations may be altered up to five percent.
  - (5) Building footprints may be relocated by up to five feet, unless a specific setback or separation distance is imposed as a condition of approval.
  - (6) Areas designated as not to be disturbed may be increased in area.
  - (7) Plant materials included in the final development plan may be substituted by similar types of landscaping on a one-to-one or greater basis.
  - (8) Improvements to access and circulation systems may be made, such as addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.
  - (9) Changes in exterior materials may be made, provided that any changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the zoning administrator.
  - (10) Signs may be reduced in size, and sign setbacks may be increased.
  - (11) Parking spaces in a parking lot may be internally rearranged, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created by the redesign.
- (d) The zoning administrator may refer a decision regarding any proposed change to a final development plan (including any change which is a minor change under subsection (b) of this section) to the planning commission for review and approval by the commission.

(Ord. No. O-062695-1, § 17(16.08), 6-26-1995)

Sec. 78-453. - Commencement of construction.

- (a) Construction shall be commenced and shall be proceeding meaningfully toward completion within one year from the date of final PUD approval for all or any phase of a PUD. Construction of each phase of a multiphased PUD shall be commenced within one year of the schedule established for the phase as approved for the PUD.
- (b) If construction is not commenced within the applicable one-year period, approval of the final development plan shall lapse. However, the planning commission may extend the time for commencement of construction if the applicant requests an extension prior to the expiration of the one-year period, and demonstrates to the satisfaction of the commission that the extension is justified either:
  - (1) Because the delay is due to unforeseen difficulties beyond the reasonable control of the applicant, and there remains a likelihood of proceeding to completion with the PUD; or
  - (2) Upon other good cause shown by the applicant.
- (c) If the zoning administrator determines that construction has not commenced or is not proceeding meaningfully toward completion within the required time period as provided by this section, the zoning administrator shall provide written notice of that failure to the applicant (and to the owners of the land located within the PUD, if different than the applicant) at least 14 days prior to the expiration of the applicable required time period.
- (d) If final PUD approval lapses as provided by this section due to a failure to commence construction and proceed meaningfully toward completion within time periods provided by this section, a new application for final PUD approval must be submitted for review by the planning commission under the then applicable provisions of this chapter.
- (e) The lapse of final development plan approval as provided by this section shall not affect the PUD rezoning. The PUD rezoning shall remain unchanged until again rezoned to a different zoning district in accordance with applicable rezoning procedures under this chapter and the Zoning Enabling Act.

(Ord. No. O-062695-1, § 17(16.09), 6-26-1995)

Sec. 78-454. - Planned residential developments approved prior to June 26, 1995.

Planned residential developments (PRDs) approved prior to June 26, 1995 shall continue in full force and effect. However, any amendments to a planned residential development approved prior to June 26, 1995, shall be reviewed and approved in accordance with the procedures and requirements of this chapter.

(Ord. No. O-062695-1, § 17(16.10), 6-26-1995)

Sec. 78-455. - Applicability to certain lands located within the Ada Village area.

The applicability of this article to lands located within the Ada Village area that were rezoned to the planned unit development district by this section shall be limited as follows:

- (1) Proposed development plans which do not include or require the demolition of any existing building or portion thereof, or which propose the construction of no more than 1,000 square feet of new building floor area shall be exempt from the PUD plan approval procedures contained in this article, and shall be subject to review and approval of a site plan by the planning commission, in accordance with article XXII, Site plan review.
- (2) A change in use of land or an existing building from one permitted use category to another permitted use category under the existing C-1 or C-2 zoning classification of the subject property shall be exempt from the PUD plan approval procedures contained in this article.
- (3) A change in use of land or an existing building to a new use category listed as a "special use" under the existing C-1 or C-2 classification of the subject property shall be exempt from the PUD plan approval procedures contained in this article, and shall be subject to review and approval of a special use permit application by the planning commission, in accordance with article XXI, Special uses.
- (4) Proposed development which consists solely of improvement to or expansion of an offstreet parking area shall be exempt from the PUD plan approval procedures contained in this article, and shall be subject to the provisions for review and approval of parking area construction contained in article XXVII, Off-street parking and loading spaces.

(Ord. No. O-012808-2, § 1, 1-28-2008)

## DIVISION 2. - APPLICATION

Sec. 78-456. - Application, review and approval procedures.

The procedures in this division shall be followed when applying for PUD approval as provided for by this article.

(Ord. No. O-062695-1, § 17, 6-26-1995)

Sec. 78-457. - Preapplication conference.

Prior to the submission of an application for PUD approval, the applicant shall meet with the planning commission for the purpose of preliminary discussion and review regarding the appropriateness, general content and design approach of a proposed PUD. An applicant desiring a preapplication conference must submit to the zoning administrator a written request that the conference be placed on the planning commission's agenda. The request must be submitted at least 14 days prior to the planning commission meeting at which the conference is to take place. Statements made by any person during the course of a preapplication conference shall not be deemed to constitute legally binding commitments.

(Ord. No. O-062695-1, § 17, 6-26-1995; Ord. No. O-021710-1, § 16, 2-17-2010)

Sec. 78-458. - Preliminary approval.

(a) *Submission of PUD application and preliminary development plan and request for PUD rezoning.*

- (1) An application for preliminary PUD approval requires submission of a preliminary development plan consisting of the maps and accompanying written materials as provided by this section. Ten copies of the completed plan and application materials must be submitted to the zoning administrator, for transmittal to the planning commission, not less than 14 days prior to the planning commission meeting at which the request will first be considered.
- (2) In addition, if the site of a proposed PUD has not previously been rezoned as a PUD district, the applicant must apply for the necessary PUD rezoning as a part of the application for PUD approval. If the site of a proposed PUD has previously been rezoned and is appropriately classified as a PUD district as required by this article at the time the application for preliminary development plan approval is submitted, a request to rezone to a PUD district shall not be required as a part of an application for PUD approval, but all other requirements of this article regarding review and approval of preliminary and final development plans shall nevertheless apply.

- (b) *Application requirements for preliminary PUD approval.* An application for preliminary PUD approval shall include all of the maps and accompanying written materials, as applicable to the proposed development, as follows:
- (1) A completed application form as supplied by the township. The application form must be signed by the applicant, and by the owners of all of the land to be included within the PUD, if different than the applicant.
  - (2) A preliminary development plan encompassing all phases of the proposed PUD, prepared at a scale acceptable to the zoning administrator, containing all of the following information:
    - a. The applicant's name and address; and the owners' names and addresses, if different than the applicant.
    - b. The name of the proposed development.
    - c. The name, address, city and phone number of the firm and of the individual who prepared the plan, and the date of preparation.
    - d. The common description and complete legal description of the property to be included within the PUD.
    - e. Dimensions of the property, including width, length, acreage and frontage.
    - f. Written and graphic scale, and north arrow.
    - g. Existing zoning and use of all adjoining properties, including location of existing structures and improvements within 100 feet of the PUD boundary.
    - h. Existing natural features of the site, including predominant vegetative cover, major tree stands and existing drainageways.
    - i. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
    - j. Existing site elevation contours at no greater than two-foot intervals.
    - k. Existing shoreline and existing 100 year flood hazard area boundary.
    - l. Existing right-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
    - m. Existing and proposed footprints and dimensions and number of stories for buildings and structures.
    - n. Proposed uses within the PUD and the approximate acreage allotted to each use; for PUDs which are to include platted lots or site condominium lots, proposed minimum lot sizes and dimensions shall be identified.
    - o. For nonresidential PUDs, the following shall be delineated on the plan:
      1. Proposed locations of access driveways and parking areas.
      2. Proposed footprints, floor area total, and height of proposed buildings.
    - p. For PUDs which are intended to be developed in phases, the area and uses included in each phase shall be delineated.
    - q. Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the riparian area protection standards contained in section 78-25.
  - (3) For residential PUDs, the applicant shall submit an alternative plan which demonstrates the manner in which the subject property could reasonably and realistically be developed, in conformance with all applicable standards of the zoning district of the subject property at the time of submittal of the PUD application.
  - (4) For any proposed PUD which exceeds the following minimum size thresholds, or which is expected to generate 500 or more vehicle trips per day, or when the planning commission determines that such an analysis is necessary to adequately assess the impact of the proposed PUD on traffic safety and roadway operations, a traffic impact assessment must be submitted. A traffic impact assessment shall be submitted when the following threshold levels are exceeded:

Residential Use:	40 dwelling units
Commercial/Retail Use:	20,000 square feet of gross floor area.
Office Use:	20,000 square feet of gross floor area.
Industrial Use:	100,000 square feet of gross floor area.

The traffic impact assessment must contain the following information:

- a. Description of existing daily and peak hour traffic volumes on adjacent streets.

- b. Projected vehicle trip generation for the proposed uses in the PUD, for morning and afternoon peak hours, as well as average daily traffic.
  - c. Distribution of projected traffic generated by the PUD onto the adjacent street network.
  - d. Analysis of the impact of projected traffic on the capacity and level of service at all roadway sections and intersections where 20 percent or more of the projected traffic is comprised of traffic generated by the proposed PUD.
  - e. Analysis of mitigation measures needed, if any, to serve projected traffic volumes.
- (5) A small-scale sketch of the vicinity of the subject property, locating the property in relation to adjacent properties, structures, streets and uses within 500 feet of the PUD.
- (6) A narrative statement describing the overall objectives of the PUD, and the specific requirements of the otherwise applicable underlying zoning district which are requested to be varied in the PUD plan.
- (7) Payment of a preliminary PUD approval application fee and escrow amount as specified in section 78-65 and established by resolution of the township board. The application shall not be accepted unless the required fee and escrow amount are paid in full.
- (c) *Review by planning commission; standards for approval; conditions of approval.*
- (1) Upon receipt of a completed application for preliminary PUD approval and a request for rezoning to the appropriate PUD zoning district, the planning commission shall schedule a public hearing on the plan and request for PUD rezoning. Notice of the public hearing shall be provided as required by section 16c(5) of the Zoning Enabling Act.
- (2) At the public hearing, the planning commission shall review the preliminary development plan and the accompanying application materials (along with any additional documentation or analysis the commission may request the applicant to provide as necessary to assist in its review), and shall consider whether the PUD as proposed meets all of the following standards:
- a. The PUD conforms with the policies, goals, guidelines and recommendations contained in the master plan concerning land use, density, vehicular access and circulation, pedestrian circulation, building placement, character and design, landscaping, signage and amenities.
  - b. The PUD is consistent with and promotes the intent of this article and this chapter.
  - c. If the PUD contains more than one type of use, the uses are arranged in a manner, and buffers are provided as necessary and appropriate, so as to prevent adverse impacts of one use upon another, and so as to create a logical relationship of one use to another.
  - d. The PUD is compatible with surrounding uses of land and the character of the surrounding area. The design and placement of buildings and other structures, parking, lighting, signs, refuse storage, landscaping and other elements of the proposed PUD ensures compatibility with surrounding properties and properties within the PUD, and ensures that the development, when viewed from public rights-of-way, contributes to the desired character of the surrounding area.
  - e. The PUD is designed to have minimal adverse effect on the environment and to preserve and maintain to the maximum extent feasible the quality of surface and groundwater resources and the natural topography, vegetation and other natural features of the site.
  - f. The PUD will not place demands on public services and facilities in excess of their capacity.
  - g. Any approved community water or sewer facilities which are not connected to a public system at the time of construction shall be designed as a complete unit to serve the entire PUD project, with provision for connection to a public system if and when a public system is provided at a future date.
  - h. Safe and efficient ingress and egress has been provided to the property, especially with regard to pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency. The amount and type of traffic generated by the PUD shall not exceed the capacity of existing and proposed streets. Curbs, gutters and sidewalks may be required if it is determined that such improvements are necessary for reasons of public safety.
  - i. The PUD shall be designed so that the additional traffic generated by the PUD will not create a substantial detrimental effect on neighboring properties or on the health, safety and welfare of township residents, including the residents of the proposed PUD.
  - j. The PUD is otherwise consistent with the public health, safety and welfare of the township.
  - k. Except to the extent that conformance with the standards of this chapter is explicitly waived in the proposed PUD as permitted in this article, the PUD shall conform with all other applicable standards and requirements of this chapter.
- (3) Reasonable conditions may be imposed by the planning commission in conjunction with its recommendation of preliminary PUD approval for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, and shall be necessary to meet the intent and purpose of this article, and be related to the objective of ensuring compliance with the standards of this article.
- (4) At the public hearing, or within a reasonable time following the public hearing, the planning commission shall take the following actions:

- a. The planning commission shall recommend to the township board that the request for preliminary PUD approval as proposed by the preliminary development plan and accompanying application materials, be approved, approved with conditions, or denied, provided that the planning commission may recommend approval of the request only if the PUD as proposed meets all of the standards as provided in this section. The planning commission shall prepare a written report stating its conclusions on the request for approval, the basis for its recommendations, and any conditions imposed in connection with a recommendation to approve the request.
  - b. The planning commission shall also make a written recommendation to the township board on the request for PUD rezoning.
  - c. The planning commission shall provide the applicant with a copy of the commission's report and recommendation regarding the request for PUD approval and rezoning.
- (d) *Review and approval of application and preliminary development plan and request for PUD rezoning by township board; effect of approval.*
- (1) The township board shall be provided with a copy of the planning commission's report and recommendation of approval, approval with conditions, or denial of the request for preliminary PUD approval, along with a summary of comments received at the planning commission's public hearing, minutes of all proceedings, and all maps and documents related to the PUD application. The township board shall also be provided with the planning commission's recommendation on the request for PUD rezoning.
  - (2) After receipt and review of the planning commission reports, recommendations and materials as specified in this section, the township board shall take the following actions:
    - a. The township board shall approve, approve with conditions, or deny the request for preliminary PUD approval as proposed by the preliminary development plan and accompanying application materials, provided that the request may be approved only if the PUD as proposed meets all of the standards as provided in this section. Prior to making a decision regarding the preliminary PUD, the township board may refer the matter to the planning commission for further review. Conditions may be imposed on preliminary PUD approval as provided in this section. The township board shall prepare a written report stating its conclusions on the request for approval, the basis for its decision, and any conditions relating to an affirmative decision.
    - b. The township board shall approve or deny the request for PUD rezoning, or refer the request again to the planning commission for further review. If the township board considers it necessary, it may hold additional public hearings to consider the rezoning request. Notice for the public hearing, if held, shall be provided as required by section 16(c)(5) of the Zoning Enabling Act.
  - (3) Approval by the township board of both the request for preliminary PUD approval and the request for PUD rezoning shall confer upon the applicant for a period of one year the right to submit a final development plan for the PUD (or for any phase of the PUD, as identified on the preliminary development plan) for review and approval by the planning commission.
    - a. If a final development plan is not submitted within the one year period, the preliminary development plan approval shall lapse. However, the planning commission may extend the time for submission of the final development plan if the applicant requests an extension prior to the expiration of the initial period.
    - b. If the PUD is proposed for construction in phases, a final development plan for at least the first phase of the PUD shall be submitted within the time limitations contained in this section. Final development plans for subsequent phases shall be submitted within any time period established by the township as a condition of approval of the preliminary development plan.
    - c. If a preliminary development plan lapses due to failure of the applicant to submit a final development plan within the time limitations contained in this section, a new preliminary development plan must be submitted for review by the planning commission in accordance with the then existing provisions of this article.
    - d. The lapse of preliminary development plan approval as provided by this section shall not affect the PUD rezoning. The PUD rezoning shall remain unchanged until again rezoned to a different zoning district in accordance with applicable rezoning procedures under this article and the Zoning Enabling Act.

(Ord. No. O-062695-1, § 17, 6-26-1995; Ord. No. O-012599-1, § 3, 1-25-1999; Ord. No. O-072699-1, § 3, 7-26-1999; Ord. No. O-061305-2, § 16, 6-13-2005; Ord. No. O-081417-1, § 2, 8-14-2017)

Sec. 78-459. - Final approval.

- (a) *Submission of PUD application and final development plan.*
  - (1) An application for final PUD approval requires submission of a final development plan consisting of the maps and accompanying written materials as provided by this section. Ten copies of the completed plan and application materials must be submitted to the zoning administrator, for transmittal to the planning commission, not less than 14 days prior to the planning commission meeting at which the request will first be considered.
  - (2) Application for final PUD approval may be requested for an entire PUD, or for one or more sequential phases of the PUD if the phases conform to the provisions for phased development contained in the preliminary development plan approval.

- (b) *Application requirements for final PUD approval.* An application for final PUD approval shall include all of the materials and information required to be submitted for preliminary PUD approval under section 78-458 and this section, and shall also include the following materials and information:
- (1) A completed application form as supplied by the township. The application form must be signed by the applicant, and by all of the owners of the land to be included within the PUD, if different than the applicant.
  - (2) A final development plan containing all of the information required by this article for the preliminary development plan, and in addition thereto, all of the following information as applicable to the PUD under consideration:
    - a. Proposed site elevation contours at no greater than two-foot intervals, superimposed over existing site elevation contours at no greater than two-foot intervals.
    - b. Proposed landscaping, including location, quantity, size and species of all plant materials to be installed, proposed ground cover, identification of areas to be covered by underground irrigation systems, and identification of significant existing plant materials to be removed or retained on the site.
    - c. Layout and dimensions of all existing and proposed driveways, sidewalks, curb openings and parking areas. Parking areas shall include layout of proposed parking spaces and aisles, with typical dimensions, total number of spaces; and the method by which required number of spaces was calculated shall be noted.
    - d. Existing and proposed lot lines, with bearings and dimensions.
    - e. Size and location of existing and proposed water and sewer lines, hydrants, natural gas, electric, telephone, cable television and any other proposed utility lines.
    - f. Location, height and design of proposed fencing or walls.
    - g. Location, height and style of proposed exterior lighting.
    - h. Location, height, size and method of illumination of proposed signage.
  - (3) Typical elevation sketches, with identification of facade materials, of all sides of each principal building type included in the PUD, drawn at a scale of one inch equals eight feet.
  - (4) A drainage plan, prepared and sealed by a licensed professional engineer, identifying measures to be used for control and disposal of stormwater runoff from the PUD site. Stormwater runoff control facilities shall be provided to ensure that the peak runoff rate from the PUD site does not exceed predevelopment levels, and shall be designed in accordance with design criteria adopted by the county drain commissioner. The drainage plan shall identify sizes and dimensions of all drainage structures, and the method, assumptions and calculations used in the design of drainage facilities shall be provided.
  - (5) Summary data schedules containing the following:
    - a. Total gross site area.
    - b. Area of existing or proposed rights-of-way.
    - c. Area and percentage of total open space.
    - d. For residential development, number, sizes and bedroom mix of proposed dwelling units.
    - e. For nonresidential development, total floor area for each category of use, area and percentage of site covered by buildings and area and percentage of site covered by pavement.
  - (6) Payment of a final PUD approval application fee and escrow amount as specified in section 78-65 and established by resolution of the township board. The application shall not be accepted unless the required fee and escrow amount are paid in full.

The planning commission may waive any of the application requirements provided above (except for the application fee), if the commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this article.

(c) *Review and approval of PUD application and final development plan by planning commission.*

- (1) The planning commission shall review the final development plan and accompanying application materials, and shall approve, approve with conditions or deny the request for final PUD approval.
- (2) The request for final PUD approval may be approved only if:
  - a. The PUD as proposed meets all of the standards as provided by section 78-458; and
  - b. The final development plan is consistent in all significant respects with the preliminary development plan as approved by the township board, including any conditions imposed by the board on the preliminary PUD approval. Specifically, changes in any of the following features of the PUD shall require submittal of a revised preliminary development plan for review by the planning commission and the township board as provided by this article:
    1. Addition of uses different from those included in the preliminary plan.



2. For nonresidential development, any increase greater than five percent in the total square footage of all buildings, or any increase in the height or number of buildings.
  3. For residential development, any increase in number of dwelling units above the maximum number authorized in the preliminary development plan approval.
  4. Any other change deemed by the planning commission to be substantially inconsistent with the previously approved preliminary development plan.
- (3) Conditions may be imposed on final PUD approval in the same manner as provided by section 78-458.
- (4) Performance guarantees to assure compliance with an approved final development plan and conditions of final PUD approval may be required by the planning commission as authorized under section 16f of the Zoning Enabling Act. The performance guarantee may consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond, in a form acceptable to the township, covering the estimated costs of improvements associated with the PUD. The performance guarantee shall be deposited with the township clerk at the time of issuance of the permit authorizing the improvement activity or project. If requested by the depositor, the township shall rebate a proportional share of any cash deposit, based on the percentage of work completed on the date of the request for the rebate, as attested to by the depositor and verified by the building inspector.
- (5) The planning commission shall prepare a written report stating its conclusions on the request for approval, the basis for its decision, and any conditions relating to an affirmative decision.

(Ord. No. O-062695-1, § 17(16.06), 6-26-1995; Ord. No. O-041403-1, § 10, 4-24-2003)

Sec. 78-460. - Reserved.

#### ARTICLE XX. - P-1A PLANNED DEVELOPMENT-NATURAL RESOURCES DISTRICT

Sec. 78-461. - Description and purpose.

The P-1A planned development-natural resources district was established by Ordinance No. 1010661 on February 13, 1967, and continued in effect pursuant to the provisions of Section 26.03 of the Ada Township Zoning Ordinance [section 78-31], as adopted April 26, 1982. The purpose of this zone is to provide for the orderly extraction of natural resources, in accordance with the Application and Development Plan dated December 14, 1966 (the "development plan"), submitted in connection with adoption of Ordinance No. 1010661, to provide for temporary uses which are accessory to active mineral removal operations, and to provide for the development of agricultural or residential uses following the decline or completion of mineral removal activities.

(Ord. No. O-033199-1, § 1, 3-31-1999)

Sec. 78-462. - Use regulations.

In this district, buildings, structures, or parts thereof, shall be erected, altered or moved upon any parcel of land, and lands shall be used, for only the following uses:

- (1) The mining, removal, extraction, excavation for, and transportation of sand, gravel, sand and gravel aggregates, dirt, soil and other similar materials, including the operation of equipment necessary for the removal of such materials and temporary stockpiling of materials which have been removed from the lands on which they are stored.
- (2) Within any area designated as a marshalling center on the development plan, the separation or screening of materials, office buildings, scale houses, and facilities and buildings for parking, maintenance and storage of equipment and supplies, if, and only for so long as, such uses are accessory to mineral removal operations taking place upon the lands on which they are located or upon other lands within the P-1A district under the control of the party conducting the accessory use. (By way of example, such control may consist of ownership or lease of lands, contract for removal of minerals, contract for purchase of minerals from lands in the P-1A district, or similar means.) All structures and stored materials and equipment shall be removed from the site within four months of the discontinuance of removal or extraction of natural resources from the lands to which the use is accessory.
- (3) Temporary processing activities not listed in subsection (2) of this section, including the crushing of gravel or stone, the mixing of sand and gravel aggregates, and the manufacturing of asphalt and concrete, but only if approved by the planning commission as a special land use in accordance with article XXI of this chapter, and, in addition, in compliance with the following standards:
  - a. The special land use shall be located within an area designated as a marshalling center on the development plan.
  - b. At all times while the special land use is in operation, at least 90 percent, by weight, of the sand, gravel aggregates and other raw

materials used in the process in any consecutive 12-month period shall have originated from the land on which the use is located, or from other lands within the P-1A zoning district which are under the control of the owner of the use or activity. (By way of example, such control may consist of ownership or lease of lands, contract for removal of minerals, contract for purchase of minerals from lands in the P-1A district, or similar means.) The planning commission may, as a condition of approval, permit a lesser percentage of sand, gravel aggregates and other raw materials to originate from the land or from other land within the P-1A zoning district under the control of the owner of the use, if determined to be consistent with the objective of ensuring that such use or activity is accessory to active mineral removal operations in the district.

- c. Equipment used for the processing of materials which emits noise louder than 80 decibels, measured at a distance of 50 feet from such equipment when operating, shall not be located closer than one-quarter mile from the nearest occupied dwelling, unless the planning commission authorizes the placement and use of such equipment at a location closer thereto.
  - d. All roads, trails or other areas used by vehicles in connection with transportation to or from the special land use shall have gates at specified locations, and any dust arising therefrom shall be controlled by such measures as may be required by the planning commission as part of written conditions included in any special land use. In determining dust control measures, the planning commission shall consider the length, location, soil composition and area of any road, trails or other land proposed to be used for the movement of vehicles.
  - e. All facilities shall comply with the requirements of section 78-463(a)–(g).
  - f. All structures and stored materials and equipment shall be removed from the site within four months of the discontinuance of removal or extraction of natural resources from the lands to which the use is accessory.
  - g. The planning commission may impose reasonable conditions which promote the public health, safety and welfare, and which are necessary or convenient toward achieving the objective of ensuring that any special use approved hereunder is accessory in nature to substantial, ongoing mineral removal activities in the district.
- (4) Those uses permitted by right and by special land use, if so approved, in the R-R rural residential district as provided by article VII of this chapter. Any use permitted under this subsection (4) shall comply with the applicable use, height and area regulations for such use provided by article VII of this chapter, and if such use so complies it shall not be subject to section 78-463.

(Ord. No. O-033199-1, § 1, 3-31-1999)

Sec. 78-463. - General conditions.

- (a) The erection or construction of any structure in this district which is indicated on the development plan shall be subject to the prior issuance of a township building permit for such building.
- (b) No land shall be used nor a building permit issued for any use in this zone which is not indicated on the development plan.
- (c) There shall be a minimum front yard of 75 feet.
- (d) There shall be a minimum rear yard of 75 feet.
- (e) There shall be a minimum side yard of 50 feet except where this district abuts a residential district or a street, in which case, the minimum side yard shall be 100 feet.
- (f) Adequate off-street parking shall be provided.
- (g) All mineral excavation and removal activities and equipment shall comply with the applicable regulations of the air pollution control section of the state department of public health, or its successor.
- (h) Within that part of this zone described as a 40-acre parcel, more or less, being the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section 21, town 7 north, range 10 west, Ada Township, Kent County, Michigan, any mineral removal uses permitted in this district pursuant to section 78-462(1) may occur for a period of five years only, beginning on the date that any of such uses first commences.
- (i) Lands within this district shall be graded in accordance with the proposed final contour map of the development plan within two years after the natural resources have been removed or operations for the removal of such natural resources have ceased, whichever event first occurs.
- (j) Natural buffers, as indicated on the site plan of the development plan, shall be maintained and preserved.
- (k) All mineral removal activities now or hereafter occurring within the zone shall comply with the following operational standards:
  - (1) Equipment used for the processing of materials which emit noise louder than 80 decibels, measured at a distance of 50 feet from such equipment when operating, shall not be operated closer than one-quarter mile from the nearest occupied dwelling.
  - (2) Appropriate measures shall be instituted to control dust arising from mineral removal activities from areas which have been excavated, and from roads, trails, or other areas used by vehicles in connection with removal or transportation of materials.
  - (3) During activities and operations for the removal of mineral material, no such material or other excavated material shall be left during

weekends or overnight in such condition or manner as to constitute a danger to those who may enter the removal area. All banks of excavated material shall be temporarily graded to slopes having a vertical to horizontal ratio of not greater than one foot of elevation for each two feet of horizontal distance, after the cessation of daily operations; unless the applicant provides a substantially constructed and maintained wire fence, or fence of other substantial material, of at least four feet in height, and so located that any slope steeper than one foot of elevation for each two feet of horizontal distance cannot inadvertently be approached by persons who may enter the removal area.

(Ord. No. O-033199-1, § 1, 3-31-1999)

Sec. 78-464. - Other development standards.

Other standards applicable to all development in this district shall include, but are not necessarily limited to, the following:

- a. General provisions contained in article I.
- b. Landscaping requirements and standards contained in article XXV.
- c. Sign regulations contained in article XXVI.
- d. Off-street parking and loading regulations contained in article XXVII.
- e. Public street access and private road and driveway standards contained in article XXVIII.

(Ord. No. O-061305-2, § 15, 6-13-2005)

Secs. 78-465—78-470. - Reserved.

#### ARTICLE XX-A. - PLANNED VILLAGE MIXED-USE OVERLAY (PVM) DISTRICT

##### *Footnotes:*

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**Editor's note—** Ord. No. O-01-10-11-1, § 1, adopted Jan. 18, 2011, added §§ 78-464 through 78-379. Inasmuch as § 78-464 already existed and to enable growth in art. XX, at the editor's discretion and with the approval of the city, the new provisions have been renumbered as herein set out.

Sec. 78-471. - Purpose.

The Planned Village Mixed-Use Overlay (PVM) district provides development standards and review and approval procedures to encourage development and redevelopment within the Ada Village area that implements the urban form and design principles contained in the Ada Village Design Charrette, Final Report, January, 2007, which has been adopted by reference as a component of the Ada Township Master Plan. The design principles which this district is intended to advance include the following:

- (1) The Ada Village area should have an interconnected street network that disperses traffic among multiple route choices and a network of sidewalks and nonmotorized trails that provides for safe and convenient nonmotorized travel within the village.
- (2) Development and redevelopment within the Ada Village area should provide high-quality public spaces, with all building facades having windows and doors facing tree-lined streets, plazas, squares, and neighborhood parks.
- (3) Development and redevelopment within the Ada Village area should result in compact development, thereby creating a walkable environment and conserving land and energy through reduced automobile usage.
- (4) The Ada Village area should be characterized by a variety of building types, land uses and open spaces providing for people of all ages and every form of mobility.
- (5) Standards and procedures for development and redevelopment in the Ada Village area should enable the village area to be a resilient and sustainable neighborhood, with a mix of land uses that is adaptable over time to changing economic conditions.

The Planned Village Mixed-Use Overlay district applies to properties within the area designated on the "Ada Village Regulating Plan," attached to and part of this article. The standards and procedures provided by this district may be elected to be applied to lands within the district, at the discretion of the property owner and/or applicant for development plan approval.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

Sec. 78-472. - Transect zones and lot types, generally.

- (a) The Ada Village Regulating Plan, which is attached to and part of this article, establishes the following transect zones: Village Core, Village Center, Village Proper 1, Village Proper 2 and Village Edge. In each transect zone, specific lot types are permitted, as provided in section 78-474. The lot

type designations govern the placement and intensity of buildings and allowable uses of land within each transect zone.

- (b) An application for development plan approval within the PVM district must clearly identify the proposed assignment of lots within the entire development site. The allocation of multiple lot types will produce desirable variations within each site including a mix of land uses and lot types. The assignment of lot types should ensure compatibility with surrounding neighborhoods and implement other provisions of the Ada Township Master Plan. Assignment of lot types within each transect zone shall be carried out in accordance with the following standards:
- (1) Lot and building types of similar intensities should face across streets. Changes in lot types should occur along rear alleys or lanes.
  - (2) Mixed-use centers should vary in character internally and should include multiple lot types.
  - (3) The highest intensities should be located in occasional nodes along or near arterial streets. Medium intensities may be along or near arterial or collector streets. Lower intensities should adjoin neighborhoods of similar intensity or natural areas.
  - (4) Where new development will abut an existing or approved neighborhood, the new development should establish similar or compatible transect conditions. Transect conditions that are more intense than an abutting neighborhood may be approved by the planning commission where warranted by natural conditions or where establishment of similar or compatible transect conditions is determined to be inappropriate.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

#### Sec. 78-473. - Lot types defined.

The lot types permitted in the PVM district are described as follows:

*Village blockfront lot.* A lot located and designed to accommodate offices or multiple dwellings on upper stories and various commercial uses on the ground story. A village blockfront or main street building is often a mixed-use building up to three stories in height. Ground floors often contain retail uses, a lobby for access to the upper floors, with commercial, office or residential uses on upper floors. The facade on a village blockfront lot building is often "transparent" with ample window space on the ground and upper floors to allow "eyes on the street." These buildings are constructed with little or no side yard and minimal front yard setbacks, thus creating a continuous street wall. A village blockfront lot is often not large enough to accommodate on-site parking and often requires shared parking. Short term parking is available on the street.

*Rowhouse lot.* A lot located and designed to accommodate a residential building with common walls on both side lot lines and a private garden to the rear.

*Apartment house lot.* A lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other.

*Duplex lot.* A lot located and designed to accommodate a detached building with small side yards and a large front yard and containing two dwellings.

*Village shop lot.* The village shop, which houses commercial uses, resembles a residential building. Village shop lot and buildings are developed on compact, walkable blocks that may or may not have an alley system for access. Village shops are one or two stories in height. Vertically oriented windows provide transparency on the upper stories. The village shop is slightly set back from the sidewalk. Parking is located in the rear and can be accessed from an alley or a front drive. Shared parking exists and is centrally located to serve long term parking needs. Short term parking is available on the street.

*Village house lot.* The village house lot and building are developed in compact and walkable blocks with the narrowest residential lots permitted. These lots and buildings contain single-family units. The village house building can be up to three stories if the third story is located within the roof structure. The base of the building is slightly elevated above grade. The raised building allows residents some privacy, while still allowing a clear view of activities on the street. The buildings are also slightly set back from the property line and street. These buildings often have a pitched roof or a pitched roof with dormers. Parking is located in the rear of the lot. Private garages and accessory dwelling units are located so they cannot be visible from the street. Access is from an alley or a shared driveway from the street. On-street parking can serve as visitor parking.

*Civic building lot:* A lot located and designed to accommodate or which has accommodated a building which contains or has contained public or civic uses such as community services, education, government, places of worship, or social services. A civic building is or was originally designed for a specific civic function. Civic buildings should be sited in locations of particular importance, such as anchoring a major public space or terminating a vista.

*Civic space lot.* A lot located and designed to accommodate a civic space, which depending on its transect zone may be a green, square, plaza, neighborhood park, playground, community garden, above-ground stormwater management area, or natural area worthy of preservation.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

#### Sec. 78-474. - Permitted lot types by transect zone.

Specific lot types are allowed within the corresponding Transect Zones as identified by the letter "X" in table XX-A.1.

Table XX-A.1—Lot Types Permitted by Village Transect Zone

Lot Type		Transect Zones				
		Village Core	Village Center	Village Proper 1	Village Proper 2	Village Edge
Village Blockfront	(VBL)	X	X			
Village Shop	(VS)	X	X			
Rowhouse	(RH)		X	X		X
Apartment House	(AH)		X	X		
Duplex	(DL)		X	X		X
Village House	(VH)		X	X	X	X
Civic Building	(CVB)	X	X	X	X	
Civic Space	(CVS)	X	X	X	X	X

(Ord. No. O-01-10-11-1, § 1, 1-18-2011; Ord. No. O-021317-1, § 2, 2-13-2017)

Sec. 78-475. - Placement of buildings on each lot type.

The various lot types and proper building placement for each lot type are illustrated on the following pages. Some of the dimensional requirements found in table XX-A.2 are shown on each diagram (refer to table XX-A.2 for complete details). Character examples are provided for each lot type for illustrative purposes only; the dimensions in table XX-A.2 control for regulatory purposes.

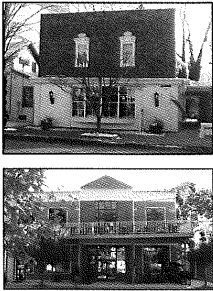
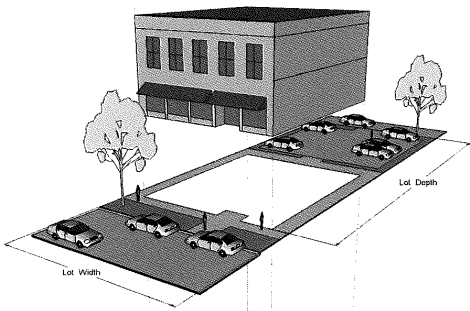
(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

Sec. 78-476. - Lot dimensions; building form and placement.

- (a) *Dimensions for each lot type.* Table XX-A.2 provides dimensional requirements that apply to all lots of each designated lot type. These requirements supersede any contradictory requirements in the Ada Village codes.
- (b) *Primary entrances.* The primary entrance of every building must directly face a street or a civic space.
- (c) *Frontage percentages.* Frontage percentage is the percentage of the width of a lot that is required to be occupied by its building's primary facade. Table XX-A.2 provides minimum and maximum frontage percentages for each lot type, subject to the following additional provisions:
  - (1) Up to 50 percent of the width of the primary facade may be counted as meeting the frontage percentage requirement even though it may be set back up to 10 feet further from the street than the primary facade's principal plane.

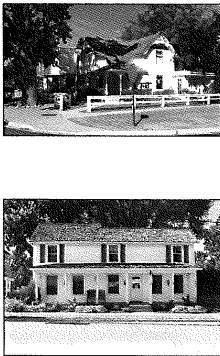
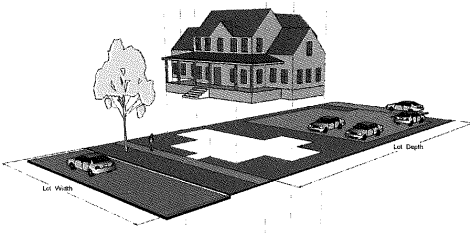
Village Blockfront Lot (VBL)

Character Examples



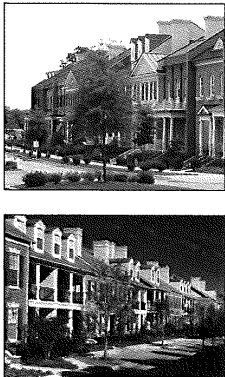
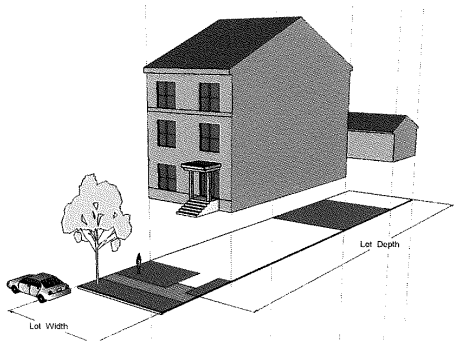
Village Shop Lot (VS)

Character Examples



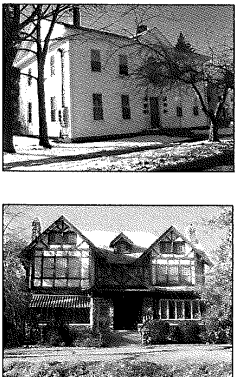
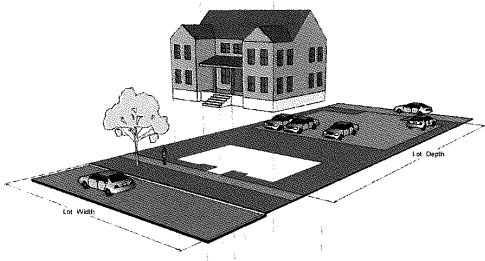
Rowhouse Lot (R)

Character Examples

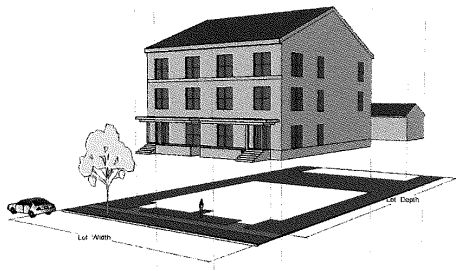


Apartment House Lot

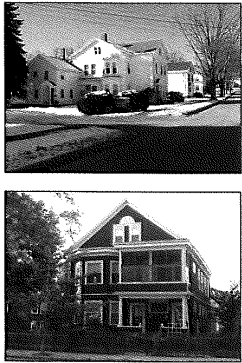
Character Examples



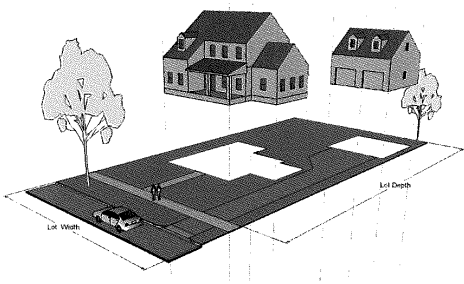
Duplex Lot



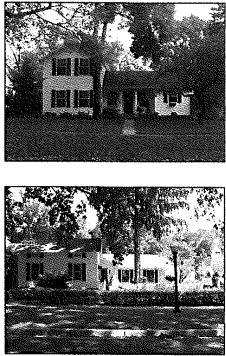
Character Examples



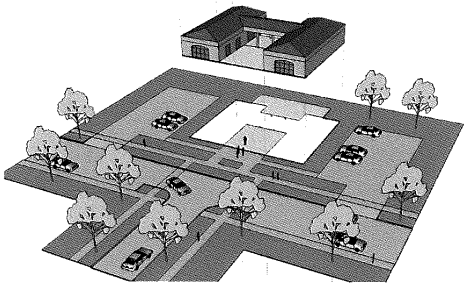
Village House Lot (VH)



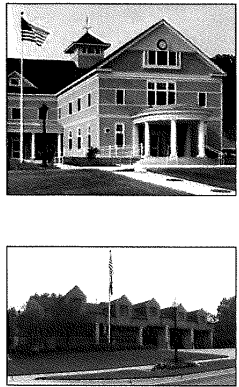
Character Examples



Civic Building Lot



Character Examples



- (2) The location of the primary facade's principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are set back further from the street.
- (3) The width of a porte cochere may be counted as part of the primary facade.
- (d) *Forecourts*. For village blockfront lots, a portion of the building's primary facade may be set back up to 20 feet further from the street than the primary facade's principal plane if this space is constructed as a forecourt or pedestrian entryway that is open to the sidewalk. This recessed portion may be up to 25 percent of the total width of the primary facade and may not be used by vehicles.

Table XX-A.2—Dimensional Standards for Lot Types

Lot Type	Lot Area (Sq. Ft.) (Min./Max.)	Lot Width (Ft.) (Min./Max.)	Frontage % (Min./Max.)	Maximum Lot Coverage	Yards (Ft.)			Height (Min./Max.) in Stories		ADU (Max. Building Footprint Sq. Ft.)
					Street	Min. Side	Min. Rear	Village Core &	Village Proper &	

					Village Core & Village Center (Min./Max.)	Village Proper & Village Edge (Min./Max.)			Village Center	Village Edge	
Village Blockfront	5,000/25,000	No Min./250	90%/100%	90%	0/10	NP	0	0	2/3	NP	NP
Village Shop	4,000/8,400	40/70	60%/80%	50%	10/25	NP	5	10	2/3	NP	800
Rowhouse (Village Center, Village Proper 1 and Village Edge only)	1,800/3,840	16/32	90%/100%	80%	0/10	0/10	0	15	2/3	2/3	625
Apartment House (Village Center and Village Proper 1 only)	4,800/18,000	48/128	70%/90%	80%	10/25	2/3	5	15	2/3	2/3	NP
Duplex (Village Center, Village Proper 1 and Village Edge only)	5,000/10,800	35/90	60%/90%	80%	10/25	10/25	5	10	2/3	1/3	625
Village House (Village Center, Village Proper 1 & 2 and Village Edge only)	4,000/8,400	45/70	60%/80%	50%	10/25	10/25	5	10	1/3	1/3	800



Civic Building (Village Core, Village Center and Village Proper 1 only)	None	None	None	100%	None	None	0	10	1/4	1/4	1,250
Civic Space	None	None	NA	NA	NA	NA	NA	NA	NA	NA	NP

(e) *Front porches.* Front porches may extend up to ten feet into street yards provided they are at least eight feet deep. Partial walls, screened areas, and railings on porches that extend into the street yard may be no higher than 42 inches. Porches must remain set back at least the following distances from a public right-of-way:

- (1) In the Village Core and Center transect zones, zero feet.
- (2) In the Village Proper 1 and 2 transect zones, two feet.
- (3) In the Edge transect zone, five feet.

(f) *Stoops.* Stoops may extend into street yards in the Village Core and Village Center transect zones, provided their upper platform is no higher than 60 inches above the sidewalk. Partial walls and railings on stoops that extend into the front yard may be no higher than 42 inches.

(g) *Windows on primary facades.* Primary facades on all village blockfront lots must have between 15 percent and 75 percent of the primary facade of each story in transparent windows, in compliance with the transparency standards contained in [section 78-479](#). In addition, retail stores must comply with the following:

- (1) The ground story's primary facade must have transparent storefront windows covering no less than 75 percent of its principal plane in order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces.
- (2) Storefronts must remain unshuttered at night to provide views of display spaces and are encouraged to remain lit from within until 10:00 p.m. to provide security to pedestrians.
- (3) Doors allowing public access to streets must be provided at intervals no greater than 75 feet to maximize street activity, to provide pedestrians with frequent opportunities to enter buildings, and to minimize any expanses of inactive wall.

(h) *Story heights.* The ground story of village blockfront lot buildings must be from 11 feet to 14 feet tall. Each story above the ground story in commercial buildings must be from eight feet to 12 feet tall; any upper story taller than 12 feet will count as two stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.

(i) *Residential floor heights.* Residential buildings must have their first habitable floor raised at least two and one-half feet above the adjacent sidewalk. If the first floor is more than five feet above the adjacent sidewalk, the space below the first floor counts as the ground (first) story.

(j) *Accessory dwelling units.* Each rowhouse, duplex and village house is permitted one accessory dwelling unit in addition to its principal building. Accessory dwelling units must maintain the same side yards as required for the principal building.

(k) *Front or side driveways.* Rear lanes are desirable but not required in the Village Core and Village Center zones; if a rear lane is not provided, a front or side driveway is permitted to village house lots only, with the following restrictions:

- (1) Detached garages must always be located in the rear of the lot. All walls of attached garages must be at least 20 feet behind the principal plane of the house's primary facade.
- (2) Garage doors should face the side or the rear of the lot rather than the front. Where space does not permit a side- or rear-facing garage door, front-facing garage doors may be provided but each door may not exceed ten feet in width.
- (3) Driveways may not exceed ten feet in width except within 30 feet of the garage entrance.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011; Ord. No. O-041315-1, § 1, 4-13-2015; Ord. No. O-021317-1, § 3, 2-13-2017; Ord. No. O-111119-1, § 1, 11-11-2019)

(a) *Permitted uses.* Table XX-A.3 identifies the permitted and limited uses for each lot type.

(b) *Accessory uses.* Accessory uses and structures not listed in table XX-A.3, including detached garages are regulated in the same manner as the Ada Township zoning regulations would otherwise provide for each permitted use.

Table XX-A.3—Permitted Uses by Lot Type

Lot Type	Uses								Entire Zoning Districts	
	Single-Family Detached	Two-Family Dwelling	Multiple-Family Dwelling	Upper Story/Attached Residential	Live Work Unit	Civic and Public Use	Neighborhood Commercial	Office and Institutional	Village Business District	Commercial Business District
Village Blockfront Lot	-	-	-	P	-	P			S	S
Village Shop Lot	P	-	-	P	P	-	P	P	S	S
Rowhouse Lot	-	-	P	P	-	-	-	-	-	-
Apartment House Lot	-	P	P	P	-	-	-	-	-	-
Duplex Lot	-	P	-	-	-	-	-	-	-	-
Village House Lot	P	-	-	-	SU	-	-	-	-	-
Civic Building Lot	-	-	SU	SU	SU	P	-	SU	-	-
Civic Space Lot	-	-	-	-	-	P	-	-	-	-

Notes:	P	—	Permitted
	-	—	Not Permitted
	SU	—	Special Use
	S	—	Same permitted and special uses as allowable for any parcel in the zoning district listed in the top of the column.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

#### Sec. 78-478. - Off-street parking.

Mixed-use infill developments are located in proximity to on-street parking facilities, in proximity to existing or future public transit, adjacent to an extensive public sidewalk system and within an area having a mix of different but compatible land uses that can share parking spaces. Based on these factors, the following standards pertaining to off-street parking supply apply in the PVM district:

- (1) *Minimum required off-street parking.* The minimum off-street parking requirements shown in Off-Street Parking and Loading Spaces, article XXVII, will be multiplied by the factors in table XX-A.4 to produce modified off-street parking requirements for the PVM district. Off-street parking may be provided on the lot it serves or within 600 feet of the primary entrance of the building it serves; however, off-street parking may not be the principal use of a lot.

Table XX-A.4 Off-Street Parking Standard Reduction Factors in the PVM District

	Transect Zones				
	Core	Center	Village Proper 1	Village Proper 2	Edge
Residential Uses	.40	.40	.60	.70	.80
Public and Civic Uses	.60	.60	.70	.80	.80
Commercial Uses	.40	.40	.60	N/A	N/A

N/A—Not Applicable

(2) *Location of off-street parking.* To the maximum extent practicable, off-street parking spaces must be located within buildings or behind buildings so that buildings can screen parking areas from sidewalks and streets. In no case may parking be located in the street yard in front of a building. Parking lots in side yards may be permitted provided the buildings they serve can meet the lot width and frontage percentage requirements of table XX-A.2 and provided these lots are set back a minimum of 20 feet from lot lines adjoining rights-of-way, excluding alleys.

(3) *Access to off-street parking.*

- i. In the Village Core and Village Center transect zone, rear lanes are the most desirable source of access to off-street parking (see special requirements in section E, 14 where vehicular ingress is from the street). Parking along alleys or lanes may be 90-degree, angle, or parallel.
- ii. Alleys may be incorporated into parking lots as if they were standard parking access aisles. Access to all properties adjacent to the alley must be maintained.
- iii. Cross-access is required between adjoining rear parking lots on any combination of these lot types: village shop lot, village blockfront lot, rowhouse lot and apartment house lots.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

#### Sec. 78-479. - Architectural standards.

(a) *General principles and intent.*

(1) *Tradition.*

- a. These standards favor an aesthetic that is representative of buildings that were constructed in the village between approximately 1860 and 1940. They specify an architecture language of load-bearing walls and regional materials. The standards also specify certain details, such as column and pier spacing, window proportions, roof or cornice configurations, storefronts, and overhangs.
- b. The intent behind these standards is to utilize a discipline of form when designing new buildings in order to foster a coherent aesthetic.
- c. All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

(2) *Equivalent or better.* The materials, techniques, and product types prescribed herein are minimum requirements. Use of equivalent or better practices and products is encouraged. Where substitution of equivalent or better practices or products is proposed, information regarding the proposed substitution shall be included in the application materials submitted for approval.

(3) *Energy efficiency and environmental conservation.* Use of Leadership in Energy and Environmental Design (LEED) standards in new development and redevelopment in the PVM district is encouraged.

(4) *Applicability.* The standards contained in this section shall be applicable to all building facades which either have frontage on or are clearly visible from a public or private street, and on all building facades with frontage on or clearly visible from a public parking lot or a shared-use privately-owned parking lot (principal facades). On other building facades other than principal facades, the standards contained herein shall

be applicable as follows:

- a. On a newly-constructed building, building facades other than the principal facade shall be clad with the same material that is the predominant material on the principal facade.
- b. On additions to existing buildings, building facades other than the principal facade shall use the same exterior material that is the predominant material on the principal facade on a minimum of 20 percent surface area of the facade.

(b) *Building walls (exterior).*

(1) *Intent.* Building walls should express the construction techniques and structural constraints of traditional, long-lasting, building materials.

(2) *Standards.*

- a. The following materials are permitted:
  - Brick and tile masonry;
  - Stucco (cementitious) finish;
  - Native stone (or synthetic equivalent);
  - Precast masonry (for trim and cornice elements only);
  - Glass fiber reinforced concrete (GFRC) (for trim elements only);
  - Metal (for beams, lintels, trim elements and ornamentation only);
  - Split-faced block (only for piers, foundation walls and chimneys, and limited to no greater than 25 percent of any building facade facing a street);
  - Wood lap siding or fiber cement lap siding.
- b. The following configurations and techniques are permitted:
  1. *Walls.*
    - Wall openings shall not span vertically more than one story.
    - Wall openings shall correspond to interior space and shall not span across building structure such as the floor structural and mechanical thickness.
    - Wall materials shall be consistent horizontally (i.e. joints between different materials must be horizontal and continue around corners) except for chimneys and piers.
    - Material changes shall be made within a constructional logic—as where an addition (of a different material) is built onto the original building.
  2. *Wood siding and wood simulation materials.*
    - Lap siding (horizontal) configuration;
    - Board-and-batten siding, with battens spaced at no greater than 16 inches on center.
  3. *Brick, block and stone.*
    - Must be properly detailed and in load-bearing configurations appropriate to the materials being used or simulated.
  4. *Stucco (cementitious finish).*
    - Smooth or sand only, no "cake icing" finish.

(c) *Roofs and parapets.*

(1) *Intent.* Roofs and parapets should demonstrate a common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the PVM District.

(2) *Standards.*

- a. The following materials are permitted:
  - Clay or concrete (faux clay);
  - Tile (flat roman only);
  - Cedar shakes (synthetic of equivalent or better quality permitted);

- Slate (synthetic of equivalent or better quality permitted);
- Metal (standing seam 5-v crimp, equivalent or better);
- Dimensional asphalt shingles;
- Cornices and soffits may be a combination of wood, vinyl, and/or metal.

b. The following configurations and techniques are permitted.

1. *Pitched roofs.*

- Pitch (exclusive of roofs behind parapet walls):
  - Hip and gable roofs shall be symmetrically pitched between 6:12 and 12:12.
  - Shed roofs, attached to the main structure, shall be pitched between 3:12 and 7:12.

2. *Parapet roofs (cornice, entablature, and coping standards).*

- Allowed for village blockfront lots only, where the roof material is not visible from any adjacent street only.

*Cornices and other features.*

- Buildings without visible roof surfaces and overhanging eaves may satisfy the overhang requirement with a cornice projecting horizontally between six and 12 inches beyond the building walls. For buildings three stories or taller, the cornice projection shall increase an additional six to 12 inches per story.
- Skylights and roof vents are permitted only on the roof plane opposite the primary street or rear building line (RBL) or when shielded from street view by the building's parapet wall.
- Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged. However, ornamentation which contributes to the character of the building is encouraged. Consult the administrative review team for appropriate configurations.
- Green roof technologies are encouraged. Vegetative cover should be considered for flat roofs and solar panels should be considered for integration into pitched roof structures.

(d) *Street walls and fences.*

(1) *Intent.* Street walls establish a clear edge to the street where the buildings do not. PVM district requirements include masonry walls that define outdoor spaces and separate the street from the private realm (parking lots, trash cans, gardens, and equipment). All street wall facades shall be as carefully designed as the building facade, with the finished side out, i.e. the "better" side facing the street.

(2) *Standards.*

a. The following materials are permitted:

- Native/regional stone and equivalent imitation stone;
- Metal (wrought iron, welded steel and/or aluminum [black] for gates only);
- Brick;
- Stucco on concrete block (or poured) only with brick or stone coping;
- A combination of materials (e.g. stone piers with brick infill panels).

b. The following configurations and techniques are permitted:

- Street walls along any unbuilt required building line shall be built to a height of six feet above the adjacent ground;
- Stucco street walls shall have a hardy species of climbing vine planted along them;
- Metal work may additionally be treated to imitate a copper patina;
- Copings shall project between one inches and four inches from the face of the wall.

(e) *Windows and doors.*

(1) *Intent.* Window frames shall be divided by multiple panes of glass. This helps the window "hold" the surface of the facade, rather than appealing like a "hole" in the wall (an effect produced by a large single sheet of glass). All windows and doors should be selected with their energy conservation value in mind so as to achieve the highest possible energy savings.

(2) *Standards.*

a. The following materials are permitted:

- Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel;
- Window glass shall be clear, with light transmission at the ground story at least 90 percent and for the upper stories 75 percent (modification as necessary to meet any applicable building code requirements). Specialty windows may utilize stained, opalescent, or glass block (one per facade maximum);
- Window screens shall be black or gray;
- Screen frames shall match window frame material or be dark anodized;
- Door frames shall be of wood, clad wood, or steel.

b. The following configurations and techniques are permitted:

1. The following requirements apply to all windows:

- Windows may be ganged horizontally (maximum five group) if each grouping is separated by a mullion, column, pier or wall section that is at least seven inches wide;
- Windows shall be no closer than 30 inches to building corners (excluding bay windows and where the building corner is also a block corner);
- Exterior shutters, if applied, shall be sized and mounted appropriately for the window (one-half the width), even if inoperable.

2. The following requirements apply to all upper-story windows:

- Windows shall be double-hung, single-hung, awning, or casement windows;
- Fixed windows are permitted only as a component of a system including operable windows within a single wall opening;
- Residential buildings/floors: panes of glass no larger than 36 inches vertical by 30 inches horizontal;
- The maximum pane size for office uses is 48 inches vertical by 40 inches horizontal;
- Egress windows may be installed according to the appropriate building code.

3. Shopfront (ground floor) windows and doors:

- Single panels of glass not larger than six feet in height by four feet wide;
- Ground floor windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space);
- Double-height entryways (those that span more than one story) are not allowed;
- Roll-down security gates and doors are prohibited.

(f) *Lighting and mechanical equipment.*

- (1) *Intent.* Materials and equipment chosen for lighting fixtures should be durable, energy efficient and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

(2) *Standards,*

a. *Lighting.*

- In order to minimize light pollution, light should be directed downward to the immediate area being lighted and away from any living quarters.
- Street lighting: lights shall be located 16 feet above grade with a maximum average spacing (per block face) of 60 feet on center located on the street tree alignment line or within the furniture zone on each side of the street and travel lanes.
- At the front of the building, exterior lights shall be mounted between six feet and 14 feet above adjacent grade
- All lots with alleys shall have lighting fixtures within five feet of the alley right-of-way.

This fixture shall illuminate the alley, shall be between nine and 14 feet in height, and shall be shielded or aimed in such a way that they do not shine into other lots, the street, or direct light out of the PVM district.

- Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting).
- Site lighting shall be of a design and height and shall be located so as to illuminate only the lot. An exterior lighting plan must be approved as consistent with these standards by the township staff.
- No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building whether such lighting is of temporary or longterm duration.
- Lighting for parking garages shall satisfy crime prevention through environmental design (CPTED) principles and guidelines, as established by the International CPTED Association.

b. *Mechanical equipment.*

- The following shall be placed away from any rear building line, shall not be stored or located within any street, and shall be screened from view from the street: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks and similar items.
- Roof-mounted equipment shall be placed away from the rear building line and be screened from view from the street.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

Sec. 78-480. - Development plan application requirements and review and approval procedure.

- (a) *[Planning commission action required.]* Except as otherwise provided by this section, review and approval of a development plan by the planning commission shall be required in accordance with the procedures of this article prior to the issuance of a building permit for the construction, reconstruction, erection or expansion of any building or structure in the PVM zoning district, and prior to the initiation or expansion of any special land use in the PVM district.
- (b) *[Exceptions.]* Unless specifically required by other applicable provisions of this chapter, development plan review and approval by the planning commission in accordance with the procedures of this article shall not be required for certain structures, uses or activities, as follows:
- (1) Construction of or expansion of a single-family dwelling or structures accessory thereto on an existing lot.
  - (2) Expansion of existing nonresidential structures or construction of new non-residential structures if:
    - a. The proposed expansion or new construction will not exceed 500 square feet and is located on a site occupied by one or more existing buildings or structures having a total floor area of less than 5,000 square feet; or
    - b. The proposed expansion or new construction will not exceed 1,000 square feet and is located on a site occupied by one or more existing buildings or structures having a total floor area of 5,000 square feet or greater.
- (c) *[Zoning administrator review.]* Development plans which are not subject to review and approval by the planning commission as provided in this section shall be reviewed by the zoning administrator for compliance with provisions of the PVM district. Notwithstanding this provision, the zoning administrator may refer any development plan to the planning commission for review and approval in accordance with the procedures provided by this article.
- (d) *Submission of PVM application and development plan.* An application for approval of a development plan in the PVM district shall include all of the maps, drawings and accompanying written materials, as follows:
- (1) *[Site regulating plan.]* A site regulating plan, drawn to a common engineering scale as acceptable to the planning and zoning department, containing all of the following information:
    - a. Legal description of the subject site;
    - b. Legal description of proposed lots;
    - c. A vicinity map, of sufficient size, scale and detail to locate the site in relation to the surrounding area;
    - d. Title block with project name, north arrow, scale indicator, date of initial preparation and subsequent revisions, and name and address of preparer;
    - e. Gross acreage of the subject property and net acreage, net of existing rights-of-way;
    - f. Minimum sheet size of 24 inches by 36 inches, at the following scale, based on site acreage:
      - 160 acres or more: 1" = 200'
      - Five acres to 159.9 acres: 1" = 100'

Two acres to 4.99 acres: 1" = 50'

One acre to 1.99 acres: 1" = 30'

Less than one acre: 1" = 20'

- g. Existing property boundaries and dimensions, including right-of-way width;
  - h. Existing and proposed access and utility easements;
  - i. Existing site improvements, including building footprints, driveways, parking areas, walks and other paved areas, above- and below-ground utilities;
  - j. Existing and proposed topographic contours, at a maximum contour interval of two feet;
  - k. Existing water features of the subject property, including river and stream banks, pond edges, and edges of other submerged lands;
  - l. Boundaries of any areas of the site within the 100-year floodplain or a regulatory floodway;
  - m. Wetland areas, including limits of state-regulated wetlands, limits of nonregulated wetlands, and areas of hydric soil types, based on the Kent County soil survey;
  - n. Existing vegetation on the site, including edge of woodland tree canopy, and individual deciduous trees of six-inch caliper or larger and individual evergreen trees of eight-foot height or larger, when not included within an area of solid woodland cover;
  - o. Proposed buildings, including building footprints, dimensions and setbacks;
  - p. Floor plans of proposed buildings;
  - q. Elevation drawings of proposed buildings, drawn to an architectural scale, illustrating the proposed shape, materials, height and appearance of the proposed buildings, from all sides visible from a street or from a residential district;
  - r. Calculations of area and percentage of the site area covered by building footprint and paved areas;
  - s. Proposed lot layout, including lot dimensions, identification of minimum building setback lines or proposed building envelopes; for site condominiums, identify the boundaries, dimensions, area and intended use of general common elements;
  - t. Area and percentage of site proposed to be designated open space;
  - u. The total number of proposed lots, area of each lot, dimensioned width of each lot, minimum lot area and average lot area;
  - v. For multiple-family development, a breakdown of number of units by type, size and number of bedrooms;
  - w. If multiphased development is proposed, identification of the land area and site improvements included in each phase;
  - x. For nonresidential uses, the total proposed floor area, and breakdown of floor area by type of use;
  - y. Layout and dimensions of proposed public and private streets, including rights-of-way, pavement edges, grades, lane configuration, access/decell tapers, bypass lanes; extent and type of curbing; typical cross-section showing surface and sub-base materials and dimensions;
  - z. Location, width, surfacing and typical cross-section of sidewalks or other proposed nonmotorized facilities;
  - aa. Existing and proposed public water, sewer and storm drainage facilities, including pipe routing, manholes, catch basins, valves, fire hydrants; existing and proposed service lines and laterals; existing and proposed utility easements; stormwater retention/detention areas;
  - bb. Stormwater management facilities, designed in accordance with standards contained in the township stormwater ordinance, chapter 30, article V;
  - cc. Landscape plan, in conformance with article XXV of this chapter;
  - dd. Parking area layout, including location and width of driveway accesses, dimensions of a typical parking space; dimensions of driving aisles, delineation of barrier-free spaces, and identification of total spaces provided compared to calculations based on ordinance requirements;
  - ee. Exterior lighting details, including location of all building-mounted or pole-mounted light fixtures, mounting height, type of lamp, wattage of lamp, and manufacturer's fixture specification;
  - ff. Location of ground-mounted mechanical equipment;
  - gg. Location and means of screening of refuse containers;
  - hh. Location, height, size and method of illumination of proposed signage.
- (2) *[Narrative statement.]* A narrative statement shall also be submitted, addressing the following aspects of the proposed development:
- a. Phasing;
  - b. Protection of historic lands and structures;



- c. Building and site design standards;
  - d. Open space standards;
  - e. Off-street parking and loading;
  - f. Landscape, buffers, and screening;
  - g. Circulation plan, including street standards, visibility at intersections and traffic-calming measures;
  - h. Vehicular access control;
  - i. Sidewalks and pedestrian paths.
- (3) *Site illustrative plan.* The application shall also include a nonbinding illustrative plan drawn to the same scale as the proposed site regulating plan. The purpose is to illustrate the likely built results of the site regulating plan by showing buildings on each lot and preliminary designs for streets and civic spaces, if any are proposed, in compliance with all applicable PVM district standards and the proposed site regulating plan.
- (e) *Review and approval procedure.* Following receipt of a complete application for development plan approval in the PVM district, the application and supporting materials shall be scheduled for review by the planning commission at a regular or special meeting. The planning commission shall review the site plan and either approve, deny or conditionally approve the application and development plan, if it determines that the application and development plan conform with all of the following standards:
- (1) The application and all accompanying documentation are consistent with the recommendations of the Ada Village design charrette final report.
  - (2) The application and all accompanying documentation conform to the statement of purpose and design principles for the PVM district contained in Section 78-471.
  - (3) The application and accompanying documentation ensures that all development provided for in the development plan will be consistent with all applicable PVM district standards, including, but not limited to, allowable lot and building types, building height, building placement and orientation, building form, architectural and streetscape standards, parking and exterior lighting.
  - (4) The application and accompanying documentation conforms to all other applicable sections of the zoning regulations, chapter 78 of the Code of Ordinances.
- (f) *Modifications to an approved development plan.*
- (1) Minor modifications to an approved development plan may be approved by the zoning administrator, provided they conform to the approval standards contained in paragraph (c), above, and all conditions that resulted from the original PVM approval process, and subject to the following limitations:
    - a. Minor modifications may not change transect zones, increase allowable building heights, increase overall density, reduce the average block size, or reduce the diversity of lot types shown on the approved PVM site regulating plan, but may substitute similar lot types that are allowed in the designated transect zone.
    - b. Modifications that exceed these limitations shall be subject to review and approval by the planning commission.
- (g) *Duration of approval; extension of approval; expiration of approval.*
- (1) A PVM district development plan approval granted on or after the effective date of the amendment ordinance enacting this subsection 78-480(g) shall be valid for a period of 18 months from the date of approval by the planning commission or zoning administrator, whichever granted the original approval. Plans granted approval prior to the effective date of the amendment ordinance enacting this subsection 78-480(g) shall be valid for a period of 18 months following said effective date.
  - (2) If a building permit has been issued within 18 months from the date of plan approval, the plan approval shall remain valid so long as the building permit remains valid. If no building permit has been issued within 18 months from the date of plan approval, the development plan approval shall be deemed expired and no longer valid.
  - (3) Upon submittal of a written request prior to the date of expiration of the development plan approval, a one-year extension of the approval period may be granted by the planning commission or zoning administrator, whichever granted the original approval. If approved, the extension period shall begin from the date of the original development plan approval.
  - (4) A maximum of two one-year extensions of development plan approval may be granted.
  - (5) In considering whether to approve a request for an extension of development plan approval, the standards contained in subsection 78-480(e) shall govern.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011; Ord. No. O-102218-1, § 1, 10-2-2018)

- (a) *Purpose.* The planning commission, or, in the case of an application for development plan approval that is not subject to planning commission approval, the zoning administrator, may authorize a departure from the strict application of the standards of the PVM district, subject to conformance with the standards contained in this section. The intent of this section is to authorize a departure from the PVM district standards in limited situations where the use of an alternative site or building design feature or combination of design features on a specific site will result in development that complies with the spirit and intent of the PVM district to a greater degree than would be the case without authorization of the departure.
- (b) *Standards for approval.* A departure from the PVM district standards shall not be approved unless it complies with all of the following standards:
- (1) Approval may only be granted for a departure from the following PVM district standards:
    - a. Use of a lot type in a transect zone in which it is not permitted, according to table XX-A.1.
    - b. Departure from the dimensional requirements for lot types contained in table XX-A.2.
    - c. Departure from the architectural standards contained in section 78-479.
  - (2) The proposed alternative is consistent with the purpose and intent of the PVM District.
  - (3) The proposed alternative, in comparison to conformance with the PVM district standards, will not have a detrimental impact on adjacent property or the surrounding neighborhood.
  - (4) The proposed alternative is necessary and appropriate to accommodate a superior design of the proposed development.
  - (5) The proposed departure from PVM district standards is clearly identified as a part of the development plan approval application.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)

Sec. 78-482. - Defined terms.

*Ada village plan.* The plan adopted as part of the Ada Village charrette and included in the Ada Village design charrette, final report, January, 2007.

*Arcade.* A series of piers topped by arches that support a permanent roof over a sidewalk.

*Balcony.* An open portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers.

*Charrette.* A multiday collaborative workshop that involves the public and multiple professional disciplines to create solutions to complex development problems.

*Civic building.* Civic buildings contain or have contained public or civic uses of special significance to residents, employees, or visitors. Civic buildings are used or have been used for the following purposes: community services, day care, education, government, places of worship, or social services.

*Civic space.* Civic spaces are commonly owned open spaces that are strategically placed to serve a specialized community function. An urban civic space is for active use and may be configured as a formal green, square, plaza, park, playground, or community garden. A preserve civic space allows only passive recreational uses and may be a project boundary buffer or above-ground stormwater management area or a natural area worthy of preservation,

*Colonnade.* Similar to an arcade but supported by vertical columns without arches.

*Frontage percentage.* The percentage of the width of a lot that is required to be occupied by its building's primary facade. See section E.

*Intensity.* Intensity of development means the height, bulk, area, density, setback, use, and other similar characteristics of development.

*Live-work building or unit.* A building, or portion thereof, used for units which are each a combination of space used for business purposes and space used as a dwelling, and in which the dwelling space and business space are occupied and used as an integrated working and living environment.

*Maximum extent practicable.* No feasible or practical alternative exists and all possible efforts to comply with the regulation or minimize potential adverse impacts have been undertaken. Economic considerations may be taken into account but cannot be the overriding factor in determining "maximum extent practicable."

*Maximum lot coverage.* A limit on the percentage of total lot area that may be covered by building footprints and paved surfaces.

*Mixed-use center.* A concentration of nonresidential and higher density residential land uses, as defined in the Ada village plan.

*Planting strip.* A grassed strip of land with a row of street trees that is located between a sidewalk and a gravel or parking lane. In urban areas, planting strips are often replaced by street trees planted in tree pits, wells, or vaults that are recessed into a sidewalk that extends to the curb.

*Porte cochere.* A roofed porch or portico-like structure extending from the side entrance of a building over an adjacent driveway to shelter those getting in or out of vehicles. A porte cochere has no front or rear wall and differs from a carport in that it is not used to store parked vehicles.

*Primary facade.* A primary facade is the elevation(s) of the building, which directly faces a public street or public thoroughfare; a building may have more than one primary facade.

*Principal plane.* (For the purpose of placing buildings along setbacks). The front plane of a building not including stoops, porches, or other appurtenances.

*Site regulating plan.* A particular type of development concept plan that must be submitted to the Ada Township with an application for the PVM district. A regulating plan identifies proposed transect zones, lot types, and street types to define the character of the proposed development. If approved, a regulating plan becomes an integral part of a PVM approval. See section M.

*Stoop.* A staircase on the facade of a building that leads either to a small un-walled entrance platform or directly to the main entry door.

*Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade at any point, such a usable or unused under-floor space shall be considered as a story.

*Transect zone.* A distinct category of physical form ranging from the most urban to the least urban. The PVM district requires the application of one of five transect zones: Core, Center, Village Proper 1, Village Proper 2, and Edge.

*Transect zone, Village Core.* The Core transect zone is the most intensely occupied zone, with mostly attached buildings that create a continuous street facade within walking distance of surrounding primarily residential areas.

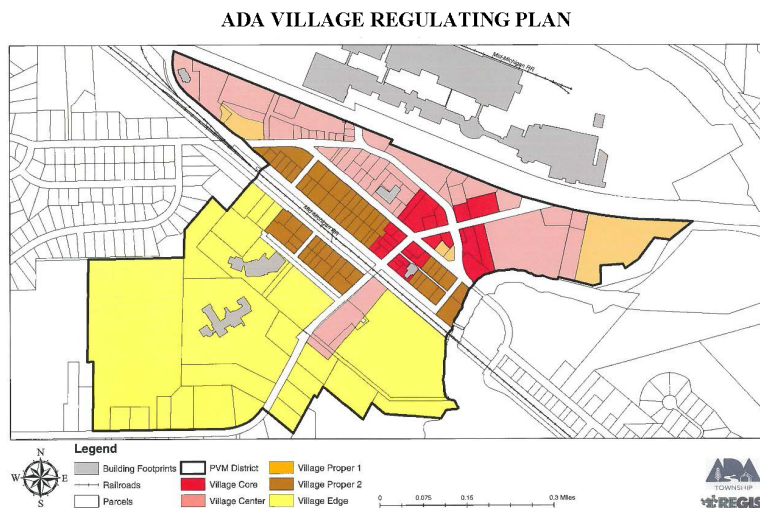
*Transect zone, Village Edge.* The Edge transect zone has lots for detached homes that are similar in scale to adjoining neighborhoods with suburban character.

*Transect zone, Village Center.* The Center transect zone has a mixture of uses and a wide variety of lot types. Buildings may be attached or detached and are separated from the street with small street yards. See sections B and C.

*Transect zone, Village Proper 1.* The Village Proper 1 transect zone has lots for detached homes and live-work units within the historic village plat.

*Transect zone, Village Proper 2.* The Village Proper 2 transect zone has lots for detached homes within the historic village plat.

(Ord. No. O-01-10-11-1, § 1, 1-18-2011)



(Ord. No. O-021317-1, § 1, 2-13-2017)

Secs. 78-483—78-490. - Reserved.

## ARTICLE XXI. - SPECIAL USES

Sec. 78-491. - Purpose.

Special uses are those uses of land with characteristics requiring individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities. The purpose of this article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this chapter which are applicable to the special use under consideration.

(Ord. No. O-042682-1, § 17.01, 4-26-1982)

## Sec. 78-492. - Application procedures.

An application for permission to establish a special use shall be submitted and reviewed in accordance with the following procedures:

- (1) *Application.* Applications for a special use shall be submitted to the building inspector. The building inspector will review the application and, if complete, transmit it to the planning commission. Each application shall be accompanied by a fee and escrow amount in as specified in section 78-65 and in accordance with the schedule of fees and escrow amounts adopted by resolution of the township board to cover the costs of processing the application. No part of the application fee shall be refundable, however, funds paid or deposited into escrow which are not used or spent by the township shall be returned to the applicant.
- (2) *Required information.* An application for a special use shall be accompanied by the following documents and information:
  - a. A completed special use application on a form supplied by the township.
  - b. A site plan, containing the items specified by division 1 of article XXII.
  - c. A statement regarding compliance with the criteria required for approval by section 78-493, and other criteria imposed by this chapter affecting the special use under consideration.
- (3) *Public hearing.* Upon receipt of a completed application for special use, the planning commission shall call and serve notice of a public hearing in accordance with the Zoning Enabling Act for the purpose of receiving comments relative to the special use.

(Ord. No. O-042682-1, § 17.02, 4-26-1982; Ord. No. O-072699-1, § 4, 7-26-1999; Ord. No. O-041403-1, § 11, 4-24-2003)

## Sec. 78-493. - Basis of determination.

Prior to approval of a special use, the planning commission shall review the particular circumstances of the special use under consideration and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this chapter:

- (1) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- (2) The special use shall not change the essential character of the surrounding area.
- (3) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
- (4) The special use shall not place demands on public services and facilities in excess of capacity.

(Ord. No. O-042682-1, § 17.03, 4-26-1982)

## Sec. 78-494. - Approval.

Following its review of the application for a special use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, the planning commission may deny, approve or approve with conditions the special use in accordance with the criteria for approval stated in section 78-493, and such other standards contained in this chapter which relate to the special use under consideration. Upon approval or approval with conditions by the planning commission, the applicant may apply for a building permit.

(Ord. No. O-042682-1, § 17.04, 4-26-1982)

## Sec. 78-495. - Expiration.

Approval of a special use pursuant to this article shall expire one year from the date of approval unless the authorized use or activity has commenced prior to such expiration; provided, however, that the planning commission may approve the extension of such time period for up to one additional year.

(Ord. No. O-042682-1, § 17.05, 4-26-1982)

## Secs. 78-496—78-520. - Reserved.

## ARTICLE XXII. - SITE PLAN REVIEW

*Footnotes:*

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**Editor's note—** Ordinance No. O-041403-1, § 12, adopted April 24, 2003, amended article XXII to read as herein set out. Formerly, such article pertained to similar provisions and derived from Ord. No. O-042682-1, §§ 18.01—18.08, 4-26-1982; Ord. No. O-072699-1, §§ 5, 6, 7-26-1999; Ord. No. O-081390-2, 8-13-1990; Ord. No. O-062600-2, § 5, 6-26-2000; Ord. No. O-100900-1, § 8, 10-9-2000; Ord. No. O-021201-1, § 5, 2-12-2001.

## DIVISION 1. - SITE PLANS GENERALLY

## Sec. 78-521. - Purpose.

The purpose of this article is to determine compliance with the provisions, standards, and conditions of this chapter; to promote orderly development of the township; and to minimize any adverse effects of development on the inhabitants of the development and the surrounding area. The planning commission may adopt procedures to encourage preliminary, informal review of proposed site plans. Such preliminary review or approval shall not, however, affect the requirements for formal approval as herein required.

(Ord. No. O-041403-1, § 12, 4-24-2003)

## Sec. 78-522. - Scope and applicability.

- (a) Except as otherwise provided by this section, site plan review and approval by the planning commission shall be required in accordance with the procedures of this article prior to the issuance of a building permit for the construction, reconstruction, erection or expansion of any building or structure in any zoning district, and prior to the initiation or expansion of any special land use in any zoning district.
- (b) Unless specifically required by other applicable provisions of this chapter, site plan review and approval by the planning commission in accordance with the procedures of this article shall not be required for certain structures, uses or activities, as follows:
  - (1) Single-family dwellings and structures accessory to single-family dwellings in any zoning district.
  - (2) Uses permitted by right in the AGP, RP-1, RP-2, RR, R-1, R-2, R-3 and V-R zoning district.
  - (3) Expansion of existing structures or construction of new structures in the professional office (P0), village business (C-1), general business (C-2), industrial (I) and light industrial (LI) zoning districts, if:
    - a. The proposed expansion or new construction will not exceed 500 square feet and is located on a site occupied by one or more existing buildings or structures having a total floor area of at least 40,000 square feet but less than 100,000 square feet; or
    - b. The proposed expansion or new construction will not exceed 1,000 square feet and is located on a site occupied by one or more existing buildings or structures having a total floor area of 100,000 square feet or more.However, this exemption shall not apply if the expansion or new construction is proposed as part of an application for special use approval.
- (c) Structures, uses or activities for which site plan review and approval by the planning commission is not required as provided in this section shall be reviewed by the zoning administrator for compliance with other applicable provision of this chapter. Further, notwithstanding in this section, the zoning administrator may require the submission of a site plan for any structure, use or activity prior to the issuance of a building permit or prior to initiation of any use or activity, and may refer any site plan to the planning commission for review and approval by the planning commission in accordance with the procedures provided by this article.

(Ord. No. O-041403-1, § 12, 4-24-2003; Ord. No. O-021710-1, § 17, 2-17-2010)

## Sec. 78-523. - Application procedures.

An application for site plan review shall be submitted to the zoning administrator. The zoning administrator will review the application and, if complete, transmit the same to the planning commission.

(Ord. No. O-041403-1, § 12, 4-24-2003)

## Sec. 78-524. - Application contents.

Site plan review applications for the various types of applications as described within this article shall include the following, as deemed necessary by the zoning administrator:

- (1) A completed application form, which shall be supplied by the township.
- (2) An application fee and escrow deposit, as specified in section 78-65 and in accordance with the fee schedule established by resolution of the township board.
- (3) A written statement describing the overall objectives of the proposed development.
- (4) A site plan, consisting of one or more scaled drawings, containing all of the information and data as specified in the following table, based

on the type of development approval for which the site plan is submitted:

Required Site Plan Contents	Type of Plan				
	Nonresidential and Multiple-Family Residential Development	Land Division, creating two or fewer lots	Land Division, creating three or more lots	Site Condominium	Open Space Preservation Development
Legal description of the subject site	X	X	X	X	X
Legal description of proposed lots		X	X		
A vicinity map, of sufficient size, scale and detail to locate the site in relation to the surrounding area	X		X	X	X
Title block with project name, north arrow, scale indicator, date of initial preparation and subsequent revisions, and name and address of preparer	X		X	X	X
Gross acreage of the subject property and net acreage, net of existing rights-of-way	X	X	X	X	X
Minimum sheet size of 24" by 36", at the following scale, based on site acreage: 160 acres or more: 1"=200' 5 acres to 159.9 acres: 1"=100' 2 acres to 4.99 acres: 1"=50' 1 acre to 1.99 acres: 1"=30' less than 1 acre: 1"=20'	X	X	X	X	X
Existing property boundaries and dimensions, including right-of-way width	X	X	X	X	X
Existing and proposed access and utility easements	X	X	X	X	X
Existing site improvements, including building footprints, driveways, parking areas, walks and other paved areas, above and below ground utilities	X	X	X		X

Existing topographic contours, at a maximum contour interval as indicated in this table	2 feet	10 feet	2 feet	2 feet	2 feet
Proposed topographic contours, at no greater than two-foot contour intervals	X		X	X	X (Final Plan only)
Existing water features of the subject property, including river and stream banks, pond edges, and edges of other submerged lands.	X	X	X	X	X
Boundaries of any areas of the site within the 100-year floodplain or a regulatory floodway	X	X	X	X	X
Wetland areas, including limits of state-regulated wetlands, limits of non-regulated wetlands, and areas of hydric soil types, based on the Kent County Soil Survey	X	X	X	X	X
Existing vegetation on the site, including edge of woodland tree canopy, and individual deciduous trees of 6" caliper or larger and individual evergreen trees of 8' height or larger, when not included within an area of solid woodland cover	X		X	X	X
Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the riparian area protection standards contained in <u>section 78-25</u> , and as required by secs. <u>78-544</u> and 545.	X	X	X	X	X
Native vegetation planting plan, if required by sections <u>78-544</u> or 545.	X	X	X	X	X
Proposed buildings, including building footprints, dimensions and setbacks	X				

Floor plans of proposed buildings.	X				
Elevation drawings of proposed buildings, drawn to an architectural scale, illustrating the proposed shape, materials, height and appearance of the proposed buildings, from all sides visible from a street or from a residential district	X				
Calculations of area and percentage of the site area covered by building footprint and paved areas	X				
Proposed lot layout, including lot dimensions, identification of minimum building setback lines or proposed building envelopes; for site condominiums, identify the boundaries, dimensions, area and intended use of general common elements		X	X	X	X
Area and percentage of site proposed to be designated open space					X
The total number of proposed lots, area of each lot, dimensioned width of each lot, minimum lot area and average lot area		X	X	X	X
Legal description of all proposed lots		X	X		
For multiple-family development, a breakdown of number of units by type, size and number of bedrooms	X				
If multi-phased development is proposed, identification of the land area and site improvements included in each phase	X			X	X



For nonresidential uses, the total proposed floor area, and breakdown of floor area by type of use	X				
Layout and dimensions of proposed public and private streets, including rights-of-way, pavement edges, grades, lane configuration, accell/decell tapers, bypass lanes; extent and type of curbing; typical cross-section showing surface and subbase materials and dimensions	X		X	X	X
Location, width, surfacing and typical cross-section of sidewalks or other proposed non-motorized facilities	X			X	X (Final Plan only)
Existing and proposed public water, sewer and storm drainage facilities, including pipe routing, manholes, catch basins, valves, fire hydrants; existing and proposed service lines and laterals; existing and proposed utility easements; stormwater retention/detention areas	X		X	X	X (Final Plan only)
Stormwater management facilities, designed in accordance with standards contained in the "Model Stormwater Ordinance" prepared by the Kent County Drain Commissioner's Stormwater Management Task Force	X		X	X	X (Final Plan only)
Landscape plan, in conformance with article XXV of this chapter	X			X	X (Final Plan only)

Parking area layout, including location and width of driveway accesses, dimensions of a typical parking space; dimensions of driving aisles, delineation of barrier-free spaces, and identification of total spaces provided compared to calculations showing ordinance requirements	X				
Exterior lighting details, including location of all building mounted or pole-mounted light fixtures, mounting height, type of lamp, wattage of lamp, and manufacturer's fixtures specification	X			X	X (Final Plan only)
Location, height, size and method of illumination of proposed signage	X			X	X (Final Plan only)

(Ord. No. O-041403-1, § 12, 4-24-2003; Ord. No. O-061305-2, § 17, 6-13-2005)

Sec. 78-525. - Planning commission review.

The planning commission shall review the site plan and either approve, deny or approve with conditions the final site plan based on the purposes, objectives and requirements of this chapter and specifically the following:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control and access in cases of fire or emergency.
- (2) Off-street parking and loading areas with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- (3) Sewer, water and storm drainage.
- (4) Screening and buffering with reference to type, dimensions and character.
- (5) Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- (6) Required yards.
- (7) General compatibility with adjacent properties.
- (8) The general purposes and spirit of this chapter and the comprehensive plan of the township.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-526. - Planning commission approval.

- (a) Upon approval of such plan, the chairman of the planning commission and the applicant shall sign at least two copies thereof. One signed copy shall be made a part of the planning commission's files and one shall be returned to the applicant.
- (b) The planning commission is empowered to require a performance bond or other guarantee in an amount up to the estimated cost of constructing any special features associated with the project which the commission may find necessary. Such performance guarantee shall be

delivered to the clerk of the township at the time of the issuance of the permit authorizing the activity or project in order to ensure faithful completion of the improvements indicated on the approved site plan. Such performance bond shall be forfeited if the improvements are not completed. The township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the zoning administrator. In cases where the provisions of this section have not been met, the amount of the aforementioned performance guarantee shall be used by the township to return the property to a safe and suitable condition; and the balance, if any, shall be returned to the applicant.

- (c) Each development shall be under substantial construction within one year after the date of site plan approval by the planning commission. If substantial construction has not been initiated within one year of the date of site plan approval, the approval shall expire, and shall be null and void. The planning commission may grant an extension of the approval for up to one additional year, upon written request of the applicant, received by the township prior to the expiration date.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Secs. 78-527—78-530. - Reserved.

## DIVISION 2. - PROCEDURE FOR REVIEW AND APPROVAL OF SITE CONDOMINIUMS INTENDED FOR SINGLE-FAMILY OR TWO-FAMILY DETACHED DWELLINGS

Sec. 78-531. - Scope and applicability.

Site plan review and approval by the planning commission shall be required in accordance with the procedures provided by this division prior to the recordation of a condominium master deed intended to create site condominium units for use for detached single-family or two-family dwellings (site condominiums). The site plan review and approval procedures of this division shall also be applicable to amendments to existing site condominium development master deeds, including amendments which create additional site condominium units by the addition of land to an expandable site condominium development or by the conversion of a convertible area of a site condominium development.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-532. - Application contents.

Application for approval shall be made by submitting the following items to the zoning administrator:

- (1) A site plan, containing all information required by section 78-524.
- (2) A narrative describing:
  - a. The overall objectives of the proposed site condominium development.
  - b. A description of the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (3) An application fee and escrow deposit, as specified in section 78-65 and in accordance with the fee schedule established by resolution of the township board.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-533. - Planning commission review.

The planning commission shall review the site plan and shall approve, deny or approve with conditions the site plan, in accordance with the procedures contained in sections 78-525 and 78-526. Approval of a site plan as provided by this division shall not constitute approval of expandable or convertible portions of the site condominium development, unless the applicant has submitted plans for the expandable or convertible areas in compliance with the requirements of section 78-532 and the planning commission expressly approves the expandable or convertible areas of the site condominium development as provided by those plans.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-534. - Standards for approval.

In addition to meeting the standards for approval provided by section 78-525, a site plan for a site condominium development shall comply with the following requirements:

- (1) Each site condominium unit shall contain an appurtenant limited common element for the exclusive use of the site condominium unit owner which complies with the applicable provisions of this chapter concerning minimum lot area, minimum lot width and required front, side and rear yards. For purposes of determining compliance with these provisions, each site condominium unit and its appurtenant limited common

element shall be considered the equivalent of a lot.

- (2) Each site condominium unit shall be subject to all other applicable requirements of the zoning district in which it is located, including, but not limited to use regulations, minimum floor area of dwellings and maximum building height.
- (3) All public and private utilities shall be placed underground.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Secs. 78-535—78-540. - Reserved.

### DIVISION 3. - REVIEW AND APPROVAL PROCEDURES AND STANDARDS FOR LAND DIVISION

Sec. 78-541. - Statement of purpose.

- (a) This section contains standards and procedures for review and approval of land divisions, as defined in this chapter. These standards and procedures are intended to preserve the open space and rural characteristics of the township, and otherwise accomplish stated goals and objectives of the township's master plan. The standards of this section shall be applied in a manner that permits the development of the subject property without unreasonable or undue expense, while promoting the objectives of this section, this chapter and the master plan.
- (b) The procedures and standards for approval of "land division" contained in this section are in addition to and are not intended to replace the requirements for approval of land divisions contained within the Land Division Act, Public Act 591 of 1996, as amended.
- (c) The regulations of this section are intended to achieve the following objectives:
  - (1) Preserve the township's outstanding natural features, such as steep slopes, woodlands, wetlands, streams and natural roadway corridors.
  - (2) Avoid the creation of a development pattern characterized by location of residential lots in a linear, shallow-depth, highly visible orientation along major public road corridors.
  - (3) Avoid the creation of multiple driveway accesses along public roads, by encouraging new lots to be accessed from shared driveways, new private roads or new public roads.
  - (4) Protect water quality in streams and rivers by encouraging the provision of undisturbed greenbelts along streams and rivers in the township.
  - (5) Encourage compatibility between new development and existing development on adjoining properties and in the surrounding area.
  - (6) Otherwise implement the goals and objectives of the township's master plan.
  - (7) Provide a review and approval procedure that assists landowners or developers in understanding and complying with the objectives and standards of this division.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-542. - Site plan approval required.

All land divisions, as defined herein, shall be subject to review and approval of a site plan by either the zoning administrator or the planning commission, in accordance with this division.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-543. - Application and review procedure.

- (a) An application for approval of a land division shall be made by submitting the following items to the zoning administrator:
  - (1) A site plan, containing all information required by section 78-524.
  - (2) The number, size and date of prior land divisions sufficient to establish that the lot to be divided was lawfully in existence on March 31, 1997.
  - (3) The number, size and date of any divisions after March 31, 1997.
  - (4) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
  - (5) An application fee and escrow deposit, as specified in section 78-65 and in accordance with the fee schedule established by resolution of the township board.
- (b) Upon receipt of a land division application, the zoning administrator shall promptly determine whether the application contains all information required by this division and the Land Division Act. If the application is not complete the applicant shall be promptly notified of the information

required to constitute a complete application. If the application is complete, the zoning administrator shall transmit the application to the planning commission for its review unless the application concerns a land division creating fewer than three lots (not counting the remainder of the parent parcel). For purposes of determining the number of lots to be created, all land divisions within the six-month period prior to the date of filing the complete application shall be counted.

- (c) For land divisions creating three or more lots as described above, the planning commission shall review each land division application for conformance with the standards contained in this division, and other applicable standards of this chapter. If the proposed land division complies with the standards of this division and other applicable standards of this chapter, it shall be approved.
- (d) For land divisions creating fewer than three lots, the zoning administrator shall review and act on the application in place of the planning commission.
- (e) The planning commission or zoning administrator shall take action to approve, disapprove or conditionally approve a land division within 45 days following receipt of a completed application.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-544. - Standards for approval of land divisions in residential and agricultural zoning districts.

All land divisions in residential and agricultural zoning districts shall comply with the following standards:

- (1) *Permitted lots, minimum lot size and width.* Lots established by a land division, including the minimum size and width of individual lots, shall comply with the requirements of the zoning district in which the land is located. In no case shall the number of lots exceed the maximum permitted for the subject parcel by the Land Division Act, PA 591 of 1996, as amended.
- (2) *Lot shapes.* Shapes of all lots shall be rectangular, to the extent practicable, but may be irregularly shaped to respond to site natural features, such as topography, locations of woodlands, wetlands, or other significant natural features.
- (3) *Maximum length-to-width ratio.* In no case shall any lot, including the remainder of a parent parcel, have a length-to-width ratio in excess of three-to-one (3:1). For purposes of this measurement, the lot length shall be the average distance between the front and rear lot lines, and the lot width shall be the average distance between the two side lot lines.
- (4) *Lot access.* All lots created by the land division shall have legal access to a public street in conformance with the provisions of this chapter. All parcels created by the land division shall have the capability of being provided with safe vehicular access to a public road, including driveway sight distance sufficient to avoid public hazard.
- (5) *Buildable area.* All lots created by the land division shall have land area having natural features suitable for building construction for uses permitted in the zoning district in which the parcel is located, and be capable of being developed in compliance with applicable building setback requirements as specified in the township's zoning ordinance.
- (6) *Size, shape, and arrangement of lots and building envelopes.* In addition to complying with the required dimensional standards, the size, shape, and arrangement of lots and building envelopes shall be such that the following objectives, to the maximum extent practical, are accomplished, in the judgment of the planning commission:
  - a. Building envelopes are located such that they are least visible from the adjoining public road and adjoining properties.
  - b. Building envelopes are located such that excavation for buildings and access drives avoids wetlands, steeply sloped areas, and other sensitive natural features, and such that natural vegetated buffers are maintained adjacent to wetlands and streams.
  - c. Building envelopes are located to avoid placement of buildings on prominent hilltops and ridgelines, in order to maintain scenic views and the natural visual qualities of the township.

The planning commission may require modifications to the size, shape and arrangement of lots and building envelopes on the subject property, and may require the installation of landscape plantings to provide visual screening and buffering, as deemed necessary to achieve the purposes and objectives of this section and this chapter.

- (7) *Provision of natural vegetation zones in conformance with section 78-32, riparian area protection standards.* When a land division results in the creation of a new lot, excluding the remainder parcel, which includes land that is within the "natural vegetation zone" as defined in section 78-32, any existing conditions on the subject lots that do not comply with the intent, purpose and development standards for the "natural vegetation zone" contained in section 78-32 shall not constitute a lawful nonconforming use, and the area within the "natural vegetation zone" shall be required to be brought into conformance with the intent, purpose and development standards for the "natural vegetation zone" as provided in section 78-32. This shall be accomplished through the preparation and implementation of a native vegetation planting plan on the new lot or lots. The native vegetation planting plan shall be submitted as part of the site plan application for the land division. Implementation of the plan shall be required as a condition attached to any building permit issued for construction of a dwelling unit or other building on the subject lot.

(8) *Other requirements.* Each lot to be created by the proposed land division shall fully comply with all other requirements of the township's zoning ordinance.

(Ord. No. O-041403-1, § 12, 4-24-2003; Ord. No. O-061305-2, § 18, 6-13-2005; Ord. No. O-021710-1, § 18, 2-17-2010; Ord. No. O-011022-1, § 1, 1-10-2022)

Sec. 78-545. - Standards, for approval of land division in nonresidential and nonagricultural zoning districts.

All land divisions in any zoning district other than the AGP, RP-1, RP-2, RR, R-1, R-2, R-3 and VR zoning districts shall fully comply with all other requirements of the township's zoning regulations. When a land division results in the creation of a new lot, excluding the remainder parcel, which includes land that is within the "natural vegetation zone" as defined in section 78-25, any existing conditions on the subject lots that do not comply with the intent, purpose and development standards for the "natural vegetation zone" contained in section 78-25 shall not constitute a lawful nonconforming use, and the area within the "natural vegetation zone" shall be required to be brought into conformance with the intent, purpose and development standards for the "natural vegetation zone" as provided in section 78-25. This shall be accomplished through the preparation and implementation of a native vegetation planting plan on the new lot or lots. The native vegetation planting plan shall be submitted as part of the site plan application for the land division. Implementation of the plan shall be required as a condition attached to any building permit issued for construction of a building on the subject lot.

(Ord. No. O-041403-1, § 12, 4-24-2003; Ord. No. O-061305-2, § 19, 6-13-2005; Ord. No. O-021710-1, § 19, 2-17-2010)

Sec. 78-546. - Prohibition on building permits for parcels created in conflict.

Any lot created in conflict with the provisions of this division shall not be eligible for issuance of any building permits, site plan approval, private road permit, special use permit, planned unit development approval, zoning variance or subdivision approval.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-547—78-550. - Reserved.

#### DIVISION 4. - OPEN SPACE PRESERVATION DEVELOPMENT OPTION

Sec. 78-551. - Statement of purpose.

This section contains standards and procedures for review and approval of residential developments that meet the criteria for open space preservation development design set forth in Section 16h.(1)(a)—(d) of the Township Zoning Act, P.A. 184 of 1943, as amended by P.A. 177 of 2001. The purpose of these standards and procedures is to provide an expedited review and approval procedure and greater certainty of approval than is provided under alternative review procedures, for residential development designs that set aside in perpetuity a minimum of 50 percent of the property as open space. It is the further purpose of these regulations to encourage the preservation of natural land and significant natural features in the township, to encourage development designs that preserve natural views along major road corridors and maximize separation between home sites in new development and adjacent public roads and adjacent properties outside the development boundary.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-552. - Scope and applicability.

(a) An "open space preservation development," also referred to herein as an "OSP Development," is defined as division of a parcel of real property into several single-family residential lots, through creation of a subdivision plat, condominium subdivision or "metes and bounds" land divisions, in a manner that meets all of the following criteria:

- (1) The protection of substantial open space is established as the primary site design objective, achieved through the clustering or grouping of lots upon a portion of the property, and the preservation of the remaining part of the property as permanently undeveloped open space.
- (2) The property is located in one of the following zoning districts:

Agricultural Preservation (AGP)

Rural Preservation-1 (RP-1)

Rural Preservation-2 (RP-2)

Rural residential (RR)

Low density single-family residential (R-1)

Single-family residential (R-2), if the property is served by a public sewer system.

Single-family residential (R-3), if the property is served by a public sewer system.

(3) A minimum of 50 percent of the property is set aside in perpetuity as undeveloped open space, meeting the criteria set forth in this division.

(b) An OSP development may be established using any of the following legal mechanisms for creation of lots to be used for detached single-family dwellings (as used in this article, the term "lot" shall include a condominium unit in a site condominium.):

(1) A subdivision plat, under provisions of the land division act and the Ada Township Subdivision Ordinance.

(2) Division of property into parcels described by "metes and bounds," under the provisions of the land division act and the procedures for approval of land divisions contain in this article.

(3) Establishment of a condominium subdivision, under the provisions of the condominium act, and in accordance with the requirements of this article.

(c) The requirements for review and approval of an OSP development under the provisions of this division are in addition to the requirements contained elsewhere in this Code of Ordinances for review and approval of subdivision plats, site condominiums and land divisions. To the extent practicable, required applications, staff reviews and approvals by the planning commission and township board for subdivision plats, site condominiums or land divisions may occur simultaneously with the procedures set forth in this division.

(Ord. No. O-041403-1, § 12, 4-24-2003; Ord. No. O-021710-1, § 20, 2-17-2010)

#### Sec. 78-553. - Open space qualifications and requirements.

(a) Property set aside as designated open space in an OSP development shall be configured to achieve one or more of the following objectives:

(1) To provide common recreational area for use by the residents of the development or by the public.

(2) To protect and preserve environmentally sensitive areas, such as floodplains, wetlands, land in close proximity to rivers, creeks, ponds, or lakes, steeply sloped areas, woodlands or other sensitive environmental features which may exist on the property.

(3) To provide visual and spatial separation between the developed areas of the property and adjoining property.

(4) To provide open space along public road corridors, so as to maintain a natural character along public roadways, and provide separation between proposed dwelling sites and roads, as encouraged in the Ada Township Master Plan.

(b) Except as otherwise approved by the planning commission, no property designated as open space shall be less than one acre in size.

(c) Property devoted to public or private sheet easements or right-of-way shall not be included in computing the area of designated open space.

(d) Access to designated open space which is suitable for active use shall be provided from all areas of the OSP development by means of public or private streets, or by pedestrian access ways having a minimum legal access width of 20 feet.

(e) All designated open space shall be preserved and protected for the sole benefit, use and enjoyment of the residents of the OSP development, provided, however, that designated open space may be, but is not required to be, dedicated for public use, through an easement dedication or dedication of fee simple title, if such dedication is accepted by the township board.

(f) Property designated as open space in an OSP development shall be perpetually preserved in an undeveloped state through use of a conservation easement held by the township or a qualified land trust, a plat dedication, restrictive covenant, or other instrument of record that runs with the land. This legal instrument shall be subject to approval by the township's legal counsel, prior to being recorded with the office of the Kent County Register of Deeds. For purposes of this paragraph, the term "undeveloped state" shall mean a natural state or condition that preserves the natural resources, natural features or scenic or wooded condition of the property; agricultural use; or a similar use or condition. Property in an undeveloped state shall not include a golf course, but may include a recreational trail, a picnic area, children's play area, greenway or linear park.

(g) A minimum of 50 percent of the gross land area of the OSP development shall be designated as open space.

(h) Designated open space shall be subject only to uses approved by the township planning commission on the approved OSP development plan. Division of designated open space into separate ownership interest through a subdivision plat, condominium or land division is prohibited.

(i) Structures or buildings which are accessory to the designated open space may be erected within designated open space area, if included on the OSP development plan approved by the township. The size, location, design, appearance and use of any accessory structure or building located within a designated open space area shall be compatible with the character, natural features and intended use of the open space area.

(j) Unless ownership of the designated open space is conveyed to the township, another governmental entity or a qualified land trust, it shall be owned in common or undivided interest by all of the lot, parcel or condominium unit owners within the OSP development. Responsibility for management and control of the designated open space shall be exercised by an association of owners created through an instrument of record.

- (k) Prior to issuance of any building permits for dwellings within an OSP development, the conservation easement, plat dedication, restrictive covenant, dedication for public use or other legal instrument intended to ensure the perpetual preservation of the designated open space in the OSP development shall be recorded with the Kent County Register of Deeds.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-554. - Development standards for open space preservation development.

- (a) Lot area, lot width and principal building setbacks in an OSP development may be less than the otherwise applicable minimum standard of the zoning district designation of the property, subject to the following alternative minimum standards:

Standard	Zoning District						
	AGP	RR	RP-1	RP-2	R-1	R-2	R-3
Minimum Lot Area (square feet)	43,560 (1 acre)	32,670 (.75 acre)	32,670 (.75 acre)	32,670 (.75 acre)	15,000	9,600	9,600
Minimum Lot Width (feet)	120	120	120	120	100	80	80
Minimum Front Setback (feet)	40	40	40	40	30	25	25
Minimum Rear Setback (feet)	40	40	40	40	30	30	30
Minimum Side Setback (feet)	20	20	20	20	20	8	3

- (b) Principal use permitted on a lot in an OSP development shall be limited to one detached single-family dwelling.
- (c) The number of single-family dwelling lots permitted in an OSP development shall be limited to the smaller of the numbers determined by the following two methods:
- (1) The number determined by the gross acreage of the property, reduced by a factor of 15 percent to account for land devoted to road right-of-way, divided by the otherwise applicable minimum lot size required for a single-family dwelling in the zoning district designation of the property.
  - (2) The number of lots which could realistically and reasonably be developed on the property in conformance with the otherwise applicable minimum lot area, minimum lot width and all other applicable dimensional standards of the zoning district designation of the property, as demonstrated by a comparison plan submitted by the applicant, as provided in the review and approval procedures contained herein.
- (d) Except as expressly waived in this section, property within an OSP development shall be subject to all applicable development standards contained within this chapter, including, but not limited to, maximum building height, accessory building regulations, street access requirements, regulations regarding keeping of animals and home occupation regulations.
- (e) To the extent practicable, the arrangement of lots, access roads and designated open space within an OSP development shall achieve the following objectives:
- (1) The layout shall maximize visual screening of residences from the adjoining, pre-existing public street network, and from other adjacent properties.
  - (2) All lots shall be accessed through an interior network of public or private streets. Unless specifically waived by the township, individual lots shall not be accessed directly from the pre-existing public road adjacent to the property.
  - (3) When a new interior street within the OSP development will provide a through-connection to one or more public roads, or is planned to be extended to an adjoining property, it shall be constructed and dedicated as a public road in the Kent County road system. Alternatively, subject to approval by the township, such a street may be constructed as a private road located upon a 66-foot wide easement granted to



the township for public ingress and egress. If approved as a private road, the township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement

- (4) Private road culs-de-sac shall be designed with a landscaped island having dimensions approved by the township engineer.
- (5) Streets systems should be designed so that their curvature or alignment produces "terminal vistas" of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or through the use of single-loaded streets.
- (6) All utilities, including telephone, electric and cable television, shall be placed underground.
- (7) Street lighting shall be permitted only if authorized in the OSP development plan approved by the township. The design and style of any street lighting shall be subject to the approval of the township.

(Ord. No. O-041403-1, § 12, 4-24-2003; Ord. No. O-021710-1, § 21, 2-17-2010)

Sec. 78-555. - Application procedure; review and approval process.

- (a) An OSP development shall be subject to the planning commission's review and approval of a preliminary OSP development plan and a final OSP development plan, according to the procedures of this section. In addition, an applicant may request a pre-application conference with the planning commission, as described below.
- (b) Pre-application conference. Prior to submitting a preliminary OSP development plan application, the applicant may meet with the planning commission for the purpose of preliminary discussion and review regarding the general content and design approach of the proposed OSP development. An applicant desiring a pre-application conference must submit to the zoning administrator a written request that the conference be placed on the planning commission's agenda. The request must be submitted at least 14 days prior to the planning commission meeting at which the conference is to take place. Statements made by any person during the course of a pre-application conference shall not be deemed to constitute legally binding commitments.
- (c) Preliminary OSP development plan application.
  - (1) A preliminary OSP development plan application shall include 12 copies of the following described materials, submitted to the zoning administrator for transmittal to the planning commission, not less than 21 days prior to the planning commission meeting at which the request will first be considered:
    - a. A completed application form as supplied by the township. The application form must be signed by the applicant, and by the owners of all property included within the OSP development (if different than the applicant).
    - b. A preliminary OSP development plan encompassing all phases of the proposed development, containing all information required by section 78-524.
    - c. An alternative plan which demonstrates the manner in which the property could reasonably and realistically be developed in conformance with all applicable standards of the zoning district of the property at the time of submittal of the OSP development application.
    - d. A traffic impact assessment shall be prepared and submitted if the development exceeds 40 lots. The traffic impact assessment must contain the following information:
      - (1) Description of existing daily and peak hour traffic volumes on adjacent streets.
      - (2) Projected vehicle trip generation for the proposed uses in the development, for morning and afternoon peak hours, as well as average daily traffic.
      - (3) Distribution of projected traffic generated by the development onto the adjacent street network.
      - (4) Analysis of the impact of projected traffic on the capacity and level of service at all roadway sections and intersections where 20 percent or more of the projected traffic is composed of traffic generated by the proposed development.
      - (5) Analysis of mitigation measures needed, if any, to serve projected traffic volumes.
    - e. Payment of an application fee and escrow deposit, as specified in section 78-65 and in accordance with the fee schedule established by resolution of the township board. The application shall not be accepted unless the required fee is paid in full.

The planning commission may waive any of the application requirements provided above (except for the application fee), if the commission determines that the requirement to be waived is not applicable to the development under consideration or is otherwise unnecessary to meet the intent and purposes of this chapter.

- (2) Planning commission review of preliminary OSP development plan.
  - a. This planning commission shall review the preliminary OSP development plan at a regular or special meeting, and, within a reasonable time of its first consideration by the commission, shall take action to approve, approve with conditions or deny the proposed plan. The

preliminary plan shall only be approved if it compiles with all applicable standards of this chapter.

- b. Reasonable conditions may be imposed by the planning commission in conjunction with approval of a preliminary OSP development plan, for the purpose of ensuring that the standards for approval contained within this section and other applicable sections of this chapter are met.

(3) Approval term and expiration.

- a. Approval of the preliminary OSP development plan shall confer upon the applicant for a period of one year the right to submit a final OSP development plan application for the development (or for the first phase, in the case of a phased development).
- b. If a final OSP development plan application is not submitted within the one year period, the preliminary OSP development plan approval shall lapse, and shall no longer be valid. However, the planning commission may extend the time for submission of the final OSP development plan application, for good cause, if the applicant requests an extension prior to the expiration of the initial one-year period. If preliminary OSP development plan approval lapses, any subsequent development of the property as an OSP development shall be permitted only upon submittal of new applications for preliminary and final OSP development plan approval under the provisions of this division, and their approval by the planning commission.
- c. If the approved preliminary OSP development plan provides for phasing of the development, a final OSP development plan application for at least the first phase shall be submitted within the time limitations contained in this section. Final OSP development plan applications for subsequent phases shall be submitted within any time period established by the township as a condition of approval of the preliminary OSP development plan.

(d) Final OSP development plan application.

- (1) A final OSP development plan application may be submitted for the entire property, or for one or more sequential phases of the development, if the phases conform to the provisions for phased development contained in the preliminary OSP development plan approval.
- (2) A final OSP development plan application shall include 12 copies of the following described materials, submitted to the zoning administrator for transmittal to the planning commission, not less than 21 days prior to the planning commission meeting at which the application will be considered:
  - a. A completed application form as supplied by the township. The application form must be signed by the applicant, and by all of the owners of the property within the OSP development, if different than the applicant.
  - b. A final OSP development plan containing all information required by section 78-524.
  - c. Payment of an application fee and escrow deposit, as specified in section 78-65 and in accordance with the fee schedule established by resolution of the township board. The application shall not be accepted unless the required fee is paid in full.

The planning commission may waive any of the application requirements provided above (except for the application fee), if the commission determines that the requirement to be waived is not applicable to the development under consideration or is otherwise unnecessary to meet the intent and purposes of this chapter.

(3) Planning commission review of final OSP development plan; standards for approval.

- a. The planning commission shall review the final OSP development plan and accompanying application materials, and shall approve, approve with conditions or deny the request for final OSP development plan approval.
- b. The final OSP development plan shall be approved if it complies with the "open space qualifications and requirements" contained in section 78-553, the "development standards for open space preservation development" contained in section 78-554, the standards for site plan approval contained in section 78-525, and the following standards:
  - (1) The overall design of the OSP development shall be consistent with the intent of this division and the specific design standards set forth herein.
  - (2) The OSP development shall be served by the necessary public facilities to assure the public health, safety, and welfare of residents and users of the development.
  - (3) The OSP development shall be designed to minimize the impact of traffic generated by the development on the surrounding street network.
  - (4) The OSP development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
  - (5) The OSP development shall be designed and constructed so as to preserve the integrity of existing on-and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
  - (6) The designated open space within the OSP development shall be of functional value as it relates to one or more of the following:

opportunities for wildlife habitat, woodland preservation, wetland preservation, agricultural production, recreation, scenic value, surface water quality protection, or ground water quality protection.

- c. Reasonable conditions may be imposed by the planning commission in conjunction with approval of a final OSP development plan, for the purpose of ensuring that the standards for approval contained within this section and other applicable sections of this chapter are met.
- d. Performance guarantees to assure compliance with an approved final OSP development plan and any conditions of approval may be required by the planning commission as authorized under Section 16f of the Zoning Enabling Act. The performance guarantee may consist of a cash deposit, certified check; irrevocable bank letter of credit, or surety bond, in a form acceptable to the township, covering the estimated costs of improvements associated with the development. The performance guarantee shall be deposited with the township clerk at the time of issuance of the permit authorizing the improvement activity or project. If requested by the depositor, the township shall rebate a proportional share of any cash deposit, based on the percentage of work completed on the date of the request for the rebate, as attested to by the depositor and verified by the building inspector.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-556. - Effect of final plan approval.

Following approval of a final OSP development plan, no construction shall be undertaken on the property included within the plan except in conformity with the approved plan and any conditions imposed in connection with the approval.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-557. - Changes to approved final plan.

Changes to an approved final OSP development plan or to any conditions imposed on the approval may be made only if approved by the planning commission, upon submittal of an application for approval of a revised final OSP development plan, subject to the same requirements and procedures as provided herein for an original application for final OSP development plan approval.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Sec. 78-558. - Deadline for commencement of construction; lapse of approval.

- (a) Construction shall be commenced and shall proceed meaningfully toward completion within one year from the date of final OSP development plan approval for all or any phase of the development, if a phasing plan is approved for the development, construction of each phase shall be commenced within one year of the schedule established for each phase.
- (b) If construction is not commenced within the applicable one-year period, approval of the final OSP development plan shall lapse, and shall no longer be valid. However, the planning commission may extend the time for commencement of construction if the applicant requests an extension of the approval prior to expiration, and demonstrates to the satisfaction of the commission that the extension is justified either:
  - (1) Because the delay is due to unforeseen difficulties beyond the reasonable control of the applicant, and there remains a likelihood of proceeding to completion with the development; or
  - (2) Upon other good cause shown by the applicant.
- (c) If the zoning administrator determines that construction has not commenced or is not proceeding meaningfully toward completion within the required time period as provided by this section, the zoning administrator shall provide written notice of that failure to the applicant (and to the owners of the property located within the development, if different than the applicant) at least 14 days prior to the expiration of the applicable required time period.
- (d) If final OSP development plan approval lapses as provided by this section, the preliminary OSP development plan approval shall also lapse and shall no longer be valid. My subsequent development of the property as an OSP development shall be permitted only upon submittal of new applications for preliminary and final OSP development plan approval under the provisions of this division, and their approval by the planning commission.

(Ord. No. O-041403-1, § 12, 4-24-2003)

Secs. 78-559—78-630. - Reserved.

ARTICLE XXIII. - NONCONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

*Footnotes:*

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**Cross reference**— *Buildings and building regulations, ch. 18.*

## Sec. 78-631. - Description and purpose.

Upon the adoption of this chapter or subsequent amendments, there may exist lots, buildings, structures and uses of land which were lawful prior to the enactment of this article, or amendment thereto, but which are not in conformance with the provisions of this article, or amendment thereto. It is the intent of this article to permit these nonconformities to continue, but not to encourage their prolonged existence. Because nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the township comprehensive plan, the spirit of this article is to reduce, rather than increase, such nonconformance.

(Ord. No. O-011193-1, § 21.01, 1-11-1993)

## Sec. 78-632. - Nonconforming lots.

In any zoning district, notwithstanding limitations imposed by other provisions of this article, where a nonconforming lot of record, lawful at the time of its creation, fails to meet the requirements of this article for minimum lot area, minimum lot width, or both, such lot may be used for the permitted uses of the zoning district, provided that all applicable minimum requirements of this article not involving lot area, lot width, or both, are met.

(Ord. No. O-011193-1, § 21.02, 1-11-1993)

## Sec. 78-633. - Nonconforming uses of land.

The lawful use of any land, not involving a building or structure, existing and lawful on the effective date of the ordinance from which this article derives, or amendment thereto, may be continued, even though such use does not conform with the provisions of this article, or amendment thereto, subject to the following provisions:

- (1) No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of the ordinance from which this article derives, or amendment thereto.
- (2) No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of the ordinance from which this article derives, or amendment thereto.
- (3) If any nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the requirements of this article.

(Ord. No. O-011193-1, § 21.03, 1-11-1993)

## Sec. 78-634. - Nonconforming structures.

Structures, including buildings, which are existing and lawful on the effective date of the ordinance from which this article derives, or amendment thereto, may be continued, even though such structure does not conform with the provisions of this article, or amendment thereto, subject to the following provisions:

- (1) No nonconforming structure may be enlarged or altered in a way which increases its nonconformity with the provisions of this article.
- (2) If any nonconforming structure shall be damaged, by any means or in any manner, to the extent that the cost of reconstruction or restoration exceeds one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, for purposes of taxation, such reconstruction or restoration shall only be permitted in conformity with the provisions of this article.
- (3) If any nonconforming structure shall be damaged, by any means or in any manner, to the extent that the cost of reconstruction or restoration is equal to or less than one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, for purposes of taxation, such reconstruction or restoration shall be permitted, provided a building permit for such reconstruction or restoration is issued within one year of the occurrence of such damage.
- (4) If a nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

(Ord. No. O-011193-1, § 21.04, 1-11-1993)

## Sec. 78-635. - Nonconforming uses of structures.

The lawful use of any structure existing and lawful on the effective date of the ordinance from which this article derives, or amendment thereto, may be continued, even though such use does not conform with the provisions of this article, or amendment thereto, subject to the following provisions:

- (1) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of the ordinance from which this article derives, or amendment thereto, but no such use shall be extended to occupy any land outside such building.
- (2) No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- (3) If a structure which conforms with the provisions of this article, but which is occupied by a nonconforming use, is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this article.
- (4) If a nonconforming use of any structure is terminated and replaced by a permitted use, such nonconforming use shall not be later reestablished.
- (5) When a nonconforming use of a structure or structure and land in combination, is discontinued or abandoned for 12 consecutive months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.
- (6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (7) A nonconforming use of a structure may be changed to another nonconforming use, subject to the prior approval of the zoning board of appeals. The board may approve such change only if it complies with all of the following standards:
  - a. The proposed use does not substantially differ from the existing use in terms of compatibility with the character of the area in which it is located, and is no more obnoxious or detrimental to the health, safety and welfare of the surrounding area than the existing nonconforming use.
  - b. The proposed use does not increase the degree of nonconformity existing prior to such change of use.
  - c. No structural alteration of the existing structure will be required to accommodate the new use.

(Ord. No. O-011193-1, § 21.05, 1-11-1993)

## Sec. 78-636. - Structures under construction.

Any structure on which actual construction was lawfully begun prior to the effective date of this article, or amendment thereto, shall be considered existing and lawful. Nothing in this article shall be deemed to require any change in the plans, construction or use of such structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction, such demolition or removal shall be deemed actual construction.

(Ord. No. O-011193-1, § 21.07, 1-11-1993)

## Secs. 78-637—78-670. - Reserved.

## ARTICLE XXVI. - SATELLITE DISH ANTENNAS

*Footnotes:*

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**Cross reference—** *Telecommunications, ch. 62.*

## Sec. 78-671. - Conformance with article.

No satellite dish antenna shall be constructed, installed, maintained or operated in the township except in conformance with this article.

(Ord. No. O-042682-1, § 3.50, 4-26-1982; Ord. No. O-061383-1, 6-13-1983)

## Sec. 78-672. - Commercial and industrial districts.

- (a) No satellite dish antenna shall be constructed, installed, maintained or operated in C-1, C-2, I or PO zoning district except in conformance with subsection (b) of this section and the following requirements:
- (1) The satellite dish antenna shall be located in the rear or side yard. If the satellite's reception window is obstructed in the rear or side yard, such antenna may be placed on the roof, provided it meets all other applicable requirements of this article.
  - (2) The satellite dish antenna shall be located at least 15 feet from the rear lot line.
  - (3) The satellite dish antenna shall be located a distance from the side lot line equal to or greater than one-half of the width of the minimum required side yard.
  - (4) The satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall conform to the building height regulations for the zoning district in which the antenna is located.
  - (5) The satellite dish shall be permanently attached to a foundation, if located on the ground. If it is roof-mounted, evidence shall be provided by a registered architect or engineer that the installation complies with the applicable BOCA code and the building's support structure can withstand the load distribution.
  - (6) The satellite dish antenna, any equipment or devices used in conjunction with the antenna for the transmission of signals, and the construction, installation, maintenance and operation thereof, shall comply with all applicable laws, statutes, codes, ordinances, rules and regulations.
  - (7) No part of the satellite dish antenna shall exhibit any name, message, symbol, graphic representation, or other writing visible from adjoining properties.
- (b) *Application.*
- (1) No satellite dish antenna shall be constructed, installed, maintained or operated in C-1, C-2, I, or PO zoning district unless an application therefor has been approved by the planning commission in accordance with the procedures in subsection (b)(2) of this section and a building permit has thereafter been issued for the satellite dish antenna.
  - (2) An application for permission to construct, install, maintain or operate a satellite dish antenna shall be submitted and reviewed in accordance with the following procedures:
    - a. *Submission.* Application for permission to construct, install, maintain or operate a satellite dish antenna shall be submitted to the building inspector. The building inspector shall review the application and, if complete, transmit it to the planning commission. Each application shall be accompanied by a fee in accordance with the schedule of fees adopted by resolution of the township board to cover the costs of processing the application. No part of the fee shall be refundable.
    - b. *Required information.* An application shall be accompanied by the following documents and information:
      1. Legal description of the property.
      2. A site plan showing the proposed location of the satellite dish antenna, the foundation to which the satellite dish antenna will be attached, the buildings on the lot or premises on which the satellite dish antenna is to be constructed or installed, and all adjoining properties, including buildings thereon.
      3. A diagram showing the dimensions of the satellite dish antenna, including any platform or structure upon which the antenna would be mounted and any equipment or devices to be used in conjunction with the antenna for the transmission of signals.
      4. A statement regarding compliance with the requirements of subsection (a)(1)–(7) of this section and the criteria for approval in subsection (b)(2)d. of this section.
    - c. *Public hearing.* Upon receipt of a completed application, the planning commission shall call and serve notice of a public hearing for the purpose of receiving comments relative to the proposed satellite dish antenna. The notice shall be given in the same manner as the notice required by section 78-492.
    - d. *Criteria for approval.* Prior to approval of an application for permission to construct, install, maintain or operate a satellite dish antenna, the planning commission shall review the particular circumstances of the proposed satellite dish antenna and shall approve the application therefor only upon a finding of compliance with the requirements in subsections (a)(1)–(7) of this section and a finding that the satellite dish antenna will not have a substantial detrimental impact on adjoining properties and the surrounding area and will not otherwise be contrary to public safety, health or welfare.
    - e. *Approval.* Following its review of the application, comments received at the public hearing, the site plan and other materials submitted in relation to the application, the planning commission may deny or approve the application, or approve the application with conditions, in accordance with the criteria for approval stated in subsection (b)(2)d. of this section. Upon approval or approval with conditions, the applicant may apply for a building permit.

- f. *Conditions.* The planning commission may impose conditions on the approval of an application relating to location, size, elevation, color, landscaping, fencing, or other matters having impact on adjoining properties. Such conditions shall be considered an integral part of the approval to comply with any conditions imposed shall automatically terminate the approval.
- g. *Expiration.* Approval of an application for permission to construct, install, maintain or operate a satellite dish antenna pursuant to this section shall expire one year from the date of approval unless the authorized construction or installation has commenced prior to such expiration, provided, however, that the planning commission may approve the extension of such time period for up to one additional year.

(Ord. No. O-042682-1, § 3.51, 4-26-1982; Ord. No. O-061383-1, 6-13-1983; Ord. No. O-060887-1, 6-8-1987)

Sec. 78-673. - Residential and agricultural districts.

- (a) No satellite dish antenna shall be constructed, installed, maintained or located in AGP, RP-1, RP-2, VR, RR, R-1, R-2, R-3, or R-4 zoning district except in conformance with subsection (b) of this section and the following requirements:
  - (1) The satellite dish antenna shall not be capable of transmitting communication signals.
  - (2) The satellite dish antenna shall be located in the rear yard. If the satellite's reception window is obstructed in the rear yard, such antenna may be placed in a side yard.
  - (3) The satellite dish antenna shall be located at least ten feet from all lot lines.
  - (4) The height of the satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed 15 feet.
  - (5) The satellite dish antenna shall be screened from view at ground level from any adjacent lot or street. The screening shall be provided by any combination of the following, as approved by the building inspector:
    - a. Existing buildings on the lot where the satellite dish is located.
    - b. Evergreen landscaping.
    - c. Opaque fence or wall.
  - (6) The satellite dish antenna shall be permanently attached to a foundation.
  - (7) The satellite dish antenna shall be white or any unobtrusive color approved by the building inspector.
  - (8) The satellite dish antenna and the construction, installation, maintenance and operation thereof shall comply with all applicable laws, statutes, codes, ordinances, rules and regulations.
- (b) No satellite dish antenna shall be constructed, installed, maintained or operated in an AGP, RP-1, RP-2, VR, RR, R-1, R-2, R-3, or R-4 district unless a building permit therefor has been issued in accordance with the procedures in subsection (c) of this section.
- (c) Prior to issuance of a building permit to construct, install, maintain, or operate a satellite dish antenna, an application therefor and a site plan, showing the proposed location of the satellite dish antenna, the foundation to which the satellite dish antenna will be permanently attached, the height, density and location of required screening, and the dimensions of the satellite dish antenna, including any platform or structure upon which the antenna will be mounted. Each application shall be accompanied by a fee in accordance with the schedule of fees adopted by resolution of the township board to cover the costs of processing the application. No part of the fee shall be refundable. The building inspector shall review the application and the site plan and shall issue a building permit for the satellite dish antenna only upon finding that the satellite dish antenna conforms to the requirements of subsection (a)(1)–(8) of this section.

(Ord. No. O-042682-1, § 3.52, 4-26-1982; Ord. No. O-061383-1, 6-13-1983; Ord. No. O-060887-1, 6-8-1987; Ord. No. O-021710-1, §§ 22, 23, 2-17-2010)

Secs. 78-674—78-700. - Reserved.

ARTICLE XXV. - LANDSCAPING REQUIREMENTS AND STANDARDS

Sec. 78-701. - Purpose.

- (a) The purpose of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as buffer zones between uses, along roadways, and adjacent to buildings. Landscaping is considered by the township to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the township. This article is also intended to integrate the various elements of the site; preserve and enhance the identity of the site; improve and enhance the character of the site; screen or filter views, where necessary; help unify the various parts of the site; blend inharmonious land uses; buffer incompatible uses, define and articulate outdoor and architectural space; control soil erosion by slowing the effects of erosive winds or water; moderate harsh or unpleasant sounds; remove air pollutants;

control glare and reflection; slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding; assist in directing safe and efficient traffic flow at driveways and within parking lots; to ensure adequate sight distance; ensure sufficient access to fire hydrants; to reduce the impacts of glare from headlights; to distinguish and separate vehicular and pedestrian circulation; to block, divert, or channel winds; to moderate the effects of climate and to create a more desirable microclimate. The standards of this section shall apply to all projects subject to site plan review.

- (b) The landscape standards of this article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(Ord. No. O-012395-1, § 1(18A.01), 1-23-1995)

#### Sec. 78-702. - Applicability.

The standards contained in this article shall be applicable to any site plan, condominium subdivision plan or subdivision plat which is submitted for review and approval by the planning commission, subject to the following limitations:

- (1) In the case of a planned residential development (PRD), the planning commission may vary the requirements of this article as necessary to achieve landscaping which complies with the intent of this article.
- (2) In the case of a site plan which involves the expansion of existing buildings or addition of new buildings on a previously developed site, addition or expansion of parking areas on a previously-developed site, or change of use to a use requiring special use approval, the applicant shall provide landscaping in partial compliance with the standards of this article, in an amount proportionate to and commensurate with the extent of additional building or parking area added to the subject property.

(Ord. No. O-012395-1, § 1(18A.02), 1-23-1995)

#### Sec. 78-703. - Buffer zones required.

- (a) A buffer zone shall be required on the subject lot or parcel along the boundary between adjoining lands in different zoning districts as indicated on the following table:

TABLE—LANDSCAPE BUFFER MATRIX

SUBJECT ZONE	ADJACENT ZONE						
	AGP, RP-1 RP-2, RR	R-1, R-2 R-3, VR	R-4	PO	C-1	C-2	LI, I
AGP, RP-1 RP-2, RR			C	C	C	C	A
R-1, R-2 R-3, VR			C	B	B	B	A
R-4	B	B	B	B	B	B	A
PO	B	B	B	C	C	C	C
C-1	B	B	B				
C-2	A	A	B	C	C	C	C
LI, I	A	A	A	B	B	B	

;sz=8q; \* Read from subject zone across to adjacent zone.



## LEGEND

A—Buffer Zone A

B—Buffer Zone B

C—Buffer Zone C

[ ] No Buffer Required

- (b) Where the boundary between zoning districts lies on a railroad right-of-way, parcels which are adjacent to and separated solely by the railroad right-of-way shall be considered adjoining, and subject to buffer zone requirements.
- (c) Buffer zone requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the greenbelt requirements of this article shall apply.
- (d) A buffer zone shall be required, even if the abutting parcel is unimproved land.
- (e) If existing conditions on the lot or parcel are such that compliance with the buffer zone requirements is not possible, then the planning commission shall determine the character of the buffer zone to be required based on the following criteria:
- (1) Traffic impacts.
  - (2) Increased building or parking coverage on the parcel.
  - (3) Increased outdoor display area.
  - (4) Physical characteristics of the site, such as topography, existing building locations, and site access.
  - (5) Other physical conditions which prevent or impede the ability to place the required buffer zone.
- (f) Where the buffer zone width requirements of this article are greater than the minimum setback requirements for the zoning district of the subject property, a building footprint may encroach into the required buffer zone; provided, however, that no parking area or driveway shall be permitted to encroach within a required buffer zone, except as may be needed to provide safe driveway access to the subject property.

(Ord. No. O-012395-1, § 1(18A.03), 1-23-1995; Ord. No. O-021710-1, § 24, 2-17-2010)

## Sec. 78-704. - Buffer zone development standards.

Required buffer zones shall comply with the following standards (see sections 78-701—78-703).

## (1) Buffer zone minimum widths:

a.	Buffer zone A .....	30 feet
b.	Buffer zone B .....	20 feet
c.	Buffer zone C .....	10 feet

- (2) A mixture of deciduous canopy trees, deciduous understory trees, evergreen trees and shrubs shall be planted in the buffer zone, in compliance with the following quantity standards:

Type of Plant Material	QUANTITY OF PLANT MATERIALS PER 100 LINEAR FEET OF BUFFER ZONE		
	Buffer Zone A	Buffer Zone B	Buffer Zone C
Canopy Trees	3	3	2
Understory Trees	4	2	2
Evergreen Trees	5	3	2
Shrubs	10	6	4

- (3) If a berm is used for all or part of the buffer zone, required plant material quantities may be reduced by 25 percent. The berm shall comply with minimum standards contained in this article. All plant materials shall be placed along the top and exterior side slope of the berm. The buffer zone width shall be increased as needed to accommodate maximum berm side slopes of one foot vertical rise to three feet horizontal.
- (4) If a screen wall or fence is used for all or part of the buffer zone, then:

- a. Required quantities of canopy and evergreen trees may be reduced by 25 percent.
  - b. The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
  - c. All required plant materials shall be on the exterior side of the screen wall or fence.
- (5) All areas of the buffer strip outside of planting beds shall be covered with grass or other living ground cover.
- (6) Landscape materials shall conform with all applicable standards in section 78-707.

(Ord. No. O-012395-1, § 1(15A.04), 1-23-1995)

Sec. 78-705. - Off-street parking area landscape requirements. (See figure 78-704 and this chapter).

- (a) Off-street parking areas for all uses except for single-family and two-family residential containing 12 or more parking spaces shall be provided with landscaping in accordance with the following schedule, based upon the number of parking spaces contained within the parking area:
- (1) 12—48 spaces, one canopy tree and 150 square feet of landscape area per 12 parking spaces.
  - (2) 49—100 spaces, one canopy tree and 150 square feet of landscape area per ten parking spaces.
  - (3) 101 plus spaces, one canopy tree and 150 square feet of landscape area per eight parking spaces.
- (b) In no case shall any buffer zone or greenbelt required in this article be considered as substituting for or contributing toward fulfilling the requirements for landscaping of off-street parking areas.
- (c) Parking lot landscape areas shall comply with the following standards:
- (1) The minimum size of a landscape area shall be 120 square feet and six feet wide.
  - (2) All landscaped areas shall be covered by grass, shredded bark or wood mulch, or a living ground cover.
  - (3) All landscape areas shall contain at least one canopy tree. The tree shall be located to prevent damage by motor vehicles.
  - (4) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of paved surfaces.
  - (5) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
  - (6) At least 25 percent of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten feet or more within the exterior boundary of the parking lot.
  - (7) All landscape areas shall be protected by raised curbs.
  - (8) Where any parking area, excepting areas serving one- or two-family dwellings, abuts or faces a public right-of-way, a three-foot high continuous obscuring screen shall be required between the parking area and the public road right-of-way line. The screen may be comprised of plant material, berming, or any combination of these elements.
  - (9) Landscape materials shall conform with all applicable standards in section 78-707.

(Ord. No. O-012395-1, § 1(18A.05), 1-23-1995)

Sec. 78-706. - Greenbelt requirements.

- (a) A landscaped greenbelt shall be provided along and within any lot line which abuts a public right-of-way in the R-4, PO, C-2, LI or I zoning district.

TABLE 1. LANDSCAPE BUFFER MATRIX

	ADJACENT ZONE						
SUBJECT ZONE	AG RR	R-1 R-2 R-3	R-4	PO	C-1	C-2	LI I
AG RR			C	C	C	C	A
R-1 R-2 R-3			C	B	B	B	A

R-4	B	B	B	B	B	B	A
PO	B	B	B	C	C	C	C
C-1	B	B	B				
C-2	A	A	B	C	C	C	C
LI I	A	A	A	B	B	B	

\*Read from subject zone across to adjacent zone.

#### LEGEND

A—Buffer Zone A

B—Buffer Zone B

C—Buffer Zone C

□ No Buffer Required

#### FIGURE 1 BUFFER ZONE - LEVEL A

PU MP 2149.

#### FIGURE 2 BUFFER ZONE - LEVEL B

PU MP 2150.

#### FIGURE 3 BUFFER ZONE - LEVEL C

PU MP 2151.

(b) All greenbelts shall comply with the following standards:

(1) Required quantities of plant materials shall be as follows:

Type of Planting	Minimum Quantity per 100 Linear Feet of Greenbelt
Canopy Trees	2
Understory Trees	2
Evergreen Trees	2
Shrub	4

(2) The minimum width of the greenbelt, measured into the subject parcel from the front lot line or right-of-way line, shall be determined based on the zoning district of the subject property, as follows:

- a. R-4, 30 feet.
- b. PO, 20 feet.
- c. C-1, 20 feet, on lot lines abutting Fulton Street (M-21) only.
- d. C-2, 20 feet.
- e. LI, 25 feet.
- f. I, 25 feet.

(3) All greenbelts shall be covered by grass.

(4) The planning commission may allow reduction in required greenbelt plant material quantities, if a landscaped berm meeting minimum standards of this article is provided within all or a portion of the required greenbelt.

(5) Landscape materials shall conform with all applicable standards in section 78-707.

(Ord. No. O-012395-1, § 1(18A.06), 1-23-1995)

Sec. 78-707. - General landscape development standards.

(a) *Plan preparation standards.*

- (1) Proposed landscaping in conformance with this article shall be depicted on a separate landscape plan sheet, prepared at the same scale as the site plan, unless this requirement is waived by the zoning administrator.
- (2) Landscape plans for sites greater than one acre in size shall be prepared by a landscape architect, licensed in the state.

FIGURE 4

LANDSCAPE STANDARDS FOR GREENBELTS AND OFF-STREET PARKING AREAS

FIGURE 5

TYPICAL OFF-STREET PARKING LANDSCAPE AREA

PU MP 2157.

- (3) Landscape plans shall be prepared in accordance with the following standards:
  - a. The plan shall be superimposed on a plan of existing and proposed ground contours, with contour intervals at no greater than two feet.
  - b. The plan shall accurately identify the number, size, root type (bare root, balled-in-burlap, container grown), spacing and location of all plant materials to be installed on the site. Individual canopies of deciduous and evergreen trees shall be depicted on the plan with a canopy diameter of two-thirds mature size.
  - c. The plan shall identify the intended treatment of all open space areas, as to whether they are to be left in a natural condition, maintained turf, living ground cover, mulched or otherwise treated.
  - d. The plan shall accurately identify all areas covered by underground irrigation systems.

(b) *Minimum plant material standards.*

- (1) All plant material shall be hardy to the county and free of disease and insects.
- (2) Site landscaping shall incorporate a variety of tree and shrub types, species and sizes. Unless site specific conditions, as determined by the planning commission, dictate otherwise, no more than 40 percent of total trees, or total shrubs, used on the site shall be of a single species. In addition, no more than 40 percent of total trees planted on the site, exclusive of trees within parking lot landscaped areas, shall be of evergreen species.
- (3) Trees and shrubs in greenbelts and buffer areas shall be arranged in informal groupings and irregular spacing, to simulate a natural setting, unless site specific conditions are such that a more formal arrangement is preferred, as determined by the planning commission.
- (4) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.
- (5) Minimum plant size at time of planting (see figures 7 and 8):

Deciduous canopy tree:	2½-inch caliper
Deciduous ornamental tree:	2-inch caliper
Evergreen tree:	7-foot height
Deciduous shrub:	2-foot height
Upright evergreen shrub:	2-foot height
Spreading evergreen shrub:	18-inch spread

- (6) An underground irrigation system shall be provided for any site having total turf and planting bed area greater than 20,000 square feet.
- (7) Existing plant material which complies with the standards of this article may be retained and shall count as credit toward fulfilling the standards of this article.

(c) *Minimum standards for berms.*

- (1) Wherever a berm is used to meet the minimum requirements of this article, it shall have a minimum height of three feet and a maximum height of five feet above grade.
- (2) Berms shall be constructed so as to maintain side slopes not to exceed a one foot vertical rise to three feet horizontal ratio. (See figure 18-9 of this section.)
- (3) Berm areas not containing plants shall be covered with grass or other living ground cover.
- (4) Berms shall be constructed so as not to alter drainage patterns on-site or on adjacent properties.
- (5) If the berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

(d) *Minimum standards for screen walls and fences.*

- (1) All screen walls and fences shall be constructed of new, durable, weather resistant and easily maintainable materials. Chain link fence with plastic strip inserts are not permitted.
  - (2) The wall or fence may be constructed with opening that do not exceed 20 percent of the wall surface. The opening shall allow passage of air but shall not reduce the obscuring effect of the wall.
  - (3) When a screen wall or fence has both a finished face and an unfinished face, the wall or fence shall be installed so that the finished face is directed toward the exterior side of the development site, or the side which will be most visible to the general public, as determined by the planning commission.
  - (4) Screen walls or fences shall be constructed so as not to alter drainage patterns on-site or on adjacent properties.
- (e) *Stormwater detention areas.* Stormwater detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.
- (f) *Solid waste dumpsters.* Solid waste dumpsters may be located in buffer zones, provided they are screened by a continuous opaque wall or fence six feet in height.
- (g) *Requirements for projects developed in phases.* If a land development is constructed in phases, required landscaping may also be installed in phases. Buffer zones or screening necessary to obscure and protect abutting uses may be required in their entirety within the first phase.
- (h) *Installation and maintenance provisions.* All landscape materials required by this article shall be maintained in good condition. No required plant materials or landscape area shall be eliminated from the site. Dead or diseased plant materials shall be replaced within one growing season.

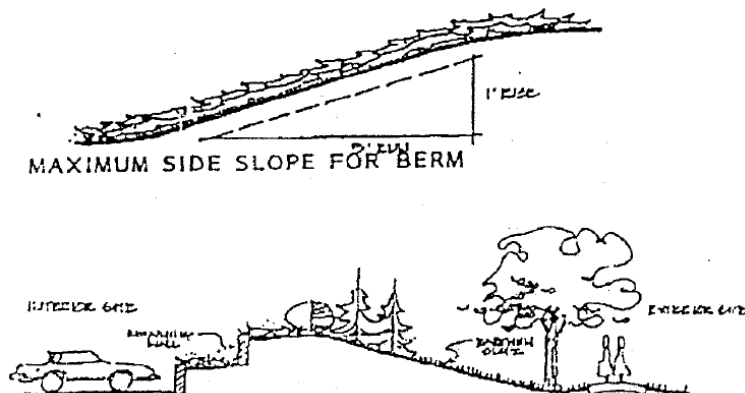
FIGURE 7  
TREE CALIPER MEASUREMENTS

PU MP 2172.

FIGURE 8  
PLANT SIZES

PU MP 2173.

FIGURE 9  
BERM WITH RETAINING WALLS



## Figure 9—Berm with Retaining Walls

- (i) In cases where existing vegetative cover on a development site provides adequate screening and buffering benefits between the subject site and adjacent property or public right-of-way, and the existing natural cover is consistent with the character of the proposed development and the surrounding area, the planning commission may waive or modify the requirements of this article, provided the site plan for development of the subject property adequately provides for the protection and preservation of the existing vegetation.

(Ord. No. O-012395-1, § 1(18A.07), 1-23-1995)

Secs. 78-708—78-740. - Reserved.

## ARTICLE XXVI. - SIGNS

## Footnotes:

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**Cross reference—** *Planning, ch. 58.*

Sec. 78-741. - Description and purpose.

It is the intent of this article to regulate the size, number, location, and manner of display of signs in the township consistent with the following purposes. All signs hereafter erected shall conform to this article and all other codes or ordinances of the township.

- (1) Protection of the natural beauty and distinctive character of the township;
- (2) Protection of uses which are adequately and appropriately identified, from too many and too large signs;
- (3) Protection of the commercial districts from visual chaos and clutter;
- (4) Enhancement of the village business district's image;
- (5) Protection of the public's ability to identify uses and premises without confusion;
- (6) Elimination of unnecessary distractions which may diminish driving safety;
- (7) Protection of the tranquility of the community and the peace of mind of residents and visitors;
- (8) Enhancement and improvement of the community by encouraging signs to be compatible with and complementary to related buildings and uses and harmonious with their surroundings.

(Ord. No. O-042682-1, § 20.01, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-071309-2, § 1, 7-13-2009)

Sec. 78-742. - Definitions.

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

*Billboard* means a sign directing attention to a use, activity, or product not located, sold, manufactured, or processed on the premises on which the sign is located.

*Business center* means any two or more uses, activities, or enterprises having one or more of the following characteristics:

- (1) They are located in the same building; or
- (2) They are located in multiple buildings on one lot; or
- (3) They are located in multiple buildings on multiple lots, have shared parking and driveway access to a public street, and the buildings have a unified or consistent architectural style, character and appearance.

In the event that any two or more uses fall within more than one of the above categories, for purposes of determining the maximum number and size of freestanding signs, the uses shall be considered as being within a business center comprised of the largest grouping of businesses resulting from any of the characteristics identified above.

*Community special event sign* shall mean a sign displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are nonprofit and whose purpose is charitable, philanthropic, religious or benevolent.

*Driveway entry sign* means a sign located near the front property line intended to provide direction for vehicular circulation into or out of a drive-in business.

*Freestanding sign* means any sign structurally separated from a building and being supported by one or more poles or braces or mounted directly on the ground.

*Identification sign* means a sign located adjacent to a building entryway identifying the names of the occupants or residents whose premises are accessed by means of the entry.

*Pedestrian sign* shall mean a sign held or worn by a person standing, walking or otherwise located outdoors on either public or private property, for the purpose of displaying the sign to passing motorists or pedestrians on a nearby public road or sidewalk, and calling attention to a business, product, service or event.

*Projecting sign* means any sign attached to a building wall with the display face of the sign at an angle of 30 degrees or more to the building wall.

*Sign* means any words, numerals, figures, devices, designs, pictures or trademarks erected on or otherwise affixed to a building, wall board, plate or any other structure, or on a vehicle or trailer, for the purpose of advertising or identifying an establishment, product, service, or activity.

*Temporary sign* shall mean a sign intended to be displayed for a limited period of time, and which is not permanently attached to a building wall or to the ground.

*Wall sign* means any sign painted on, incorporated in, or attached directly to a building wall, with the exposed face of the sign in a place parallel to the building wall, and projecting not more than 15 inches from the wall.

(Ord. No. O-042682-1, § 20.02, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-071309-2, § 2, 7-13-2009; Ord. No. O-112816-1, §§ 1—4, 11-28-2016)

**Cross reference—** Definitions generally, § 1-2.

#### Sec. 78-743. - Sign standards.

- (a) *Sign area.* Sign area shall include the entire area of the smallest geometric figure enclosing all elements of the sign which form an integral part of the sign. Supporting poles, braces, or uprights shall not be included in the sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where the two faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face.
- (b) *Illumination.* Signs may be illuminated by either internal or external sources of light. Illumination of signs shall comply with the following requirements:
  - (1) *All illuminated signs.* Illumination of signs shall not be flashing, blinking, intermittent or of an on-and-off type of illumination, with the exception of time and/or temperature signs.
  - (2) *Internally-illuminated signs.* Light shall not be emitted from greater than 35 percent of the area of any sign face. The illuminated portion of any sign face may include lettering or other graphic symbols. Measurement of the illuminated area of a sign face shall be made in the manner specified in this article for measurement of sign area, except that in the case of individually-illuminated letters the area illuminated shall be defined as the area of the smallest plane geometric figure enclosing each of the individual words. No light shall be emitted from the perimeter edges of any sign.
  - (3) *Externally-illuminated signs.*
    - a. External sources of light shall be arranged so that light is deflected away from adjacent properties and so that it does not impede the vision of drivers along adjacent streets. No direct source of light shall be directly visible to any driver or pedestrian located in a public right-of-way or from any land in a residential zone district or used for residential purposes.
    - b. Lighting fixtures shall be mounted on the top of the sign structure whenever practical, or mounted so that no light rays are emitted by the installed fixture at angles above the highest horizontal plane of the sign.
- (c) *Height and overhang.*
  - (1) A wall sign shall not project beyond the ends of the wall to which it is attached.
  - (2) No wall sign shall project above the roofline; a wall sign may be placed on a gable end of a building.
  - (3) No sign shall project into the public right-of-way of the adjacent street or streets, except as otherwise permitted in this article.
  - (4) Freestanding signs, if mounted on a pole or other support structure, shall not exceed a height of 25 feet and shall have a minimum clearance between the ground and the bottom of the sign of ten feet. If ground-mounted, such signs shall not exceed a height of five feet.
- (d) *Maintenance.* All signs shall be maintained in a structurally safe condition and shall be subject to inspection by the building inspector.
- (e) *Location.* With the exception of billboards, which are governed by section 78-744, each sign shall be located on the same premises as the use, activity, or person to which it refers. Each wall sign shall be located on, and parallel to, the front face of the building. No sign shall be located where, in the opinion of the zoning administrator, it will obstruct visibility of traffic on the abutting street.

(f) *Other standards.* In addition to complying with the requirements of this article, all signs must fully comply with the current BOCA Basic/National Building Code, Article 19 or any other building code adopted by the township, copies of which are available at the township offices.

(Ord. No. O-042682-1, § 20.03, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-081390-1, 8-13-1990; Ord. No. O-112816-1, §§ 5, 11-28-2016 )

Sec. 78-744. - Permitted signs.

(a) In AGP, RP-1, RP-2, RR, VR, R-1, R-2, R-3 and R-4 districts, the following signs are authorized upon application for and issuance of a sign permit, pursuant to section 78-748.

- (1) Institutional identification for churches, schools, nursing homes, and public buildings may include one wall sign and one ground-mounted freestanding sign. One of the permitted signs for churches and schools may contain internally illuminated changeable message bulletin board, provided no more than 50 percent of the total sign area is used for such bulletin. The aggregate area of all signage shall not exceed 50 square feet.
- (2) Identification for open space activities such as golf courses, riding stables, nurseries, and similar open space uses may include one wall sign or ground-mounted freestanding sign not exceeding an area of 16 square feet.
- (3) Identification for residential subdivisions, apartment complexes, mobile home parks, and other forms of concentrated residential development may include one sign per entrance into the development. Such sign shall be ground-mounted or attached to a permanent wall structure and shall not exceed 16 square feet per sign.

(b) In the C-1 district, the following signs are permitted upon application for and issuance of a sign permit, pursuant to section 78-748:

- (1) *Wall signs.* The maximum permitted area of all wall signs placed on a building, the maximum number of wall signs per business or occupant, and the maximum area of an individual wall sign shall be as specified in the following table:

Floor area of building	Maximum permitted area of all wall signs	Maximum number of wall signs per business or occupant	Maximum area per wall sign	
			For buildings on a lot having frontage on Fulton St. (M-21)	All other buildings
5,000 square feet or less	The lesser of two percent of the ground floor area, or 50 square feet	2	24 square feet	16 square feet
5,001 square feet to 10,000 square feet	70 square feet	2	30 square feet	16 square feet
10,001 square feet to 15,000 square feet	80 square feet	2	40 square feet	16 square feet
Over 15,000 square feet	80 square feet, subject to footnote "A." below	2	40 square feet	16 square feet

A. The planning commission, in its consideration and approval of a special land use, planned unit development or PVM district development plan application, may authorize maximum permitted area of all wall signs in excess of the limit specified above for buildings over 15,000 square feet in floor area.

- (2) *One projecting sign per entry door to a business (excluding an entry door serving more than one business) or two projecting signs per business, whichever is greater, provided the following conditions are met:*

- a. The sign shall not exceed six square feet in area.
- b. There shall be a minimum clearance between the ground and the bottom of the sign of ten feet, if the sign projects over a public sidewalk.



- c. The sign shall not project more than four feet from the building wall, nor extend closer than two feet to the curb line.
- d. An individual business premises shall have no more than one projecting sign per street or sidewalk frontage.

(3) *Freestanding signs, subject to the following limitations:*

- a. Maximum number of freestanding signs:
  - 1. On a lot or parcel having frontage on and vehicular access from one street or on a corner lot, one freestanding sign is permitted.
  - 2. On a double frontage lot having vehicular access from both streets, two freestanding signs are permitted.
- b. A freestanding sign shall not exceed 16 square feet in area, unless the sign identifies the premises of a business center, as defined herein, in which case the sign shall not exceed 24 square feet in area.
- c. A freestanding sign shall not exceed a height of five feet.
- d. A freestanding sign shall not project over any street right-of-way line.

(c) In the PO, C-2, LI and I districts, the following signs are permitted, upon application for and issuance of a sign permit, pursuant to section 78-748.

(1) One wall sign per business, subject to the following size limits:

- a. For a business having 1,200 square feet or less of floor area, a maximum of 24 square feet.
- b. For a business having over 1,200 square feet of floor area, the lesser of one square foot per 50 square feet of building floor area occupied by the business or 40 square feet.

(2) One freestanding sign per property or parcel, subject to the following limitations:

- a. The sign shall not exceed 40 square feet in area, unless the sign identifies the premises of a business center, as defined herein, in which case the sign shall not exceed 60 square feet in area.
- b. The sign shall not exceed a height of five feet.
- c. The sign shall be set back a minimum of five feet from any property line.

(3) One pair of driveway entry signs, not exceeding one sign per driveway, provided the following conditions shall be met:

- a. Such signs relate only to drive-in establishments.
- b. Such signs shall, in the opinion of the zoning administrator, be necessary to direct vehicles into or out of driveways designed for one-way traffic only and to eliminate motorist confusion concerning access to the establishment.
- c. No sign shall be located within the road right-of-way.
- d. The maximum height shall not exceed three feet.
- e. The maximum sign area shall not exceed four square feet per sign.
- f. No words other than "enter" or "exit" shall be permitted on each sign.
- g. The corporate logo and/or other recognizable symbol associated with the business, but not including words, may appear on the driveway entry sign, provided that use of such symbol shall cause the maximum permitted size of a freestanding sign to be reduced by 25 percent.

(d) *Permitted temporary signs.*

(1) A temporary sign, unless specifically exempt from the issuance of a permit by section 78-746, shall not be placed on any lot, parcel or premises unless a permit authorizing such temporary sign has been issued by the zoning administrator.

(2) The following standards shall apply to display of temporary signs for all nonresidential uses, in all districts:

- a. Issuance of a permit for a temporary sign shall authorize the display of the sign for seven consecutive days.
- b. A maximum of four permits authorizing display of a temporary sign shall be issued in any calendar year for any individual business premises.

In the case of a business center, as defined herein, a maximum of two permits for display of a temporary sign may be issued in any calendar year to an individual business located within the business center.

In addition, permits authorizing a maximum of two additional temporary signs may be issued for display at a business center, when the application is submitted by the owner of the business center, the manager of the business center, or another individual or organization acting on behalf of all of the business entities located within the business center.

- c. A temporary sign shall not be located within or over a public right-of-way, except as provided in subsection d., below.
- d. All temporary signs shall be constructed of materials and shall be installed in such a manner which ensures that the sign will not constitute a safety hazard in the event of high winds, as determined by the zoning administrator.

e. A temporary sign shall comply with the following dimensional and locations standards:

Maximum area:	32 square feet
Maximum height:	6 feet
Location:	If freestanding, minimum setback of 10 feet from the front lot line. If building-mounted, the sign shall not extend above the top of the building wall. A temporary sign shall not be located in a parking area or driveway.

(3) Community special event signs are permitted in any zoning district, subject to the following restrictions:

- a. A community special event sign may be located either on or off the lot on which the special event is held.
- b. For a reoccurring event which takes place on more than five occasions within a period of 12 consecutive weeks, the number, size, height, duration of display and location of community special event signs pertaining to the event shall be as determined by the zoning administrator.
- c. For all other community special events, the maximum number, size and height of signs pertaining to the event shall be as follows:
  1. A maximum of two community special event signs shall be permitted for a special event, on all lots on which such a sign is displayed.
  2. The display of the signs shall be limited to the 14 days immediately preceding and including the date of the special event.
  3. The signs shall have a maximum size of 40 square feet in area, and a maximum height above ground level of six feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located.
  4. The signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.

(Ord. No. O-042682-1, § 20.04, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-020888-1, 2-8-1988; Ord. No. O-031102-1, §§ 1—3, 3-11-2002; Ord. No. O-100807-1, § 2, 10-8-2007; Ord. No. O-071309-2, §§ 3, 4, 7-13-2009; Ord. No. O-021710-1, § 25, 2-17-2010; Ord. No. O-112816-1, §§ 5, 11-28-2016; Ord. No. O-071221-1, § 1, 7-12-2021)

#### Sec. 78-745. - Prohibited signs.

(a) *Prohibited types of signs.*

- (1) Private use sign[s] located on public land or in a public right-of-way;
- (2) Sign[s] cut, burnt, or otherwise marked on a hillside or tree;
- (3) Unsafe signs;
- (4) Signs identifying discontinued uses;
- (5) Bill boards, as defined in this article.
- (6) Pedestrian signs, as defined herein.

(b) *Prohibited types of material and form.*

- (1) Sign with reflective material.
- (2) Banners, pennants, streamers, or other wind-activated devices intended to attract attention except in conjunction with a fair, carnival, circus, athletic event, or during the first 30 days of occupancy of a new building or operation of a new business.
- (3) Sign, other than a clock or meteorological device, having moving parts or parts so devised that the sign appears to move or to be animated.
- (4) Portable sign including an "A" frame sign, or a sign on a vehicle, float, boat, balloon or other movable object designed primarily for the purpose of advertising.
- (5) Sign in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except such a sign as may be approved by sign review or as may be required for safety and convenience and for control of vehicular and pedestrian traffic within the premises of the subject use.

(c) *Erection of a prohibited sign.* Erection of any unauthorized sign, or any sign prohibited in this section shall result in a fine of a minimum of \$25.00 to a maximum of \$100.00 per day of violation.

(Ord. No. O-042682-1, § 20.05, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-020888-1, 2-8-1988; Ord. No. O-100807-1, § 1, 10-8-2007; Ord. No. O-071309-2, § 5, 7-13-2009)

**Editor's note**— Ord. No. O-071309-2, § 5, adopted July 22, 2009, added subsection (5) to subsection 78-745(a). Inasmuch as subsection (5) already existed, the new material has been redesignated as (6) at the editor's discretion.

Sec. 78-746. - Exempted signs.

The following signs are permitted without a township sign permit, provided all applicable requirements are met:

(1) *Identification signs.*

- a. *Dwelling.* One nameplate not exceeding two square feet, may be freestanding;
- b. *Home occupation.* One wall sign not exceeding one square foot;
- c. *Farm, plant nursery, or orchard.* One sign not exceeding eight square feet, may be freestanding if ground-mounted.
- d. *Business or other non-residential/nonfarm premises.* One occupant identification sign per occupant, not exceeding one square foot per sign, located adjacent to each common building entry shared by multiple occupants.

(2) *Temporary.*

- a. *Real estate sale and lease:*
  1. *Dwelling or dwelling site:* One sign not exceeding four square feet;
  2. *Property other than dwelling:* One sign not exceeding 12 square feet;
- b. *Construction:* One sign identifying the proposed use and/or building and persons or firms involved during the period of construction not exceeding 32 square feet;
- c. *Sales:* Temporary signs announcing sales or special features attached to or painted on the surfaces of store windows provided they do not exceed 25 percent of the area of the windows and provided they are removed immediately after the termination of the subject event;
- d. *Political:* Signs not exceeding four square feet located by an individual on his own residence or place of business or on some part of the property; provided such signs are displayed not more than 45 days before, or more than ten days after, the conclusion of the political campaign to which it relates;
- e. *Christmas tree lot:* One sign not exceeding 32 square feet, set back a minimum of ten feet from the street right-of-way line, and removed by December 27 of each year;
- f. *Holiday decorations:* Holiday bunting, decoration and displays;
- g. *Roadside stands:* One sign not exceeding 24 square feet;
- h. *Sidewalk message signs:* In the C-1 zoning district, a maximum of one sidewalk message sign shall be permitted for each business or establishment, subject to the following standards:
  1. A sidewalk message sign shall not exceed three feet in width and four feet in height, shall be constructed in a "sandwich board" or "A-frame" style, and shall not be illuminated.
  2. A sidewalk message sign shall not be permanently anchored to the ground surface or to any other object or structure, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.
  3. A sidewalk message sign shall only be displayed between the hours of 7:00 a.m. and 9:00 p.m.
  4. Except as provided in subsection 5., below, a sidewalk message sign may only be placed on the property of the business or establishment to which the sign pertains.
  5. Where a public sidewalk exists within the public right-of-way, a sidewalk message sign may be placed on the sidewalk abutting the property to which the sign pertains, provided that the sidewalk has a minimum width of eight feet, and provided the sign placement is aligned with raised planting beds or municipal street light poles located thereon, so as not to unreasonably interfere with use of the sidewalk by pedestrians.
  6. A sidewalk message sign shall not be placed in a parking area or driveway.

(3) *Governmental.*

- a. Emergency and warning signs necessary for public safety or civil defense;
- b. Traffic signs erected and maintained by an authorized public agency;
- c. Legal notices, licenses, permits and other signs required to be displayed by law; provided no sign shall be any larger than the minimum size required by law;

- d. Flags and emblems of governmental jurisdictions not used for commercial advertising;

(4) *Miscellaneous.*

- a. Address numbers not exceeding 12 inches in height;
- b. Public sign identifying a neighborhood, district or community;
- c. Historical plaques erected and maintained by nonprofit organizations, memorials, building cornerstones and erection date stones;
- d. Association membership, credit card system, trading stamps given, patronage games, etc., one sign not exceeding one square foot for each, flush on the building;
- e. Posted restaurant menu identical to those made available to diners;
- f. Parking area and traffic control signs, not including driveway entry signs, provided such signs conform to the state manual of uniform traffic control devices;
- g. Signs containing no product advertising, with letters not exceeding six inches in height, for identification of telephones, service entrances, restrooms, litter receptacles and other similar signs as may be determined by the zoning administrator.

(Ord. No. O-042682-1, § 20.06, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-071309-2, §§ 6, 7, 7-13-2009; Ord. No. O-112816-1, §§ 6, 11-28-2016)

Sec. 78-747. - Nonconforming signs.

Signs lawfully erected prior to August 24, 1987, which do not meet the standards established herein, may be continued except as hereafter provided.

(1) Nonconforming signs shall not:

- a. Be altered, or moved, nor shall any sign or any substantial part of a sign which is destroyed, or removed be re-erected, reconstructed, rebuilt, or relocated unless it is made to comply with all applicable requirements of this article;
- b. Have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message;
- c. 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
- d. Be reestablished or continued after the activity, business, or use to which it relates has been discontinued for 90 days or longer.

(2) No person shall be required to remove a sign which was erected in compliance with these sign requirements if such sign becomes nonconforming due to a change in the location of buildings, streets, or other signs which change is beyond the control of the owner of the premises upon which the sign is located.

(3) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to the sign requirements specified in this section.

(Ord. No. O-042682-1, § 20.07, 4-26-1982; Ord. No. O-082487-1, 8-24-1987)

Sec. 78-748. - Sign permit procedures.

(a) *Permits for permanent signs.*

(1) Each person or entity desiring to erect or maintain a sign which is permitted by section 78-744, subsections (a) through (c) shall make written application together with appropriate fees and escrow amounts, as specified in section 78-746, to the zoning administrator on an application form provided for that purpose. Such application shall include the following:

- a. The plans of the sign drawn to scale, showing the proposed location of the sign and the dimensions of the sign;
- b. Sufficient other details of the proposed sign to show that it complies with the provisions of this article;

(2) All applications shall be accompanied by the written consent of the record owner of the property upon which the sign is proposed to be erected or by other evidence that the applicant is entitled to erect and maintain the sign. Where several signs are proposed for the same use, all such signs may be included on a single application.

(3) No sign requiring a sign permit shall be erected or installed until an application for sign permit is approved.

(4) This permit review may be eliminated if the required information is provided to the planning commission as part of the site plan review in accordance with article XXII. In such case, the planning commission shall approve, approve with conditions, or deny the request consistent with the provisions of this article and applicable provisions of this chapter.

(5) An application for a sign permit shall be approved if the application, plans, other submissions and any necessary inspection indicate that the proposed sign or signs comply with the regulations of this article.

(6) An application for sign permit may be approved, conditionally approved, or disapproved.

- (7) Guarantees, sureties or other evidence of compliance may be required in connection with, or as a condition of, a sign permit.
- (8) An approved application, and all other related and approved plans, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the zoning administrator.
- (9) Expiration and extension of sign permit.
  - a. A sign permit shall expire one year from its effective date unless the sign has been erected or a different expiration date is stipulated at the time of approval. Prior to the expiration of a sign permit or sign review approval, the applicant may apply to the zoning administrator for an extension of one year from the date of expiration. The zoning administrator may make minor modifications or may deny further extensions of the approved sign at the time of extension if it is found that there has been a substantial change in circumstances.
  - b. The expiration date of the sign permit shall be automatically extended to concur with the expiration date of building permits or other permits relating to the installation of the sign.
- (b) *Permits for temporary signs.* Application for a permit to display a temporary sign permitted by section 78-744, paragraph (d) shall be made to the zoning administrator, by submission of the required forms, fees, exhibits and information by the owner of the property on which the sign is to be located, or by his agent or lessee. The application shall contain the following information:
  - (1) The name, mailing address and telephone number of the property owner, business owner and applicant for the permit.
  - (2) Identification of the street address and parcel number of the parcel on which the sign is to be placed.
  - (3) A site plan, drawn to scale, accurately identifying the location of the proposed temporary sign on the subject property.
  - (4) A scaled drawing which accurately depicts the dimensions and display area of the proposed sign.
  - (5) Identification of the specific calendar date or dates on which the temporary sign or signs will be displayed.
  - (6) A nonrefundable application fee, in an amount established by resolution of the township board.

(Ord. No. O-042682-1, § 20.08, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-020888-1, 2-8-1988; Ord. No. O-072699-1, § 7, 7-26-1999; Ord. No. O-071309-2, § 8, 7-13-2009)

#### Sec. 78-749. - Review criteria.

In considering any sign permit request, the zoning administrator, or, if conducted as part of the site plan review, the planning commission, shall grant approval according to the following applicable criteria in addition to any other criteria specified above:

- (1) The purpose of this article stated in section 78-741;
- (2) The standards and criteria set forth in sections 78-743, 78-744;
- (3) Each sign shall be of a shape, material, style, letter type and color appropriate for the use, enhancing to the premises and harmonious with the neighborhood, and, where applicable, shall be consistent with the adopted design guidelines and recommendations in the township comprehensive plan.

(Ord. No. O-042682-1, § 20.09, 4-26-1982; Ord. No. O-082487-1, 8-24-1987)

#### Secs. 78-750—78-780. - Reserved.

#### ARTICLE XXVII. - OFF-STREET PARKING AND LOADING SPACES

##### *Footnotes:*

--- (16) ---

**Cross reference—** *Traffic and vehicles, ch. 66.*

#### Sec. 78-781. - General.

In order to reduce or prevent traffic congestion and shortage of parking facilities in the township, off-street parking and loading facilities shall be provided as required by this article, in proportion to the need for those facilities created by various uses of land, buildings and structures. Off-street parking and loading areas shall be designed, maintained and operated so as to ensure their usefulness, protect the public safety, and where appropriate, protect surrounding uses from their impact.

(Ord. No. O-052896-3, § 1(19.01), 5-28-1996)

#### Sec. 78-782. - Existing parking and loading facilities.

Off-street parking facilities which exist on the effective date of the ordinance from which this article derives and which are provided in connection with a building, structure or use shall not be reduced in number or dimensions to less than the minimum standards prescribed by this chapter, nor shall those facilities be used to satisfy the standards of this chapter for any other building, structure or use of land.

(Ord. No. O-052896-3, § 1(19.02), 5-28-1996)

Sec. 78-783. - Applicability.

Off-street parking facilities shall be provided for any new building, structure or use, for any addition or enlargement to an existing building, structure or use, or for any change in the use of an existing building or structure, according to the standards provided by this article. If an existing building, structure or use is added to or enlarged, the parking requirements of this article shall apply only to the addition or enlargement, and not to any preexisting parking deficiency of the existing building, structure or use. If an existing use is changed to a new use for which this chapter requires a larger number of parking spaces than is required for the existing use, the number of additional parking spaces required for the new use shall be equal to the difference between the number of parking spaces required for the new use and the number of parking spaces required for the previously existing use.

(Ord. No. O-052896-3, § 1(19.03), 5-28-1996)

Sec. 78-784. - Maintenance and use of facilities.

- (a) All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow, debris or other materials which prevent the full use and occupancy of those facilities, except for temporary periods of short duration in the event of heavy snowfall.
- (b) The parking or storage in any off-street parking area of semi-trucks, trailers, recreation vehicles, mobile homes, machinery, wrecked or junked vehicles, similar materials or any materials not specifically related to the business or activity being conducted on the premises shall be prohibited in all zoning districts.
- (c) Off-street parking facilities shall not be used for repair, dismantling or servicing of any vehicles, machinery or equipment.

(Ord. No. O-052896-3, § 1(19.04), 5-28-1996)

Sec. 78-785. - Procedure for approval of parking area construction.

- (a) No person shall construct a parking facility or cause any land to be used for a parking facility, with the exception of parking facilities serving a single-family dwelling, unless a site plan for the parking facility has been submitted and approved, pursuant to the provisions of this article.
- (b) Application for approval of construction of a parking area shall be made by submittal to the zoning administrator of an application form, application fee and a site plan for the parking facility at a scale not greater than one inch equals 50 feet. The plans shall include the following:
  - (1) Existing lot lines.
  - (2) Existing and proposed ground elevation contours at two-foot intervals.
  - (3) Location of buildings and other structures on the parcel.
  - (4) Location and dimensions of the proposed parking area, including location of access driveways.
  - (5) Parking stall, aisle and driveway dimensions.
  - (6) Location and size of all drainage facilities.
  - (7) Location, height, style and intensity of lighting.
  - (8) Location of sidewalks which may be provided.
  - (9) Proposed landscaping in and adjacent to the parking area.
  - (10) Proposed base and surface materials of the parking area.
- (c) Review and approval of a site plan for construction of a parking area shall be carried out in accordance with the following procedure:
  - (1) A site plan for the construction of ten or fewer parking spaces shall be reviewed by the zoning administrator. The zoning administrator may, at his discretion, approve the site plan, if the plans for the parking facility conform with the requirements of this chapter and other applicable provisions of this chapter, or refer the site plan to the planning commission for review according to the provisions of article XXII of this chapter.
  - (2) A site plan for the construction of 11 or more parking spaces shall be subject to the review and approval of the planning commission, in accordance with the provisions of article XXII of this chapter.

- (d) Construction of a parking facility for which a site plan has been approved shall comply with the plans submitted in application for the approval.

(Ord. No. O-052896-3, § 1(19.05), 5-28-1996)

## Sec. 78-786. - Parking facility design standards.

The design of any off-street parking facility constructed on or after the effective date of the ordinance from which this article derives, with the exception of parking facilities serving public parks and recreation areas, farms, single- and two-family dwellings and nonpublic areas used primarily for private storage of vehicles, shall conform with the standards provided by this section. In addition, the standards provided by this section shall apply to any existing parking facility which is expanded in size by 20 percent or greater, based upon either number of parking spaces or square feet of parking area:

- (1) All parking facilities shall be hard-surfaced with asphalt or concrete pavement and shall be graded and drained so as to dispose of surface water which might accumulate within or upon the parking area. Surface water from a parking area shall not be permitted to drain onto adjoining property, except a public right-of-way, unless a watershed easement has been obtained.
- (2) All illumination for or on any parking area shall be deflected away from adjacent property. The source of illumination in all parking areas within or abutting a residential zoning district or use shall not be more than 20 feet above the parking area surface.
- (3) Adequate ingress and egress to the parking area, by means of limited and clearly defined drives, shall be provided for all vehicles. One-way ingress or egress driveways shall have a width between 12 feet and 15 feet, and two-way ingress and egress driveways shall have a width between 24 feet and 30 feet.
- (4) Wheel stops or raised curbing shall be provided and located so as to prevent any vehicle from projecting over the lot lines.
- (5) Individual parking spaces shall be clearly identified and marked with durable striping.
- (6) Parking areas, with the exception of access driveways from public streets, shall be located entirely within lot lines and shall not encroach into any public right-of-way.
- (7) Parking areas shall be subject to setbacks from property lines, as may be provided in articles VII through XVIII.
- (8) Off-street parking areas shall be designed so as to avoid the necessity of vehicles backing into any street.
- (9) Dimensions of parking spaces and maneuvering aisles shall comply with the following requirements:

Parking Pattern	Minimum Aisle Width		Minimum Space	
	Two-Way (feet)	One-Way (feet)	Width (feet)	Length (feet)
Parallel Parking	24	12	9	23
45 degree angle	—	12	9	18
60 degree angle	—	15	9	18
90 degree angle	26	15	9	18

These dimension standards are illustrated in the diagram, titled "Off-Street Parking Design Standards."

Minor adjustments of the dimensions prescribed in this section may be authorized by the zoning administrator, if consistent with generally recognized design standards for off-street parking facilities. Landscaping shall be provided within and adjacent to off-street parking areas in accordance with the requirements of article XXV of this chapter.

(Ord. No. O-052896-3, § 1(19.06), 5-28-1996)

## Sec. 78-787. - Location of facilities.

- (a) All parking associated with a particular use shall be located in the same zoning district as that use.
- (b) In the AGP, RP-1, RP-2, RR, R-1, R-2, R-3, R-4 and VR zoning districts, required off-street parking areas shall be located either on the same lot as the use served by the parking or on an adjoining lot under the same ownership or control as the lot on which the use is located.
- (c) In the C-1, C-2, PO and I zoning districts, required off-street parking areas shall be located within 300 feet of the building, structure or use served by the parking, measured as the shortest distance from any part of the building or structure to any part of the parking area. This requirement shall not apply where a shuttle vehicle service provides transportation between a parking area and the building, structure or use which is served

by the parking.

(Ord. No. O-052896-3, § 1(19.07), 5-28-1996; Ord. No. O-021710-1, § 26, 2-17-2010)

Sec. 78-788. - Schedule of off-street parking requirements.

- (a) *General parking provisions.* Each use shall provide at least the number of parking spaces required by subsection (b) of this section, subject to the following provisions:
- (1) Where fractional requirements result from the application of this schedule, the nearest whole number shall be required.
  - (2) For any use not listed in this schedule, parking spaces shall be provided in a quantity sufficient to reasonably and adequately provide for the highest expected volume of users.
  - (3) If the required number of parking spaces is based on measurement of floor area, the measurement shall not include area used for parking within a building, incidental storage, mechanical, heating, ventilation system areas, and similar areas.
  - (4) If documentation is provided to the planning commission that the requirements of this article would result in an excessive number of unneeded spaces for a proposed use, the commission may permit minor variation from the standards contained in subsection (b) of this section. Alternatively, the planning commission may permit the construction of a portion of the required parking to be deferred to a later date, subject to the following requirements:
    - a. The site plan shall include the design and layout for the total number of parking spaces required by this article, and shall designate the parking area to be constructed initially, as well as parking area which is being deferred.
    - b. The entire planned parking area, both initial and deferred, shall comply with all applicable standards of this article, including dimensions, setbacks, internal landscaping and landscape buffer requirements.
    - c. The area reserved for deferred parking must not have physical characteristics, such as excessive slope or wetlands, which would interfere with its use for parking. At any time following the approval of a plan for deferred parking, and the construction of the use associated therewith, the planning commission may require that the deferred parking area be constructed within a reasonable time following notice of such requirement made to the property owner.

(b) *Schedule of minimum parking requirements:* A minimum number of parking spaces shall be provided for each use as follows:

Use	Spaces	Per Each:
<i>Residential:</i>		
Single- and two-family dwellings	2	Per dwelling unit.
Multiple-family dwellings	1.5	Per efficiency or 1-bedroom unit.
	2.2	Per 2-bedroom or greater size unit.
<i>Housing for the elderly:</i>		
Independent living units	1.5	Per unit.
Interim or intermediate care	1	Per each room or 2 beds, whichever is less, plus
	1	Per employee during the peak employment shift.
Convalescent, nursing homes	1	Per 3 beds or 2 rooms, whichever, is less, plus
	1	Per employee during the peak employment shift.
<i>Institutional:</i>		
Churches, theaters, auditoriums, assembly areas and gymnasiums with fixed seating	1	Per 3 seats or 6 feet of seating length.
Group day care homes and foster care group homes	1	Per 4 clients, plus
	1	Per each employee.
Hospitals	1	Per each 2 beds, plus per staff doctor, plus
	1	Per other employee.
Libraries, museums, governmental administration buildings	1	Per 200 square feet of floor area.
Schools, elementary and middle	1.5	Per classroom, plus amount required for auditorium or gymnasium seating.
Schools, secondary	1	Per 4 students, plus
	1.5	Per classroom, plus amount required for auditorium or gymnasium seating.
<i>Commercial:</i>		
Appliance/furniture/carpet sales	1	Per 500 square feet of floor area.
Automobile sales and service garages, without sales of convenience goods	2	Per service bay, plus
	1	Per 500 square feet of floor area devoted to sales of automotive goods.
Banks and other financial institutions	1	Per 300 square feet of floor area.



Barber and beauty shops	3	Per each chair or booth.
Bowling alleys	6	Per lane.
Business services	1	Per 300 square feet of floor area.
Car wash	2	Per employee at peak shift, plus 2 spaces.
Convenience store, with or without gasoline sales	1	Per 250 square feet of floor area, excluding spaces at gas pump islands.
Dance halls, assembly areas, exhibition halls without fixed seating	1	Per 100 square feet of floor area.
Dry cleaners	1	Per 500 square feet of floor area.
Funeral homes or mortuaries	1	Per 25 square feet of parlor or chapel area, plus
	1	Per service vehicle.
Hotels, motels, bed and breakfast establishments	1	Per guest room, plus
	1	amount required for other uses on the premises, plus
	1	Per employee.
Indoor commercial recreational establishments	1	Per 3 persons allowed within maximum occupancy permitted by building code.
Laundry, self serve	1	Per dryer unit.
Medical offices and clinics, including veterinarians	6	Per physician or veterinarian, plus
	1	Per employee.
Office, except medical	1	Per 300 square feet of floor area.
Restaurants, full-service, sit-down type	1	Per 100 square feet of floor area.
Restaurant, fast-food or drive-in	1	Per 75 square feet of floor area.
Retail sales, not otherwise specified herein	1	Per 200 square feet of floor area.
<i>Industrial:</i>		
Manufacturing uses	1	Per 1,000 square feet of gross manufacturing area, plus
		amount required for office space on the premises.
Warehouses, storage buildings, wholesale establishments, lumber and supply yards	1	Per 1,000 square feet of floor area.

(c) *Maximum parking requirements.* In order to limit excess areas of pavement which result in adverse aesthetic impacts and increased volumes of stormwater runoff, the number of parking spaces provided on any development site shall not exceed the minimum standards of this article by greater than 25 percent, except with the approval of the planning commission. The planning commission shall not approve such additional parking unless it determines, based on documentation provided by the applicant, that such additional parking is necessary to the operation of the proposed use. Factors which may be considered by the commission in making such a determination include, but are not limited to, the type of use proposed, the floor plan layout of proposed buildings, proposed staffing levels, examples of similar existing uses requiring such additional parking, and the likely frequency and duration of the need for the additional parking.

(Ord. No. O-052896-3, § 1(19.08), 5-28-1996)

Sec. 78-789. - Stacking space requirements.

(a) Uses which include drive-through service windows or bays shall provide area for vehicles waiting for service, according to the following schedule:

Auto repair station, such as oil change, lubrication, etc.	1 space per service bay.
Financial institutions.	4 spaces per service window.
Restaurants.	10 spaces per service window.
Automatic car wash.	10 spaces per wash bay.
Self-service car wash.	2 spaces per wash bay.

(b) Waiting spaces for vehicles shall have minimum dimensions of nine feet in width and 23 feet in length. Stacking area for vehicles shall not conflict or block access to the site or to parking spaces on the site.

(Ord. No. O-052896-3, § 1(19.09), 5-28-1996)

Sec. 78-790. - Parking for mixed use facilities.

For mixed uses in the same building or on the same parcel, or if a single parking facility serves more than one use, the amount of parking specified for each use individually shall be provided, unless evidence is submitted that the aggregate minimum is unreasonably high, as a result of differing periods of peak parking demand for each use or other factors resulting from the joint use of parking, in which case the planning commission may approve a reduced aggregate amount.

(Ord. No. O-052896-3, § 1(19.10), 5-28-1996)

Sec. 78-791. - Required off-street loading/unloading spaces.

- (a) For every building or addition to a building to be used for manufacturing, storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or similar use involving the receipt or distribution of materials or merchandise in vehicles, there shall be provided and maintained on the same lot with the building or addition off-street loading spaces and related maneuvering space for ingress and egress of vehicles, as follows:

Building floor area	Required loading spaces
Less than 20,000 square feet	1 space.
20,000 to 49,999 square feet	2 spaces.
50,000 square feet or more	2 spaces, plus 1 space for each additional 50,000 square feet or fraction thereof over 50,000 square feet.

- (b) Off-street loading/unloading spaces shall have minimum dimensions of ten feet in width, 25 feet in length and an unobstructed height of 14 feet.
- (c) Any loading space located closer than 50 feet to a residential zoning district or use shall be completely screened from the residential district or use by a solid fence or wall at least six feet in height or a landscape screen consisting of a dense, evergreen vegetative buffer not less than six feet in height at the time of planting.
- (d) Adequate space shall be provided so that vehicles using required loading/unloading spaces are not required to use a street for maneuvering.
- (e) No person shall construct an off-street loading area or cause any land to be used for an off-street loading area, unless a certificate of zoning compliance for the loading facility has been issued by the zoning administrator. Application for a certificate of zoning compliance shall be made in the manner provided in this chapter for approval of construction of a parking area, including review and approval of a site plan.

(Ord. No. O-052896-3, § 1(19.11), 5-28-1996)

Secs. 78-792—78-800. - Reserved.

ARTICLE XXVIII. - PUBLIC STREET ACCESS AND PRIVATE ROAD AND DRIVEWAY STANDARDS

Sec. 78-801. - Definitions.

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

*Private driveway* means an improved or unimproved path, road or ground surface extending from a public street or private road, which provides vehicular ingress and egress to no more than one improved lot, parcel or principal building.

*Private road* means a privately-owned and maintained drive, street, or any improved or unimproved surface, not dedicated to the county road commission as a public road, which provides the primary means of vehicular ingress and egress from a public road to two or more dwelling units, lots, parcels or principal buildings, whether created by a private right-of-way agreement, easement or prescription.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

**Cross reference—** Definitions generally, § 1-2.

Sec. 78-802. - Access required.

Every principal building and use shall be located on a lot which either abuts a public street or has legal access to a public street on a private road, in accordance with the following provisions:

- (1) A lot which abuts a public street shall abut the public street for a minimum width of 30 feet.
- (2) A lot which does not abut a public street shall have access to a public street on a private road which complies with all applicable standards contained in this article. The lot shall abut the private road for a minimum width of 30 feet.
- (3) A lot which does not abut a public street shall be served by necessary easements granted to the township for the construction, operation, inspection, maintenance, repair, alteration, replacement and/or removal of pipelines, mains, conduits, wires and other installations of a similar character, for the purpose of providing:
  - a. Public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement; and
  - b. Private utilities, including electrical distribution, telephone, natural gas and cable television, and to accommodate excavation and refilling of ditches and trenches necessary for the location of such structures.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

Sec. 78-803. - Standards for private driveways.

- (a) All private driveways which are greater than 125 feet in length, measured from the public road right-of-way, and all private roads, regardless of length, shall comply with all of the following standards:
  - (1) The inside radius of all horizontal curves shall be a minimum of 25 feet.
  - (2) The design of any bridge or crossing of a culvert greater than 48 inches in diameter shall be approved by a registered professional engineer. All bridges and culverts shall be capable of supporting a vehicle loading of an HS-20-type vehicle, based on state department of transportation standards.
  - (3) The address for all lots or parcels accessed from a private road which does not have a name approved by the county road commission shall be posted at the public roadway and at each driveway intersection with the private road. The street address for all lots or parcels accessed from a private road which has a name approved by the county road commission shall be posted at each driveway intersection with the private road.
  - (4) All lots or parcels accessed solely from a private road having a name approved by the county road commission shall be addressed on that private road.
  - (5) All gates blocking access to a private road shall have an access code determined by the fire department, and be equipped with a keyed switch which will keep the gate open. The keyed switch must use a Knox Box Key.
- (b) A private driveway which is greater than 125 feet and less than 800 feet in length, measured from the public road right-of-way, shall comply with all of the following standards:
  - (1) The standards of subsection (a) of this section shall be met.
  - (2) The improved surface of the driveway shall have a minimum width of ten feet.
  - (3) The area within two feet of each side of the improved driveway surface, and within 11 feet above the driveway surface, shall be kept reasonably free of obstructions, such as tree trunks and large branches, which may interfere with use of the driveway by emergency vehicles.
  - (4) The maximum grade of the driveway shall be ten percent, with the exception that the maximum grade within 30 feet from the intersection of the driveway with a public street or private road shall be four percent.
  - (5) The driveway shall have an improved surface which consists of a minimum of six inches of aggregate base meeting state department of transportation specification 22A, and shall be maintained in a condition which is accessible to and useable by emergency vehicles during construction on the lot or parcel served by the driveway.
- (c) A private driveway which is 800 feet or more in length, measured from the public road right-of-way, shall comply with all of the following standards:
  - (1) The standards of subsections (a) and (b) of this section shall be met.
  - (2) An improved area having dimensions adequate for maneuvering and turn-around of firefighting apparatus shall be provided near the end of the driveway, at a location approved by the fire chief.
  - (3) Marker posts, for purposes of providing distance information to emergency response personnel, shall be placed at locations determined by the fire chief.

- (4) Vehicle passing/pull-out lanes with dimensions of ten feet in width and 40 feet in length shall be installed adjacent to the driveway, at intervals or at locations approved by the fire chief.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

Sec. 78-804. - Standards for private roads.

- (a) A private road which provides the primary access to three or fewer dwelling units, lots, parcels or principal buildings, and which is less than 800 feet in length, measured from the public road right-of-way, shall comply with all of the following standards:
- (1) The private road shall comply with the standards of section 78-803(a).
  - (2) The private road shall have a minimum right-of-way or easement width of 30 feet.
  - (3) The improved surface of the private road shall have a minimum width of ten feet.
  - (4) The area within two feet of each side of the improved road surface, and within 11 feet above the road surface, shall be clear of obstructions, such as tree trunks and large branches, which may interfere with use of the driveway by emergency vehicles.
  - (5) The maximum grade of the road shall be ten percent, with the exception that the maximum grade within 30 feet from the intersection of the road with a public street or another private road shall be four percent.
  - (6) The road shall have an improved surface which consists of a minimum of six inches of aggregate base meeting state department of transportation specification 22A, and shall be maintained in a condition which is accessible to and useable by emergency vehicles during construction on the lots or parcels served by the road.
  - (7) Provision shall be made to ensure the continued repair and maintenance of the private road, and financing of the costs thereof by those property owners benefiting from the private road. This shall be accomplished through use of a recorded agreement between the parties in interest to the private road, or through a restrictive covenant, which shall run with the land. A copy of such agreement or restrictive covenant shall be provided to the zoning administrator prior to issuance of a permit for construction of the private road.
- (b) A private road which provides the primary access to three or fewer dwelling units, lots, parcels or principal buildings, and which is 800 feet or more in length, measured from the public road right-of-way, shall comply with all of the following standards:
- (1) The standards of sections 78-803(a) and 78-803(c) shall be met.
  - (2) An improved area having dimensions adequate for maneuvering and turn-around of firefighting apparatus shall be provided near the end of the road, at a location approved by the fire chief.
  - (3) Marker posts, for purposes of providing distance information to emergency response personnel, shall be placed at locations determined by the fire chief.
  - (4) Vehicle passing/pull-out lanes with dimensions of ten feet in width and 40 feet in length shall be installed adjacent to the road, at intervals of 800 feet, or at locations approved by the fire chief.
- (c) A private road which provides the primary access to four or more dwelling units, lots, parcels or principal buildings, shall comply with all of the following standards:
- (1) The private road right-of-way or easement shall have a minimum width of 66 feet.
  - (2) The area within 11 feet above the road surface shall be clear of obstructions, such as tree trunks and large branches, which may interfere with use of the driveway by emergency vehicles.
  - (3) Marker posts, for purposes of providing distance information to emergency response personnel, shall be placed at locations determined by the fire chief.
  - (4) If the private road provides access to four to 19 dwelling units, principal buildings, lots or parcels, it shall comply with the following minimum width, maximum grade and road surface standards:
    - a. The grade of the private road shall not exceed ten percent, with the exception that the private road shall have a maximum grade of four percent for a minimum distance of 30 feet from its intersection with a public right-of-way or another private road.
    - b. The private road shall have an improved surface at least 22 feet in width, with a minimum of six inches of aggregate base meeting state department of transportation specification 22A.
  - (5) If the private road provides access to 20 or more dwelling units, principal buildings, lots or parcels, it shall comply with the following minimum width, maximum grade and road surface standards:
    - a. The grade of the private road shall not exceed six percent, except as provided in subsections (c)(5)b., c. and d. of this section.
    - b. The grade of the private road shall not exceed four percent for a minimum distance of 30 feet from its intersection with a public right-of-way or another private road.
    - c. The zoning administrator, or, in the case of a site condominium or planned unit development, the planning commission, may authorize a

maximum grade in excess of six percent and no greater than ten percent, for a maximum run length of 300 feet, when deemed necessary to avoid disruption of significant natural features on the site.

- d. If the private road is located within a condominium subdivision for which a site plan was approved by the planning commission on or before January 1, 1999, or within a planned unit development which received preliminary PUD approval by the township board on or before January 1, 1999, the maximum grade standards of subsection (c)(4)a. of this section shall apply, and not the maximum grade standards of subsections (c)(5)a. and c of this section.
  - e. The pavement width, pavement surface and subgrade shall be constructed in conformance with the local road typical cross-section contained in the county road commission "Requirements and Specifications for Plat Development," or similar successor regulations, a copy of which shall be kept on file in the office of the township clerk.
- (6) The improved surface of the private road shall be a minimum of 15 feet from any adjoining lot or parcel which does not derive access from the easement or private road.
  - (7) A private road shall be provided with a means for turn-around of vehicles, either by use of a cul-de-sac having an improved surface as required for the associated road surface and having a minimum outside radius of 40 feet, or by use of a continuous loop road layout.
  - (8) All areas disturbed by the construction of the private road shall be provided with topsoil, seeded with perennial grass and protected against erosion.
  - (9) Provision shall be made to ensure the continued repair and maintenance of the private road, and financing of the costs thereof by those property owners benefiting from the private road. This shall be accomplished through use of a recorded agreement between the parties in interest to the private road, or through a restrictive covenant, which shall run with the land. A copy of such agreement or restrictive covenant shall be provided to the zoning administrator prior to issuance of a permit for construction of the private road.
  - (10) The private road shall be assigned a name which has been approved by the township fire chief and by the county road commission, and shall be identified by a street sign meeting standards of the county road commission.
- (d) The number of dwelling units that may be accessed by a private road shall be limited as follows:
    - (1) A private road cul-de-sac that has only one point of connection to a public road, or to another private road, may provide vehicular access to a maximum of 20 dwelling units.
    - (2) A private road through street that has two points of connection to a public road may provide vehicular access to a maximum of 75 dwelling units.
    - (3) A private road network that has three or more points of connection to a public road may provide vehicular access to a maximum of 40 dwelling units per point of connection to a public road.
  - (e) The length of a private road cul-de-sac or network of interconnected private roads shall be limited such that:
    - (1) No lot or parcel accessed by the private road or private road network shall be greater than 2,640 feet from a public road right-of-way, measured from the nearest point of the lot or parcel along the centerline of the private road to a public road right-of-way.
    - (2) In the case of a development which consists of multiple buildings on a single lot or parcel or a condominium development in which all land beyond the building envelopes consists of general common element, no building accessed by the private road or private road network shall be greater than 2,640 feet from a public road right-of-way, measured from the nearest point of the building along the centerline of the private road to the public road right-of-way.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999; Ord. No. O-092203-1, §§ 1—3, 9-22-2003; Ord. No. O-081417-1, § 3, 8-14-2017)

#### Sec. 78-805. - Maintenance and indemnification requirements.

- (a) Each owner and occupier of any lot or parcel which obtains its vehicular access from and benefits from a private road shall maintain the private road so that it is reasonably capable of providing sufficient access for the uses permitted on the lot or parcel, and for the provision of fire protection, police, ambulance and other emergency services. This obligation may be enforced against any owner or occupier described above without regard to the existence of any recorded agreement that may exist under the requirements of this article.
- (b) Each owner and occupier of any lot or parcel which obtains its vehicular access from and benefits from a private road shall indemnify and hold the township harmless from all claims, liability and expenses, including but not limited to reasonable attorney fees, arising out of any failure to properly construct, maintain or repair the private road as required under this chapter or under any private agreement that may exist under the requirements of this article.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

#### Sec. 78-806. - Permit required for private road.

A private road shall not be constructed, extended, improved or relocated unless a permit authorizing such has been issued by the zoning administrator.

- (1) Application for a private road construction permit shall be made by submission of the following to the zoning administrator:
  - a. A completed application form, supplied by the township, containing the names and addresses of the owners and any other parties having any legal interest in the private road or the property across which the road is to be constructed.
  - b. Identification by parcel number of all properties having any legal interest in the private road.
  - c. A map, drawn to scale, prepared by a registered engineer or surveyor, showing the precise location, route, dimension and design of the private road. The map shall identify existing and proposed elevation contours within all areas to be disturbed or altered by the construction of the private road.
  - d. The location of all public or private utilities to be located within the private road right-of-way or easement, or within 20 feet thereof, including but not limited to water, sewer, telephone, gas, electricity and television cable.
  - e. The location of any lakes, streams, drainageways, or wetlands, as determined by the state department of natural resources, within the proposed private road right-of-way or easement or within 100 feet thereof.
  - f. A copy of a recorded maintenance agreement or restrictive covenant which provides for the continued maintenance and repair, and the financing thereof by the parties in interest, of the private road, which complies with the requirements of this section.
  - g. An application fee and escrow amount as specified in section 78-65 and established by resolution of the township board.
- (2) Upon receipt of an application for a private road construction permit, the zoning administrator shall refer the plans to the township fire chief and township engineer for review. If the township fire chief, township engineer and zoning administrator determine that the proposed private road improvements comply with all applicable standards and requirements of this article, the zoning administrator shall issue a private road construction permit, which shall authorize the construction, extension, improvement or relocation of the private road as set forth in the plans submitted with the application.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

#### Sec. 78-807. - Conditions for building permit issuance.

No building permit shall be issued for the construction of a dwelling unit or other principal building to which access is provided by a private road, unless all of the following conditions are met:

- (1) A permit for the construction of the private road, if required by this article, has been issued by the zoning administrator.
- (2) The design and construction of the private road complies with all applicable provisions of this chapter, based upon the total number of dwelling units, principal buildings or lots which will obtain access from the private road after issuance of the building permit.
- (3) The private road has either been completed to the satisfaction of the zoning administrator, or a financial guarantee in an amount equal to the cost of the construction and in a form acceptable to the zoning administrator has been provided, to ensure the completion of the private road in accordance with the approved permit and plans within one year from the date of issuance of the building permit.
- (4) The building official may refer applications for building permits to the fire chief for review, in determining compliance with the standards contained in this article.
- (5) The provisions of this subsection shall not be applicable to any lot which met the following conditions on or before March 13, 1990:
  - a. The lot is served by an existing private road having a continuous improved surface at least eight feet in width consisting of gravel road base, and is in other respects reasonably capable of providing sufficient access for the uses permitted on the lot and for the provision of fire protection, police, ambulance and other emergency services.
  - b. The lot in question also met one of the following conditions:
    1. The lot consists of a condominium unit (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a site condominium development for which a condominium master deed has been recorded with the county register of deeds in accordance with the requirements of the Michigan Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.) and other applicable laws and ordinances; or
    2. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the county register of deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the county register of deeds; or
    3. The lot has been assigned a unique permanent parcel number by the county property description and mapping department and is individually assessed and taxed on that basis.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

Sec. 78-808. - Lots not abutting roads.

For any lot which does not abut a public road, or private road right-of-way, no building or structure shall be located less than 40 feet from all property lines.

Sec. 78-809. - Minimum requirements.

The requirements of sections 78-801 through 78-808 shall be considered as minimum requirements for the protection of the public health, safety and welfare. In addition to complying with these requirements, all lots shall in all other respects be provided with access sufficient for the provision of fire protection, police, ambulance and other emergency services.

(Ord. No. O-042682-1, § 3.21, 4-26-1982; Ord. No. O-031290-1, 3-12-1990; Ord. No. O-011199-1, § 1, 1-11-1999; Ord. No. O-072699-1, § 2, 7-26-1999)

Secs. 78-810—78-820. - Reserved.

#### ARTICLE XXIX. - PLANNED DEVELOPMENT DISTRICTS ESTABLISHED PRIOR TO 1982

##### Footnotes:

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**Cross reference—** *Planning, ch. 58.*

Sec. 78-821. - P-1 planned development zone (food processing).

The zoning classification of the following described premises is hereby changed from its former classification to the "P-1 Planned Development Zone (Food Processing)" and the Township of Ada Zoning Map is amended accordingly: [As a matter of convenience, the legal description has been omitted].

- (1) *Use regulation.* The premises described in this section may be used for any use permitted in the A-1 agricultural zone, and, in addition, may be used for the purpose of conducting a meat processing business consisting of the slaughtering of cattle and the preparation of meat for sale for human consumption; provided, however, that such use shall be limited as follows:
  - a. The premises shall not be used for the purpose of processing animals or animal by-products except as food for consumption by humans.
  - b. The aggregate square footage of all buildings and structures located upon the premises shall not exceed 92,000 square feet, based upon and limited to enclosed print submitted to the township planning commission, February 16, 1978.
  - c. The number of cattle slaughtered at the premises during any week, as measured from Monday at 12:00 a.m. through Sunday at 11:59 p.m., shall not exceed 1,500 per week; provided that, upon completion of the landscape screening, noise containment, fuel tank and pump removal and traffic circulation improvements required in subsections (3) and (6)—(8) of this section, this limit shall be increased to 1,800 head per week. A monthly report which documents the number of cattle slaughtered each week during the prior month shall be submitted by the proprietor to the township zoning administrator no later than 21 days following the end of each month.
  - d. Cattle may be housed in holding pens or enclosed barns upon the premises. No cattle shall be slaughtered or otherwise processed except in a fully enclosed structure.
  - e. That portion of any animal which is not suitable for sale for human consumption shall be stored or retained upon the premises for no longer than a period of ten days and shall be removed from the premises within such time for disposal or further processing elsewhere and no waste or by-product shall be kept upon the premises except in a fully enclosed permanent structure or fully enclosed transportation container. Any liquid wastes shall be disposed of in a sanitary manner consistent with all requirements concerning the treatment and disposition of liquid wastes and, in addition, shall be treated or disposed of in such manner that no noxious odors will result.
- (2) *Landscape screening.* Landscaping of the premises shall be installed in accordance with the plan titled "Ada Beef Landscape Plan," prepared by The WBDC Group, Inc., dated August 19, 1992. Landscaping improvements as shown on such plan shall be completed by October 31, 1992, and shall thereafter be maintained in viable, growing condition, and in a neat and orderly appearance. [See diagram on next page.]

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- (3) *Greenbelt and screening.* Prior to the construction of any building or structure or the enlargement of any building or structure upon the premises, the premises shall be reasonably screened from view by the public through planting and cultivation of trees, not more than ten

percent of which shall be deciduous trees, along an area extending from the southwest corner of the premises northwesterly along Grand River Drive to the northwesterly corner thereof which trees shall have an initial average height of not less than four feet and shall be planted at intervals of not less than 14 feet per tree. Such greenbelt shall be maintained through cultivation and, when necessary, replanting of trees which die or are destroyed.

- (4) *Signs.* Only identifying signs shall be placed upon the premises which shall not exceed 240 square feet in area.
- (5) *Other requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in article XVII of this chapter relating to premises in zoning district I, and except as herein explicitly modified, each and every provision applicable to lands within the AG agricultural district shall apply to premises within this P-1 planned development zone (food processing).
- (6) *Noise containment plan.* Implementation of measures to limit the extent of noise extending beyond the premises shall be carried out in accordance with the document titled "Noise Containment Plan," a copy of which shall be placed on file in the office of the township clerk. Measures provided in such plan shall ensure that noise levels extending beyond the premises shall not exceed those which occur as of July 27, 1992.
- (7) *Underground fuel storage tank removal.* The unused fuel-dispensing pump and underground fuel storage tank located on the south side of the southerly access driveway to the premises shall be removed by October 31, 1992. The removal of the underground tank, including soil testing and remedial measures to remove contaminated soils, if any, shall be conducted in accordance with applicable state regulations and guidelines.
- (8) *Traffic circulation.* On or before October 31, 1992, a restricted traffic circulation system shall be implemented on the premises, as follows:
  - a. The southernmost driveway shall be restricted to in-bound auto and truck traffic, and out-bound auto traffic. The southernmost driveway shall not be used by out-bound truck traffic.
  - b. The northernmost driveway may be used for both in-bound and out-bound auto and truck traffic. All out-bound truck traffic from the premises shall use the northernmost driveway.
  - c. The center driveway may be used for both in-coming and out-bound auto traffic, but shall not be used for either in-bound or out-bound truck traffic.
  - d. Appropriate signs shall be placed at the southernmost and center driveway entrances indicating the restrictions on their use. No more than two signs, each having a maximum area of four square feet, and no greater than six feet above grade, shall be installed at each of the driveways.
  - e. For purposes of this section, the term "truck" shall be defined as any of the following: (a) a tractor/trailer combination unit; (b) a tractor unit not pulling a trailer; (c) any vehicle pulling a trailer; or (d) any truck over one ton load capacity.
- (9) *Performance guarantee.*
  - a. The landscape screening measures required herein are hereby deemed by the township board to be necessary for the protection of the health, safety and welfare of the residents of the township, and existing and future residents of the area in the vicinity of the subject premises. As a means of ensuring the completion of the landscape screening improvements specified above, the owner of the premises shall submit to the township clerk a financial guarantee of performance, in the form of a cash deposit, certified check or irrevocable bank letter of credit. The performance guarantee shall be in an amount equal to the estimated cost (as determined by the township board) of the landscape screening improvements specified herein, plus a reasonable amount for contingencies.
  - b. The township clerk, upon the written request of the owner of the premises, shall rebate portions of the performance guarantee upon determination by the zoning administrator that the improvements for which the rebate is requested have been satisfactorily completed.
  - c. If the improvements are not constructed in accordance with the deadline and requirements specified herein, the zoning administrator shall notify the owner of the premises of noncompliance, setting forth the reasons for noncompliance and giving notice that the township will undertake completion of the improvements if not completed within 30 days. If the improvements are not completed at the expiration of such 30-day period, the township shall have the authority to withdraw from the performance guarantee such funds as may be necessary to construct the improvements in accordance with the specifications contained herein, or to enforce the provisions contained herein, including legal fees.

(Ord. No. O-042682-1, § 23A.01, 4-26-1982; Ord. No. O-082784-1, 8-27-1984; Ord. No. O-082492-1, 8-24-1992)

Sec. 78-822. - P-1 planned development zone (preschool nursery).

- (a) The zoning classification of the following described property is hereby changed from its former classification to P-1 planned development zone, and the Township of Ada Zoning Map is amended accordingly: [As a matter of convenience, the legal description has been omitted].
- (1) *Use regulation.* The premises described in this section may be used only for a preschool nursery and accompanying activity purposes as described on the accompanying narrative and plan.



(2) *Area regulations.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the same is identical to the development plan for the premises attached to the ordinance from which this section derives and filed with the planning commission and local health department substantially as shown on the development plan, and the following conditions are satisfied:

- a. *Improvement of structures.* No building shall be improved on the premises described in this section except those required to comply with appropriate state licensing requirements.
- b. *Addition of new structures.* No new building shall be permitted until such time as the planning commission approves the same as an amendment to this original plan.

(3) *Parking.* A minimum of one parking space shall be provided for each instructor in addition to those required for the permanent caretaker. Further, there shall be sufficient overflow parking facilities available to enable emergency vehicles efficient ingress and egress to all structures at all times. No parking shall be permitted on Ada Drive.

(4) *Signs.* All signs shall be submitted to the planning commission and building inspector for approval prior to erection.

(5) *Driveways.* The existing westerly driveway to Ada Drive shall be closed to public usage. A preventative barrier shall be erected permitting use only by specialty vehicles at the direction of Canterbury Creek Preschool.

(b) If for any reason the state licensing of the facility or use of the property for the use specified in this section is terminated, the planning commission shall initiate rezoning proceedings to the property's former classification, or nearest applicable new classification, after a period of one year from termination of the use provided in this section.

(Ord. No. O-162377-1, §§ 1, 2, 7-25-1977)

Sec. 78-823. - P-1C planned development district—Sport shooting range.

(a) *Description and purpose.* A district established to provide for the orderly and safe use of premises within the township for archery and target shooting of firearms and certain sport, conservation, and related activities.

(b) *Description of property.* The following property is rezoned from A-1 Agricultural Districted to the P-1C planned development district:

Description:

The West 1/2 Northeast 1/4 of the East 1/8 of the East 1/2 NW 1/4; Also, the Westerly 870 Feet of that part of the NW 1/4 SE 1/4 lying North of the Centerline of Conservation St., Sec. 23, T7N, R10W, Ada Township, Kent County, Michigan.

And the following described property is rezoned from the R-1 Residential District to the P-1C planned development district:

Description:

The W1/2 S1/4, Sec. 14, T7N, R10W, Ada Township, Kent County, Michigan.

(c) *Definitions.* As used in this chapter 78, the terms set forth below are defined as follows:

*Development plan* means the development plan entitled "P-1C planned development zone development plan dated February 27, 2012, which is intended to include and show the premises described in [the] section below.

*Five-stand field* means an area designed for target shooting of shotguns comprised of five shooting stations and targets released from various positions.

*Sanctioned event* means a competitive event that uses the sporting clays course.

*Skeet field* means an area designed for target shooting of shotguns comprised of eight stations as shown on Exhibit A attached to the development plan.

*Structured law enforcement and private security training* means outdoor firearm training for either law enforcement or private security personnel that is (i) designed to be carried out in a group setting, and (ii) controlled and directed by an on-site firearms training specialist or engaged in by non-member law enforcement or private security personnel.

*Special firearms shooting event* means any sanctioned event or other outdoor shooting event for a private group of individuals held on a Friday, for the exclusive use of the group, and held primarily for recreational purposes.

*Sporting clays course* means an area designed for target shooting of shotguns in a natural setting intended to simulate hunting field conditions, comprised of a maximum of 15 shooting stations, as shown on Exhibit A attached to the development plan.

*Trap field* means an area designed for target shooting of shotguns comprised of five stations as shown on Exhibit A attached to the development plan.

(d) *Permitted uses.* In this district, no building, structure or part thereof shall be erected, altered or moved upon any parcel of land in said district

and no parcel of land shall be used for any purpose other than one or more of the following: Skeet field, trap field, sporting clays course, five-stand field, rifle target shooting ranges, handgun target shooting ranges, archery ranges, hiking trails, game preserves, botanical gardens, fishing ponds, and club houses, shelter houses, storage buildings and such other buildings and structures as may be incidental to the foregoing. Subject to applicable fire and safety rules, any club house situated on the property may be used for any normal club activity including, but not limited to: social functions for club members and guests; the preparation of food to be consumed on premises; and banquet facility which may be made available to the general public.

- (e) *Limitations upon outdoor shooting of firearms.* The establishment and use of facilities and areas for outdoor shooting of firearms within this district shall be subject to following special limitations:
- (1) A safety zone as shown on Exhibit A to the development plan shall be maintained with respect to all skeet fields within the area encompassed by a 180 degree arc with a 900 foot radius extending from shooting station No. 8 with the chord of the arc running through shooting stations No. 1 and No. 7 as shown on Exhibit A to the development plan. The center line of the arc shall be perpendicular to the chord extending the direction of fire.
  - (2) A safety zone as shown on Exhibit A to the development plan shall be maintained with respect to all trap fields within the area of a 48 degree, 38 minute arc with a 900 foot radius extending from the center of the trap house, with 24° 19 feet of the arc on each side of a line running outward from the center of the trap house, all as shown on Exhibit A to the development plan.
  - (3) A safety zone shall be maintained with respect to all shooting stations on the sporting clays course.
  - (4) The sporting clays course and each skeet field and trap field shall be located only in the areas designated therefor on the development plan. The five-stand field may be located within any area designated for a skeet field.
  - (5) The number of fields used for either skeet fields or trap fields, or for a combination of both, shall not exceed ten in this district, and no skeet field or trap field shall be permitted upon any parcel of land less than 170 acres in area. For this purpose, a five-stand field shall be considered a skeet field.
  - (6) Shooting stations within the sporting clays course shall be located a minimum of 900 feet from the east property boundary, with the exception that a maximum of four shooting stations that are less than 900 feet from the club property may be established for short-term use only during a sanctioned event on the trap field at the south end of the property, so long as the direction of fire is toward the north.
  - (7) The following restrictions shall apply to structured law enforcement and private security training:
    - a. Such training activities may only occur one day per month on either a Tuesday or Thursday between the hours of noon and 5:00 p.m.
    - b. During such training, all shooting that takes place shall be from the club designated shooting positions.
    - c. Such training that occurs on the rifle range located on the east side of the property shall not involve rapid-fire rifle shooting.
- (f) *Special limitations upon outdoor rifle and handgun ranges.* The establishment and use of outdoor rifle and handgun ranges within this district shall be subject to the following special limitations:
- (1) Rifle and handgun ranges shall have earthen embankments for backstop purposes which shall extend at least 12 feet above the base of the range.
  - (2) Rifle and handgun ranges shall be located only in areas designated as such on the development plan.
  - (3) Rifle and handgun ranges shall be oriented only in a north-south direction and all firing upon such ranges shall be from the south to the north.
  - (4) No more than three outdoor rifle and handgun ranges shall be maintained in this district, and no handgun range shall be in excess of 50 yards in width and 100 yards in depth. One rifle range may be maintained with a width of 200 feet and a depth not to exceed 300 meters and a second rifle range may be maintained with a depth not to exceed 100 yards and a width not to exceed 50 yards. The length of each range shall be measured from the shooting station to the target location.
  - (5) No rifle outdoor range or handgun range shall accommodate more than 15 persons firing at any one time.
- (g) *Time limitations on outdoor discharge of firearms.*
- (1) No outdoor discharge of firearms shall be conducted prior to 10:00 a.m., except for three days per year when such shooting may commence at 9:00 a.m., provided that a minimum of three days' advance written notice of such is provided to the township zoning administrator or such other person as designated by the township. Such notice may be sent by email, fax, U.S. Postal Service or hand delivery.
  - (2) No outdoor discharge of firearms shall be conducted any later than the following times on specific days of the week, as follows:

OUTDOOR FIREARMS SHOOTING ACTIVITY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Outdoor firearm shooting	Not Permitted.	Permitted until 10:00 p.m.	Permitted until 10:00 p.m.	Permitted until 10:00 p.m.	Not permitted, except as permitted below.	Permitted until 5:00 p.m.	Permitted until 5:00 p.m.
"Special Firearms Shooting Events" (1)	Not permitted.	N.A.	N.A.	N.A.	Permitted until 5:00 p.m.	N.A.	N.A.
(1) There shall be no more than six special firearms shooting events during any calendar year.							

(3) No outdoor discharge of firearms shall be conducted on the following recognized holidays: Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

(h) *Archery.* Outdoor archery ranges shall be located only in areas designated as such on the development plan.

(i) *Height.* No building or structure shall exceed 35 feet or two and one-half stories in height, whichever is lesser.

(j) *Yard and area requirements.* No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards and building area requirements are provided and maintained in connection with such building, structure or enlargement:

(1) *Front yard.* There shall be front set back of not less than 40 feet, said distance to be determined according to the procedure set forth in section 2.17 [of the 1966 zoning ordinance].

(2) *Side yard.* For all buildings there shall be total side yards of 60 feet, provided that no yard shall be less than 20 feet.

(3) *Rear yard.* There shall be a rear yard of not less than 100 feet.

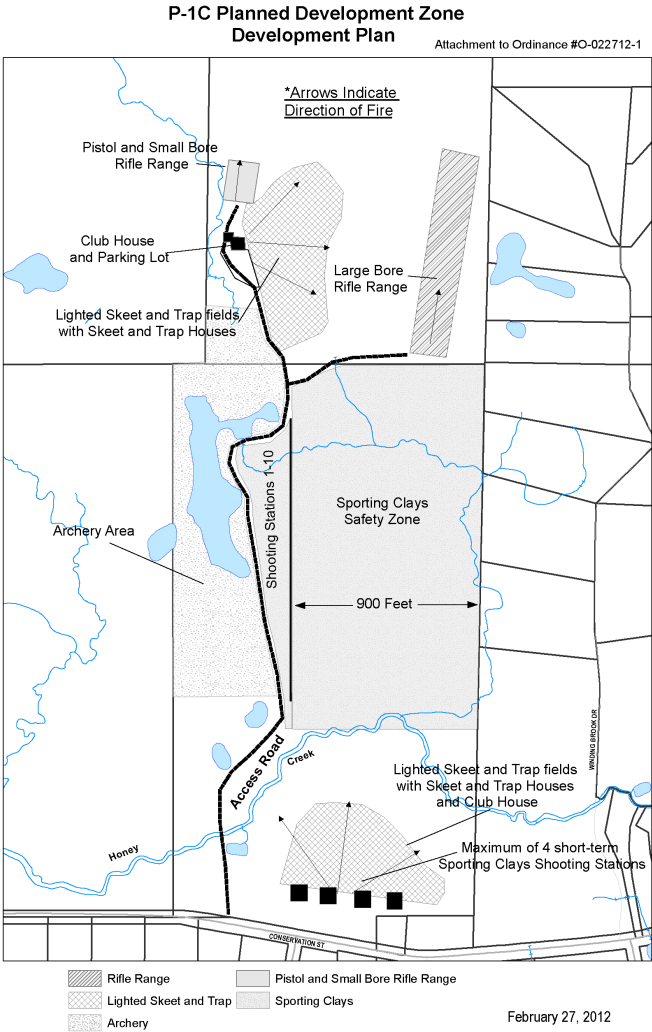
(4) *Floor area.* Club houses and other structures within this district shall not exceed a total of 10,000 square feet in floor area; provided, however, that no storage area nor any fully enclosed indoor range designed and used for target shooting of handguns shall be subject to the limitations set forth in this section.

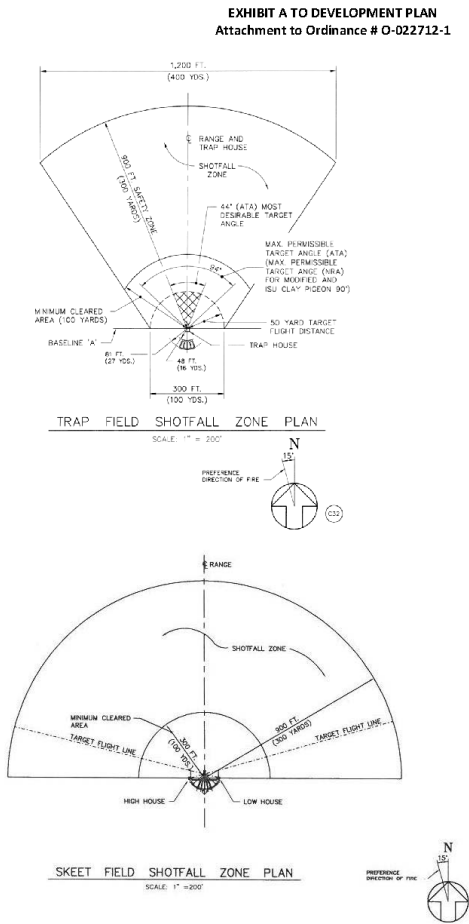
(k) *Warning signs.* All-weather signs shall be posted around the perimeter of the premises described in section 25.13 [of the 1966 zoning ordinance], except on the south side. Said signs shall be posted on the average of one sign each 100 linear feet along said perimeter. Each sign shall be a minimum of two square-feet in area and shall contain wording which warns of shooting on the premises.

(l) *Parking.* Off-street parking sufficient to accommodate the users of the premises shall be provided.

(m) *Buffer zones and hedges.* A border of trees and shrubs shall be maintained for a width of 50 feet along the westerly, northerly and easterly perimeter of the premises shown on the development plan and an additional border of white pine trees shall be planted and maintained along the east and west borders of all rifle and handgun ranges except for the common border of a rifle and handgun range, and each such border shall consist of not less than three rows of trees.

(n) The owner of the property shall comply with "generally accepted operation practices" as such term is defined at MCL 691.1541.





(Ord. No. O-092275-2, 9-23-1975; Ord. No. O-022712-1, § 1, 2-27-2012)